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CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

SUBPART A—REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICES OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS

Correction

In FR Doc. 72-1718, appearing at page 22363 in the issue for Thursday, October 19, 1972, the following change should be made: In the sixth paragraph of § 58.1, the first two lines should read " 'approved plant' means one or more adjacent buildings, or parts thereof, com-".

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Inspection and Grading Services of Manufactured or Processed Dairy Products; Fee Increases

Statement of consideration leading to amendment of regulations. The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the services.

Salary increases for Federal employees and other rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection and grading services in order to more nearly recover costs of performing the service. Also, the provisions for charges for continuous nonresident service have been removed from § 58.45 and a new § 58.47 has been added outlining the fees to be charged for this type of service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-27) the provisions of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products, 7 CFR Part 58, Subpart A, dealing with fees and charges are hereby amended in part to read as follows:

§ 58.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in this section and §§ 58.38 through 58.47, charges shall be made for inspection, grading, and sampling service at the hourly rate of $12 for service performed between 6 a.m. and 6 p.m., and $13.20 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $13 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) *Dry milk and related products:*

Total fat (ether extractions)	2.35
Moisture	1.80
Titratable acidity	.90
Solubility index	1.20
Scorched particles	1.20
Bacterial plate count	2.35
Bacterial direct microscopic count	3.55
Flavor	.60
Whey protein nitrogen	5.90
Vitamin A	11.75
Alkalinity of Ash	13.00
Dispersibility	5.90
Coliform (solid media)	2.35
Salmonella	9.40
Phosphatase	13.00
Oxygen	7.05
Density	.90

(b) *Condensed milk and related products:*

Fat (ether extraction)	3.55
Total solids	2.35
Sugar (sucrose)	13.00
Net weight (per can)	1.45
Flavor, color, body, texture	.90

(c) *Cheese and related products:*

Moisture	2.35
Moisture in duplicate	3.55
Total fat (ether extraction)	4.15
Moisture & fat (dry basis) complete	6.50

(d) *Butter and related products:*

Moisture	2.35
Fat	4.70
Salt	2.35
Complete Kohman analysis	7.05
Fat and moisture (same sample)	5.90
Flavor, odor, body, texture	1.20
Peroxide value	13.00
Free fatty acid	5.90
Yeast and mold	2.95
Proteolytic count	2.95

(e) *Corn-Soya-Milk:*

Sieve test	2.35
Density	.90
Bostwick — uncooked	2.95
Bostwick — cooked	5.90
Protein (Kjeldahl)	5.90
Fat (Soxhlet)	4.15
Moisture	1.80
Crude fiber	8.25
Flavor	.60

§ 58.45 Charges for continuous resident service.

Irrespective of fees and charges provided in §§ 58.38 through 58.44, the Administrator may approve applications for continuous resident inspection or grading service. Charges for this service shall be as provided in the application and shall be on such basis as will reimburse AMS for the cost of performing the service.

§ 58.47 Fee for continuous nonresident service.

Irrespective of the fees in §§ 58.39, 58.42, and 58.43, charges for continuous nonresident service shall be made at the hourly rate of $14.20 for services performed between 6 a.m. and 6 p.m., and $15.40 for services performed between 6 p.m. and 6 a.m., for the number of hours each inspector or grader is assigned including travel time at beginning and end of period. The costs of travel are included in this hourly rate. The charge for holiday, Saturday, or Sunday work or overtime (work in excess of each 8-hour shift Monday through Friday) shall be at $20.20 per hour.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than February 18, 1973 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set

forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments, and (3) additional time is not required by users of the inspection service to comply with this amendment.

This amendment shall become effective February 18, 1973, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 9th day of February 1973.

E. L. PETERSON,
Administrator.

[FR Doc.73-2953 Filed 2-13-73;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

Correction

In FR Doc. 73-2090, appearing at page 3296, in the issue of Monday, February 5, 1973, in the fourth line of § 724.17(g), the figure "28.84", should read "28.94".

[Amdt. 10]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

CLOSING DATES FOR RELEASE AND REAPPORTIONMENT

The purpose of this amendment is to exclude from this subpart the closing dates for release, requests for reapportionment and the final date for reapportionment. Such closing dates have been established in a new Part 731 of this chapter published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28124). This amendment is issued pursuant to and in accordance with applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

Since the only purpose of this amendment is to delete provisions which are now set forth in Part 731 of this chapter, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. This amendment shall become effective on February 14, 1973.

The subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (33 FR 14520), as amended, is amended as follows:

1. Section 730.75 is revised to read as follows:

§ 730.75 Release and reapportionment of producer rice allotments.

(a) *Release.* In a producer State or area, a producer may, not later than the applicable closing date, voluntarily release to the county committee all or any part of his producer allotment that will not be allocated to a farm in the current year, except that the following producer allotments shall not be released:

(1) Producer allotment covered by a contract or agreement under the conservation and cropland adjustment programs; and

(2) The allotment established for any new producer.

Any allotment released shall be deducted from the allotment established for the producer, but will be regarded as having been planted in the current year by the producer releasing the allotment if the producer is otherwise eligible for an old producer allotment. Any part of a producer's allotment which the producer does not allocate to his farm by reason of a field-size adjustment under § 730.72(c) shall, upon request of the producer be considered as released allotment under this paragraph. The closing date for releasing producer rice allotment shall be the dates set forth in Part 731 of this subchapter (37 FR 28124).

(b) *Request for increase.* To be eligible for an increase in farm allotment from released allotment a written request must be filed by the applicant on or before the applicable release date: *Provided,* That a verbal request submitted on or before such date may be accepted where the county committee determines that the applicant was prevented from making a written request by conditions beyond his control. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(c) *Reapportionment.* Producer allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other producers (old or new) in the same county by whom a request for increase in allotment has been timely made. Apportionments shall be made in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the 5 years immediately preceding the current year; previous allotments established for the producer; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date for reapportionment of allotment released in each producer State or area shall be the date set forth in Part 731 of this subchapter (37 FR 28124).

(d) *Approval for State committee.* The release and reapportionment of allotments under this section shall be effective upon approval of a representative of the State committee.

2. Section 730.84 is revised to read as follows:

§ 730.84 Release and reapportionment of farm rice allotments.

(a) *Release.* In a farm State or area, the operator of the farm may, not later than the applicable closing date, voluntarily release to the county committee all or any part of the farm allotment that will not be planted in the current year, except that the following farm allotments shall not be released:

(1) Farm allotment covered by a contract or agreement under the conservation and cropland adjustment programs;

(2) The allotment established for any new farm;

(3) The allotment established for any farm consisting solely of federally owned land with a restrictive lease prohibiting the planting of rice; and

(4) The allotment for any farm for which the farmowner has filed a written objection to the release at the office of the county committee prior to the release closing date.

In the case of a pooled allotment established for a farm acquired under the right of eminent domain, the displaced owner may release such allotment. Any allotment released shall be deducted from the allotment established for the farm, but will be regarded as having been planted in the current year if the farm is otherwise eligible for an old farm allotment. The closing date in each farm State or area for releasing farm rice allotment shall be the date set forth in Part 731 of this subchapter (37 FR 28125).

(b) *Request for increase.* To be eligible for an increase in farm allotment from released allotment a written request must be filed by the applicant on or before the applicable release date: *Provided,* That a verbal request submitted on or before such date may be accepted where the county committee determines that the applicant was prevented from making a written request by conditions beyond his control. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(c) *Reapportionment.* Farm allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other farms (old or new) in the same county for which requests for increases in allotments have been timely made. Reapportionments shall be made in amounts determined to be fair and reasonable on the basis of the production of rice on the farm during the 5 years immediately preceding the current year; previous allotments established for the farm; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice.

The closing date for reapportionment to farms of allotment released in each farm State or area shall be the dates set forth in Part 731 of this subchapter (37 FR 28124).

(d) *Approval.* The release and reapportionment of allotments under this section shall be effective upon approval of a representative of the State committee.

(Secs. 355, 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1355, 1356, 1375)

Effective date: February 14, 1973.

Signed at Washington, D.C., on February 7, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-2903 Filed 2-13-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order 120]

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Lubbock-Plainview, Tex., marketing area.

It is hereby found and determined that for the months of February through December 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1120.44, paragraph (c), and in paragraph (d) the language "located not more than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall at Lubbock, Tex.,".

Statement of consideration. This action suspends the provisions which automatically classify as class I milk fluid milk products transferred or diverted from a pool plant to a nonpool plant located more than 300 miles from the City Hall in Lubbock, Tex. Presently, the class I classification applies regardless of the use of the fluid milk product at the nonpool plant.

The suspension was requested by a cooperative association representing more than 95 percent of the producers who deliver their milk to plants regulated under the Lubbock-Plainview order. The cooperative requested this suspension so that it may utilize manufacturing facilities located more than 300 miles from Lubbock for processing weekend and seasonal excess supplies associated with the Lubbock-Plainview market.

In a recommended decision issued August 28, 1972 (37 FR 18984, 19210, and 19482), on proposed amendments to 33 orders (including this order), it was found that such mileage limitations should be deleted. There were no exceptions received to this particular finding. Final action on the 33-market hearing is still pending.

This suspension will promote the orderly marketing of milk in the Lubbock-Plainview market until the issue is resolved through the amendment procedure. In the meantime, this action will result in movements of fluid milk products to nonpool plants being classified and priced on the basis of the ultimate use of the product. Since Federal orders now operate throughout much of the United States, arrangements for verifying the utilization at distant plants can be made easily through the facilities of the various market administrators' offices.

It is hereby found and determined that notice of proposed rule making, public procedure thereon and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the orderly disposal of excess fluid milk products to any manufacturing plant;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) In a recommended decision issued August 28, 1972 (37 FR 18984, 19210, and 19482), on proposed amendments to 33 orders (including this order), it was found that such mileage limitations should be deleted. There were no exceptions received to this particular finding. Interim action is appropriate pending amendatory procedures.

Therefore, good cause exists for making this order effective on February 14, 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February through December 1973.

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

Effective date: February 14, 1973.

Signed at Washington, D.C., on February 9, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-2899 Filed 2-13-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Housing Loan Policies, Procedures, and Authorizations

Section 1822.7(n)(1)(i)(*a*) of Part 1822, Title 7, Code of Federal Regulations (35 FR 14901) is amended to permit an interest credit to a borrower whose adjusted annual family income does not exceed $7,000.

Section 1822.7(n)(1)(i)(*a*) as amended, will read as follows:

§ 1822.7 Special requirements.

* * * * *

(n) *Interest credit.* (1) * * *

(i) * * *

(*a*) In no case, will an interest credit be made to a borrower whose adjusted annual family income exceeds $7,000 unless exceptions are authorized by the National Office.

* * * * *

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Act. Sec. of Agr., 36 FR 21529; 37 FR 22008; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 FR 21529)

Dated: February 6, 1973.

DARREL A. DUNN,
Associate Administrator, Farmers Home Administration.

[FR Doc.73-2960 Filed 2-13-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTERSTATE ACTIVITIES

[Docket No. 73-510]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines additional portions of Southampton County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

Pursuant to provisions of the Act of May 29, 1884, as amended; the Act of February 2, 1903, as amended; the Act of March 3, 1905, as amended; the Act of September 6, 1961; and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(10) relating to the State of Virginia is amended to read:

(e) * * *

(10) *Virginia.* Southampton County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 F.R. 28464, 28477)

Effective date. The foregoing amendment shall become effective February 8, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1973.

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

[FR Doc.73-2900 Filed 2-13-73;8:45 am]

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

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Pork and Pork Products From Certain Counties

Pursuant to section 2 of the Act of February 2, 1903, as ammended (21 U.S.C. 111), Part 94 of Title 9, Code of Federal Regulations, is hereby amended to reduce the internal temperature required in heat processing of pork and pork products as a condition of their importation into the United States from countries where hog cholera is known to exist.

In § 94.9, paragraph (b)(1)(ii)(*b*) is amended to read:

§ 94.9 Pork and pork products from countries where hog cholera exists.

* * * * *

(b) * * *
(1) * * *
(ii) * * *

(*b*) Such article has received heat treatment producing an internal temperature of 156° F.; or

* * * * *

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective on February 14, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and spread of livestock disease and must be made effective promptly to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1973.

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

[FR Doc.73-2901 Filed 2-13-73;8:45 am]

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Time of Payment for Live Poultry Purchases

On November 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 23729) regarding proposed amendment to the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to the time of payment for live poultry purchases by packers, live poultry dealers, and handlers. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendment by no later than January 8, 1973. Upon request from an interested major industry association, the time for filing such comments and views was extended to and including January 23, 1973. Notice of such action was published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28186).

Statement of considerations. The sellers of live poultry frequently do not receive payment for poultry sold to packers, live poultry dealers, and handlers for periods of 2 weeks or longer and in some instances for periods of over 30 days. This results in an undue and unreasonable economic hardship on the sellers of live poultry. At present nearly all hens; a large percent of the turkeys; and some other classes of domestic fowl are sold outright by poultry farmers for slaughter to packers, live poultry dealers, and handlers.

The poultry farmer or other seller of live poultry for slaughter is entitled to prompt payment for poultry sold unless it is otherwise agreed to with the purchaser that an extension of credit is being granted. The need for the regulation was emphasized in many of the comments which reflected a rather complete cross section of the poultry farmers and members of the industry which will be affected. No showing has been made which would indicate an undue or unreasonable burden on the regulated segment of the industry by complying with the regulation. Some comments presented did offer suggested changes in wording or extension of the rule to cover sales of dressed poultry, but none opposed the principles of the regulation requiring prompt payment for live poultry purchases. It should also be pointed out that there are presently purchasers of live poultry who are in compliance with the requirements of the regulation.

As a result of careful consideration of all the views, comments, and arguments received and all other relevant information in the Department, the Packers and Stockyards Administration, has determined that the proposed regulation should be issued. The language has been modified from the language found in the notice of proposed rule making, to conform to the language found in related regulations with respect to payment for livestock purchases. Such modification involving no change in substance, it is believed that further procedure would not make additional information available to the Department. Accordingly, it is found upon good cause that further notice and other public procedure on this amendment are unnecessary. Therefore, the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), are hereby amended by adding a new § 201.111 reading as follows:

§ 201.111 Purchasers to pay promptly for live poultry purchases.

Each packer or live poultry dealer or handler shall, before the close of 5 business days following slaughter of any poultry purchased, transmit or deliver to the seller of such poultry or his duly authorized agent the full amount of the purchase price thereof, unless otherwise expressly agreed between the parties before the purchase of the poultry. Any such agreement shall be disclosed in such purchaser's records and on all accountings or other documents issued by such purchaser relating to the transaction.

(Sec. 402, 42 Stat. 168, as amended, 7 U.S.C. 222; sec. 407(a), 42 Stat. 169, as amended, 7 U.S.C. 228(a); sec. 6(g), 38 Stat. 721, 15 U.S.C. 46(*g*); 37 FR 28463)

The foregoing regulation shall become effective on March 19, 1973.

NOTE: The reporting and recordkeeping requirements of the revised regulations have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 (44 U.S.C. Chapter 12).

Done at Washington, D.C., February 8, 1973.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-2898 Filed 2-13-73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT INSPECTION), DEPARTMENT OF AGRICULTURE

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Declaration of Curing Ingredients and Sliced Bacon Packages Design; Postponement of Effective Date

On August 22, 1972, there were published in the FEDERAL REGISTER (37 FR

16863, 16864) two documents amending Parts 316 and 317 of the Federal meat inspection regulations (9 CFR Parts 316 and 317), under the Federal Meat Inspection Act (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.). One document amended § 317.8(b)(5) of the regulations to require all packages for federally inspected sliced bacon, that have a transparent opening, to be designed to expose, for viewing, 70 percent of the length of the cut surface of a representative slice. The other document amended the regulations to amend § 316.10 and add a new § 317.17 containing an interpretation and statement of labeling policy for cured products, requiring that all cured products bear an ingredient statement reflecting the curing ingredients used in the preparation of the product.

The documents provided that the amendments of the regulations made thereby would become effective on February 19, 1973.

At the present time, some of the packaging and labeling materials affected by these requirements are in compliance. However, due to several setbacks in package and labeling design, as well as a large backlog of design and print orders by major labeling and packaging suppliers, there appears to be no possibility that full compliance by all affected establishments can be reached by February 19, 1973. Information concerning this situation has been provided by the meat industry, and by major designers, manufacturers, and suppliers of labeling and packaging supplies, and by independent surveys conducted by the Department's Meat and Poultry Inspection Program.

In view of these circumstances, implementation of these requirements on February 19, 1973, would lead to market disruption. The supply of bacon and other cured meats would be reduced to such an extent that increased prices would be likely at all levels of the marketing chain. Consumers would find it difficult to locate these products, and they would find many of them more expensive. Likewise, for many segments of industry—both large and small—economic dislocations would result, especially for those whose businesses are related solely to these items.

After careful consideration of all facts and information relating to this matter, and consultation with the President's Office of Consumer Affairs, it is the judgment of the Department that a postponement of the effective date of these requirements is in the best interests of the general public. Therefore, the effective date of the amendments published on August 22, 1972, concerning sliced bacon packaging and labeling requirements for cured meat products is postponed to August 19, 1973.

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

It does not appear that public participation in rule making proceedings in connection with this postponement would make additional information available to the Department, and the postponement must be made effective without delay in order to accomplish its purpose.

In view of all the circumstances described above, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rule making procedure on this action are impracticable and unnecessary, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., on February 9, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-2956 Filed 2-13-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Reactor Containment Leakage Testing for Water-Cooled Power Reactors

On August 27, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 FR 17053) a proposed amendment to its regulations in 10 CFR Part 50 which would specify the minimum containment leakage test requirements for water-cooled power reactors.

Interested parties were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication in the FEDERAL REGISTER. Upon consideration of the comments received, and other factors involved, the Commission has adopted the proposed amendment, with certain modifications in the form set forth below.

Significant differences from the amendment published for comment are: (1) Modification of procedures governing containment inspection and leak detection surveys, as a prerequisite to conducting formal leakage tests, and clarification of the basis for reporting pretest leakage values to the Commission, (2) establishment of criteria for deferring certain safety-related systems from regularly scheduled Type A containment leakage tests, (3) incorporation by reference of the recently-issued American National Standard for leakage rate testing of containment structures for nuclear reactors into the regulation, (4) inclusion of nitrogen gas as a suitable testing medium for testing the leaktightness of valves, and (5) inclusion of water-leakage test and acceptance criteria for containment isolation valves which are sealed against containment atmosphere outleakage during a design basis accident condition by means of a seal-water system. In addition, editorial and format changes were made.

With regard to item (1) above, the rule set forth below requires the licensee to identify specifically those components whose initial poor leak-tightness performance precluded completion of a Type A containment leakage test and to report this information to the Commission. The proposed rule would not have required the reporting of such information unless attempts to reduce the leakage rate of poor leak-tight components failed to meet minimum leak-tightness acceptance criteria. Thus, components which required frequent adjustments or repair in order to meet allowable leakage limits will be identified and the specific reductions in leakage rate values, resulting from such adjustments, will be reported to the Commission. The identification of such components will provide the AEC with a sounder basis for judging whether or not containment leakage rates could have been exceeded in the unlikely event a design basis accident were to occur. In addition, such identification may provide insight into the frequency and kinds of adjustments being made to components to meet the minimum acceptable leakage limits and a basis for either establishing a more frequent containment leakage test schedule, or modifying or replacing components.

With regard to item (2) above, the rule set forth below specifies criteria by which the licensee may for certain safety-related systems temporarily dispense with drainage and venting to containment atmosphere during Type A containment leakage tests. The proposed rule had specified that all systems which would connect directly with the containment atmosphere and would become an extension of the containment boundary should be vented to containment. Strict compliance with this rule would have required removing certain safety-related systems from service for the duration of the test and would limit the performance of the overall integrated containment leakage tests to those times when there would be no fuel in the reactor. This procedure is considered to be unnecessarily conservative.

The inclusion of all safety-related systems in the overall integrated containment leakage test can be accomplished while the reactor is fueled, and in a state of potential criticality, by maintaining the minimum number of safety-related systems in an operable state until all systems are tested. Another option is to periodically test the containment isolation valves in these safety-related systems in accordance with the rule set forth below. This would also assure that the requisite level of plant safety will be provided during the containment leakage test program without compromising the requirements for including all systems which penetrate the containment boundary in the leakage test.

The proposed rule required the use of test methods described in proposed American Nuclear Society Standard ANS 7.60 by referencing a portion of the proposed standard. On March 16, 1972, the American National Standards Institute approved ANS 7.60 and officially issued it for use as ANSI N45.4–1972, American National Standard, "Leakage Rate Testing of Containment Structures for Nuclear Reactors." The standard has been reviewed for compatibility with the proposed rule and it was concluded that incorporation of the requirements of ANSI

N45.4–1972 by reference would enhance the quality of containment leak testing. Accordingly, the rule set forth below now specifies that the Type A containment leakage tests shall be conducted in accordance with the provisions of ANSI N45.4–1972.

The proposed rule limited the leakage testing medium for reactor containment isolation valves to air, which is widely used in the containment leakage testing program. However, the use of nitrogen gas for valve leakage testing is also technically satisfactory. Accordingly, the rule set forth below specifies that either air or nitrogen may be used as the testing medium in the conduct of the valve leakage tests.

The rule set forth below expands upon the requirement contained in the proposed rule for testing valves, sealed with water from a seal-water system, by including minimum water test pressure and test acceptance criteria.

The proposed rule required that the valves be subjected to a seal-water system operability test to establish that the valves could be satisfactorily pressurized with seal-water. There was no requirement to measure the rate at which water leaked past the valve. It had been assumed that the seal-water inventory would be adequate to seal the valves against outleakage of containment atmosphere during the design basis accident condition. However, the lack of a specific water inventory criterion against which actual valve leakage rates would be measured, could result in an inadequate supply of seal-water for valve sealing with attendant loss of the containment isolation function. Accordingly, a provision has been incorporated into the rule set forth below which requires that the valve leakage rate shall not exceed the seal-water inventory, on the assumption that the seal-water system will be pressurized for 30 days at 110 percent of the calculated peak containment internal pressure related to the design basis accident. With the inclusion of this requirement, the requirements for conducting only a seal-water system operability test were eliminated.

Containment is provided for water-cooled power reactors to prevent uncontrolled releases of radioactive materials to the environment if the barriers provided by the fuel cladding and reactor coolant pressure boundary should be breached. Testing the reactor containment for leakage helps to assure that:

(a) Leakage of the primary reactor containment and associated systems is held within allowable leakage rate limits as specified in the technical specifications or associated bases of the license;

(b) Periodic surveillance is performed to assure proper maintenance and leak repair during the life of the containment; and

(c) The containment will continue to perform its function throughout the life of the plant.

The amendment which follows provides uniform requirements for containment leakage testing. It specifies the minimum requirements for periodic verification by tests of the leak-tight integrity of the primary reactor containment and associated systems for water-cooled power reactors, and the acceptance criteria for such tests.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50, is published as a document subject to codification to be effective on March 16, 1973.

1. A new paragraph (o) is added to § 50.54 to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(o) Primary reactor containments for water cooled power reactors shall be subject to the requirements set forth in Appendix J.

2. A new Appendix J is added to read as follows:

APPENDIX J

PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

I. Introduction.
II. Explanation of terms.
III. Leakage test requirements.
A. Type A test.
B. Type B test.
C. Type C test.
D. Periodic retest schedule.
IV. Special test requirements.
A. Containment modifications.
B. Multiple leakage-barrier containments.
V. Inspection and reporting of tests.
A. Containment inspection.
B. Report of test results.

I. INTRODUCTION

One of the conditions of all operating licenses for water-cooled power reactors as specified in § 50.54(o) is that primary reactor containments shall meet the containment leakage test requirements set forth in this appendix. These test requirements provide for preoperational and periodic verification by tests of the leak-tight integrity of the primary reactor containment, and systems and components which penetrate containment of water-cooled power reactors, and establish the acceptance criteria for such tests. The purposes of the tests are to assure that (a) leakage through the primary reactor containment and systems and components penetrating primary containment shall not exceed allowable leakage rate values as specified in the technical specifications or associated bases and (b) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made during the service life of the containment, and systems and components penetrating primary containment. These test requirements may also be used for guidance in establishing appropriate containment leakage test requirements in technical specifications or associated bases for other types of nuclear power reactors.

II. EXPLANATION OF TERMS

A. "Primary reactor containment" means the structure or vessel that encloses the components of the reactor coolant pressure boundary, as defined in § 50.2(v), and serves as an essentially leak-tight barrier against the uncontrolled release of radioactivity to the environment.

B. "Containment isolation valve" means any valve which is relied upon to perform a containment isolation function.

C. "Reactor containment leakage test program" includes the performance of Type A, Type B, and Type C tests, described in II.F, II.G, and II.H, respectively.

D. "Leakage rate" for test purposes is that leakage which occurs in a unit of time, stated as a percentage of weight of the original content of containment air at the leakage rate test pressure that escapes to the outside atmosphere during a 24-hour test period.

E. "Overall integrated leakage rate" means that leakage rate which obtains from a summation of leakage through all potential leakage paths including containment welds, valves, fittings, and components which penetrate containment.

F. "Type A Tests" means tests intended to measure the primary reactor containment overall integrated leakage rate (1) after the containment has been completed and is ready for operation, and (2) at periodic intervals thereafter.

G. "Type B Tests" means tests intended to detect local leaks and to measure leakage across each pressure-containing or leakage-limiting boundary for the following primary reactor containment penetrations:

1. Containment penetrations whose design incorporates resilient seals, gaskets, or sealant compounds, piping penetrations fitted with expansion bellows, and electrical penetrations fitted with flexible metal seal assemblies.

2. Air lock door seals, including door operating mechanism penetrations which are part of the containment pressure boundary.

3. Doors with resilient seals or gaskets except for seal-welded doors.

4. Components other than those listed in II.G.1, II.G.2, or II.G.3 which must meet the acceptance criteria in III.B.3.

H. "Type C Tests" means tests intended to measure containment isolation valve leakage rates. The containment isolation valves included are those that:

1. Provide a direct connection between the inside and outside atmospheres of the primary reactor containment under normal operation, such as purge and ventilation, vacuum relief, and instrument valves;

2. Are required to close automatically upon receipt of a containment isolation signal in response to controls intended to effect containment isolation;

3. Are required to operate intermittently under postaccident conditions; and

4. Are in main steam and feedwater piping and other systems which penetrate containment of direct-cycle boiling water power reactors.

I. Pa (p.s.i.g.) means the calculated peak containment internal pressure related to the design basis accident and specified either in the technical specification or associated bases.

J. Pt (p.s.i.g.) means the containment vessel reduced test pressure selected to measure the integrated leakage rate during periodic Type A tests.

K. La (percent/24 hours) means the maximum allowable leakage rate at pressure Pa as specified for preoperational tests in the technical specifications or associated bases, and as specified for periodic tests in the operating license.

L. Ld (percent/24 hours) means the design leakage rate at pressure, Pa, as specified in the technical specifications or associated bases.

M. Lt (percent/24 hours) means the maximum allowable leakage rate at pressure Pt derived from the preoperational test data as specified in III.A.4.(a)(iii).

N. Lam, Ltm (percent/24 hours) means the total measured containment leakage rates at pressure Pa and Pt, respectively, obtained

from testing the containment with components and systems in the state as close as practical to that which would exist under design basis accident conditions (e.g., vented, drained, flooded or pressurized).

O. "Acceptance criteria" means the standard against which test results are to be compared for establishing the functional acceptability of the containment as a leakage limiting boundary.

III. Leakage Testing Requirements

A program consisting of a schedule for conducting Type A, B, and C tests shall be developed for leak testing the primary reactor containment and related systems and components penetrating primary containment pressure boundary.

Upon completion of construction of the primary reactor containment, including installation of all portions of mechanical, fluid, electrical, and instrumentation systems penetrating the primary reactor containment pressure boundary, and prior to any reactor operating period, preoperational and periodic leakage rate tests, as applicable, shall be conducted in accordance with the following:

A. *Type A test*—1. *Pretest requirements.* (a) Containment inspection in accordance with V.A. shall be performed as a prerequisite to the performance of Type A tests. During the period between the initiation of the containment inspection and the performance of the Type A test, no repairs or adjustments shall be made so that the containment can be tested in as close to the "as is" condition as practical. During the period between the completion of one Type A test and the initiation of the containment inspection for the subsequent Type A test, repairs or adjustments shall be made to components whose leakage exceeds that specified in the technical specification as soon as practical after identification. If during a Type A test, including the supplemental test specified in III.A.3.(b), potentially excessive leakage paths are identified which will interfere with satisfactory completion of the test, or which result in the Type A test not meeting the acceptance criteria III.A.4.(b) or III.A.5.(b), the Type A test shall be terminated and the leakage through such paths shall be measured using local leakage testing methods. Repairs and/or adjustments to equipment shall be made and a Type A test performed. The corrective action taken and the change in leakage rate determined from the tests and overall integrated leakage determined from the local leak and Type A tests shall be included in the report submitted to the Commission as specified in V.B.

(b) Closure of containment isolation valves for the Type A test shall be accomplished by normal operation and without any preliminary exercising or adjustments (e.g., no tightening of valve after closure by valve motor). Repairs of maloperating or leaking valves shall be made as necessary. Information on any valve closure malfunction or valve leakage that requires corrective action before the test, shall be included in the report submitted to the Commission as specified in V.B.

(c) The containment test conditions shall stabilize for a period of about 4 hours prior to the start of a leakage rate test.

(d) Those portions of the fluid systems that are part of the reactor coolant pressure boundary and are open directly to the containment atmosphere under post-accident conditions and become an extension of the boundary of the containment shall be opened or vented to the containment atmosphere prior to and during the test. Portions of closed systems inside containment that penetrate containment and rupture as a result of a loss of coolant accident shall be vented to the containment atmosphere. All vented systems shall be drained of water or other fluids to the extent necessary to assure exposure of the system containment isolation valves to containment air test pressure and to assure they will be subjected to the post-accident differential pressure. Systems that are required to maintain the plant in a safe condition during the test shall be operable in their normal mode, and need not be vented. Systems that are normally filled with water and operating under post-accident conditions, such as the containment heat removal system, need not be vented. However, the containment isolation valves in the systems defined in III.A.1.(d) shall be tested in accordance with III.C. The measured leakage rate from these tests shall be reported to the Commission.

2. *Conduct of tests.* Preoperational leakage rate tests at either reduced or at peak pressure, shall be conducted at the intervals specified in III.D.

3. *Test methods.* (a) All Type A tests shall be conducted in accordance with the provisions of the American National Standard N45.4–1972, Leakage Rate Testing of Containment Structures for Nuclear Reactors, March 16 1972.[1] The method chosen for the initial test shall normally be used for the periodic tests.

(b) The accuracy of any Type A test shall be verified by a supplemental test. An acceptable method is described in Appendix C of ANSI N45.4–1972. The supplemental test method selected shall be conducted for sufficient duration to establish accurately the change in leakage rate between the Type A and supplemental test. Results from this supplemental test are acceptable provided the difference between the supplemental test data and the Type A test data is within 0.25 La (or 0.25 Lt). If results are not within 0.25 La (or 0.25 Lt), the reason shall be determined, corrective action taken, and a successful supplemental test performed.

(c) Test leakage rates shall be calculated using absolute values corrected for instrument error.

4. *Preoperational leakage rate tests.* (a) *Test pressure*—(1) *Reduced pressure tests.* (i) An initial test shall be performed at a pressure Pt, not less than 0.50 Pa to measure a leakage rate Ltm.

(ii) A second test shall be performed at pressure Pa to measure a leakage rate Lam.

(iii) The leakage characteristics yielded by measurements Ltm and Lam shall establish the maximum allowable test leakage rate Lt of not more than La (Ltm/Lam). In the event Ltm/Lam is greater than 0.7, Lt shall be specified as equal to La $(Pt/Pa)^{1/2}$.

(2) *Peak presure tests.* A test shall be performed at pressure Pa to measure the leakage rate Lam.

(b) *Acceptance criteria*—(1) *Reduced pressure tests.* The leakage rate Ltm shall be less than 0.75 Lt.

(2) *Peak pressure tests.* The leakage rate Lam shall be less than 0.75 La and not greater than Ld.

5. *Periodic leakage rate tests*—(a) *Test pressure.* (1) Reduced pressure tests shall be conducted at Pt.;

(2) Peak pressure tests shall be conducted at Pa.

(b) *Acceptance criteria*—(1) *Reduced pressure tests.* The leakage rate Ltm shall be less than 0.75 Lt. If local leakage measurements are taken to effect repairs in order to meet the acceptance criteria, these measurements shall be taken at a test pressure Pt.

(2) Peak pressure tests shall be conducted Lam shall be less than 0.75 La. If local leakage measurements are taken to effect repairs in order to meet the acceptance criteria, these measurements shall be taken at a test pressure Pa.

6. *Additional Requirements.* (a) If any periodic Type A test fails to meet the applicable acceptance criteria in III.A.5.(b), the test schedule applicable to subsequent Type A tests will be reviewed and approved by the Commission.

(b) If two consecutive periodic Type A tests fail to meet the applicable acceptance criteria in III.A.5(b), notwithstanding the periodic retest schedule of III.D., a Type A test shall be performed at each plant shutdown for refueling or approximately every 18 months, whichever occurs first, until two consecutive Type A tests meet the acceptance criteria in III.A.5(b), after which time the retest schedule specified in III.D. may be resumed.

B. *Type B tests.*

1. *Test methods.* Acceptable means of performing a preoperational and periodic Type B tests include:

(a) Examination by halide leak-detection method (or by other equivalent test methods such as mass spectrometer) of a test chamber, pressurized with air, nitrogen, or pneumatic fluid specified in the technical specifications or associated bases and constructed as part of individual containment penetrations.

(b) Measurement of the rate of pressure loss of the test chamber of the containment penetration pressurized with air, nitrogen, or pneumatic fluid specified in the technical specifications or associated bases.

(c) Leakage surveillance by means of a permanently installed system with provisions for continuous or intermittent pressurization of individual or groups of containment penetrations and measurement of rate of pressure loss of air, nitrogen, or pneumatic fluid specified in the technical specification or associated bases through the leak paths.

2. *Test Pressure.* All preoperational and periodic Type B tests shall be performed by local pneumatic pressurization of the containment penetrations, either individually or in groups, at a pressure not less than Pa.

3. *Acceptance criteria.* (See also Type C tests.) (a) The combined leakage rate of all penetrations and valves subject to Type B and C tests shall be less than 0.60 La, with the exception of the valves specified in III.C.3.

(b) Leakage measurements obtained through component leakage surveillance systems (e.g., continuous pressurization of individual containment components) that maintains a pressure not less than Pa at individual test chambers of containment penetrations during normal reactor operation, are acceptable in lieu of Type B tests.

C. *Test C tests.*

1. *Test method.* Type C tests shall be performed by local pressurization. The pressure shall be applied in the same direction as that when the value would be required to perform its safety function, unless it can be determined that the results from the tests for a pressure applied in a different direction will provide equivalent or more conservative results. The test methods in III.B.1 may be substituted where appropriate. Each valve to be tested shall be closed by normal operation and without any preliminary exercising or adjustments (e.g., no tightening of valve after closure by valve motor).

[1] ANSI N45.4–1972 Leakage Rate Testing of Containment Structures for Nuclear Reactors (dated Mar. 16, 1972). Copies may be obtained from the American Nuclear Society, 244 East Ogden Avenue, Hinsdale, IL 60521. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. The incorporation by reference was approved by the Director of the Federal Register on October 30, 1972.

2. *Test pressure.* (a) Valves, unless pressurized with fluid (e.g., water, nitrogen) from a seal system, shall be pressurized with air or nitrogen at a pressure of Pa.

(b) Valves, which are sealed with fluid from a seal system shall be pressurized with that fluid to a pressure not less than 1.10 Pa.

3. *Acceptance criterion.* The combined leakage rate for all penetrations and valves subject to Type B and C tests shall be less than 0.60 La. Leakage from containment isolation valves that are sealed with fluid from a seal system may be excluded when determining the combined leakage rate: *Provided*, That:

(a) Such valves have been demonstrated to have fluid leakage rates that do not exceed those specified in the technical specifications or associated bases, and

(b) The installed isolation valve sealwater system fluid inventory is sufficient to assure the sealing function for at least 30 days at a pressure of 1.10 Pa.

D. *Periodic retest schedule*—1. *Type A test.* (a) After the preoperational leakage rate tests, a set of three Type A tests shall be performed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year plant inservice inspections.[2]

(b) Permissible periods for testing. The performance of Type A tests shall be limited to periods when the plant facility is nonoperational and secured in the shutdown condition under the administrative control and in accordance with the safety procedures defined in the license.

2. *Type B tests.* Type B tests except tests for air locks, shall be performed during each reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. Air locks shall be tested at 6-month intervals. However, air locks which are opened during such intervals, shall be tested after each opening. For primary reactor containment penetrations employing a continuous leakage monitoring system, Type B tests, except for tests of air locks, may, notwithstanding the test schedule specified under III.D.1., be performed every other reactor shutdown for refueling but in no case at intervals greater than 3 years.

3. *Type C tests.* Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years.

IV. Special Testing Requirements

A. *Containment modification.* Any major modification, replacement of a component which is part of the primary reactor containment boundary, or resealing a seal-welded door, performed after the preoperational leakage rate test shall be followed by either a Type A, Type B, or Type C test, as applicable for the area affected by the modification. The measured leakage from this test shall be included in the report to the Commission, required by V.A. The acceptance criteria of III.A.5.(b), III.B.3., or III.C.3., as appropriate, shall be met. Minor modifications, replacements, or resealing of seal-welded doors, performed directly prior to the conduct of a scheduled Type A test do not require a separate test.

B. *Multiple leakage barrier or subatmospheric containments.* The primary reactor containment barrier of a multiple barrier or subatmospheric containment shall be subjected to Type A tests to verify that its leakage rate meets the requirements of this appendix. Other structures of multiple barrier or subatmospheric containments (e.g., secondary containments for boiling water reactors and shield buildings for pressurized water reactors that enclose the entire primary reactor containment or portions thereof) shall be subject to individual tests in accordance with the procedures specified in the technical specifications, or associated bases.

A. *Containment inspection.* A general inspection of the accessible interior and exterior surfaces of the containment structures and components shall be performed prior to any Type A test to uncover any evidence of structural deterioration which may affect either the containment structural integrity or leak-tightness. If there is evidence of structural deterioration, Type A tests shall not be performed until corrective action is taken in accordance with repair procedures, nondestructive examinations, and tests as specified in the applicable code specified in § 50.55a at the commencement of repair work. Such structural deterioration and corrective actions taken shall be reported as part of the test report, submitted in accordance with V.B.

V. Inspection and Reporting of Tests

B. *Report of test results.* 1. The preoperational and periodic tests shall be the subject of a summary technical report submitted to the Commission approximately 3 months after the conduct of each test. The report shall be titled "Reactor Containment Building Integrated Leak Rate Test."

2. The report on the preoperational test shall include a schematic arrangement of the leakage rate measurement system, the instrumentation used, the supplemental test method, and the test program selected as applicable to the preoperational test, and all subsequent periodic tests. The report shall contain an analysis and interpretation of the leakage rate test data for the Type A test results to the extent necessary to demonstrate the acceptability of the containment's leakage rate in meeting the acceptance criteria.

3. For each periodic test, leakage test results from Type A, B, and C tests shall be reported. The report shall contain an analysis and interpretation of the Type A test results and a summary analysis of periodic Type B and Type C tests that were performed since the last Type A test. Leakage test results from Type A, B, and C tests that failed to meet the acceptance criteria of III.A.5(b), III.B.3, and III.C.3, respectively, shall be reported in a separate accompanying summary report that includes an analysis and interpretation of the test data, the least-squares fit analysis of the test data, the instrumentation error analysis, and the structural conditions of the containment or components, if any, which contributed to the failure in meeting the acceptance criteria. Results and analyses of the supplemental vertification test employed to demonstrate the validity of the leakage rate test measurements shall also be included.

(Secs. 103, 104, 161(i), 183, 68 Stat. 936, 937, 948, 954, as amended: 42 U.S.C. 2133, 2134, 2201(i), 2233)

Dated at Germantown, Md., this 5th day of February 1973.

For the Atomic Energy Commission.

Paul C. Bender,
Secretary of the Commission.

[FR Doc.73-2786 Filed 2-13-73;8:45 am]

[2] Such inservice inspections are required by § 50.55a.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-NE-28]

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

Alteration of Control Zone and Transition Area

Correction

In FR Doc. 73-1861, appearing on page 2755, in the issue for Tuesday, January 30, 1973, in the fourth line of the description for Montpelier, Vt., transition area, "Edward P. Knapp (Barre-Montpelier) State Airport", should read "Edward F. Knapp (Barre-Montpelier) State Airport".

[Airspace Docket No. 73-SO-5]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Federal Airways, Reporting Points, Jet Routes and Area High Routes; Correction

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make an editorial change of the name Daytona Beach, Fla. (VORTAC), to Ormond Beach, Fla., wherever it appears in these parts.

The Daytona Beach VORTAC is located adjacent to the Ormond Beach Airport. On several occasions aircraft have mistakenly attempted to land on this airport rather than the larger Daytona Beach Regional Airport approximately 7½ miles south of the VORTAC. In the interest of safety and to clarify the relationship between the airports and the air navigation aid, the name of the VORTAC is changed to Ormond Beach.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on March 1, 1973.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0901 G.M.T. March 1, 1973, as hereinafter set forth.

1. Section 71.123 (38 FR 307) is amended as follows:

a. In V-3 "Daytona Beach, Fla.; INT Daytona Beach 334°" is deleted and "Ormond Beach, Fla.; INT Ormond Beach 334°" is substituted therefor.

b. In V-51 "Daytona Beach, Fla.; INT Daytona Beach 334°" is deleted and "Ormond Beach, Fla.; INT Ormond Beach 334°" is substituted therefor.

c. In V-152 "Daytona Beach, Fla., including a S alternate via INT Orlando 049° and Daytona Beach 161° radials." is deleted and "Ormond Beach, Fla., including a S alternate via INT Orlando

049° and Ormond Beach 161° radials." is substituted therefor.

d. In V–267 "including an E alternate from Orlando to INT Daytona Beach, Fla. 308° and Jacksonville 174° radials via Daytona Beach;" is deleted and "including an E alternate from Orlando to INT Ormond Beach, Fla., 308° and Jacksonville 174° radials via Ormond Beach;" is substituted therefor.

e. In V–437 "From Daytona Beach, Fla." is deleted and "From Ormond Beach, Fla.," is substituted therefor.

2. Section 71.203 (38 FR 606) is amended by deleting "Daytona Beach, Fla," and adding "Ormond Beach, Fla."

3. Section 71.207 (38 FR 613) is amended by deleting "Daytona Beach, Fla." and adding "Ormond Beach, Fla."

4. Section 75.100 (38 FR 681) is amended as follows:

a. In Jet Route No. 77 "Daytona Beach, Fla.;" is deleted and "Ormond Beach, Fla.;" is substituted therefor.

b. In Jet Route No. 79 "Daytona Beach, Fla.; INT of Daytona Beach 360°, Savannah, Ga., 180° and Jacksonville, Fla., 028° radials;" is deleted and "Ormond Beach, Fla.; INT of Ormond Beach 360° and Jacksonville, Fla., 028° radials;" is substituted therefor.

c. In Jet Route No. 103 "Daytona Beach, Fla.;" is deleted and "Ormond Beach, Fla.;" is substituted therefor.

5. Section 75.400 (38 FR 700, 37 FR 24419) is amended as follows:

In J812R "Apopka, Fla. 28°25'30" N. 81°55'45" W. Daytona Beach, Fla." is deleted and "Apopka, Fla., 28° 25'30" N. 81°55'45" W. Ormond Beach, Fla." is substituted therefor.

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

Issued in Washington, D.C., on February 8, 1973.

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

[FR Doc.73–2861 Filed 2–13–73;8:45 am]

[Docket No. 11558, Amdt. 103–14]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Large Quantity and Fissile Class III Radioactive Materials

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to restrict the transportation of large quantity sources of radioactive materials aboard passenger-carrying aircraft and to prescribe special requirements for air transportation of fissile class III radioactive materials.

This amendment is related to the amendment of the Hazardous Materials Regulations in Docket No. HM–73; Amendment Nos. 171–17, 173–69, 174–16, 175–9, 177–23 published on page 4396 of this issue and is based on a notice of proposed rule making, Docket No. 11558; Notice No. 71–39, published in the FEDERAL REGISTER on November 20, 1971 (36 FR 22181). That notice was issued concurrently with a notice issued by the Hazardous Materials Regulations Board. The Board's evaluation of the comments received is discussed in detail in the Docket No. HM–73 document published in this issue. On the basis of the reasons stated therein, the Federal Aviation Administration has decided to amend Part 103 of the Federal Aviation Administration regulations.

The quantity limitations imposed in new paragraph (d) to § 103.19 limit the amount of radioactive material that can be carried aboard a passenger-carrying aircraft to an amount, not to exceed a "large quantity" as defined in 49 CFR 173.389(b). For purposes of clarification, it should be pointed out that a "large quantity" is sometimes referred to as a "large radioactive source" by certain shippers.

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective June 30, 1973, as follows:

1. By amending the table of contents by adding a new § 103.24 immediately following § 103.23 to read as follows:

Sec.
103.24 Special requirements for fissile class III radioactive materials

2. By adding a new paragraph (d) to § 103.19 to read as follows:

§ 103.19 Quantity limitations.

* * * * *

(d) No person may carry aboard a passenger-carrying aircraft any package of radioactive material which contains a large quantity (large radioactive source) of radioactivity (as defined in 49 CFR 173.389(b)), except as specifically approved by the Administrator.

3. By adding a new § 103.24 immediately following § 103.23 to read as follows:

§ 103.24 Special requirements for fissile class III radioactive materials.

(a) No person may carry aboard any aircraft any package of fissile class III radioactive material (as defined in 49 CFR 173.389(a)(3)), except as follows:

(1) On a cargo-only aircraft which has been assigned for the sole use of the consignor for the specific shipment of fissile radioactive material. Instructions for such sole use must be provided for in special arrangements between the consignor and carrier, with instructions to that effect issued with shipping papers; or

(2) On any aircraft on which there are no other packages of radioactive material required to bear one of the "radioactive" labels described in 49 CFR 173.414. Specific arrangements must be effected between the shipper and carrier, with instructions to that effect issued with the shipping papers; or

(3) In accordance with any other procedure specifically approved by the Administrator.

(Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), 1655(c))

Issued in Washington, D.C., on February 2, 1973.

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

[FR Doc.73–2849 Filed 2–13–73;8:45 am]

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

[NTSB Reg. OR–2, Amdt. 1]

PART 400—STATEMENT OF ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATIONS OF AUTHORITY

Director, Office of Pipeline Safety

The purpose of this amendment is to remove authority over the determination of cause or probable cause in liquid pipeline accidents from the Federal Railroad Administrator; to place such authority with the Director, Office of Pipeline Safety, in compliance with Amendment 1–64, 49 CFR Part 1, and the redelegation of authority with respect to safety in liquid pipelines, Amendment 1–65, Appendix A, to Part 1 of Title 49, Code of Federal Regulations, issued by the Department of Transportation; and to make minor changes resulting therefrom.

This amendment carries out changes already instituted by the Department of Transportation affecting delegated authority. Notice and public procedure thereon are therefore not required. Moreover, approval by the Department of Transportation is likewise unnecessary, since the issuance of its amendments constitutes prior approval of this amendment.

This amendment becomes effective on February 14, 1973.

Accordingly, the National Transportation Safety Board hereby amends the provisions of its regulations covering statement of organization and functions of the Board and delegations of authority (Part 400) as follows:

1. Section 400.43 is amended by revising paragraph (c) and by redesignating paragraph (d) as paragraph (e) and by amending this paragraph (e) and by adding a new paragraph (d) to read as follows:

§ 400.43 Delegation of authority to officers of the Department of Transportation.

* * * * *

(c) To the Federal Railroad Administrator, the authority to determine cause or probable cause in railroad accidents; to report the facts and circumstances of such accidents, except in those accidents which are (1) catastrophic in magnitude, (2) of general public interest, (3) involve questions of broad national interest, or (4) which may involve unique technical problems, all as determined in accordance with the provisions set forth in § 400.44.

(d) To the Director, Office of Pipeline Safety, the authority to determine cause or probable cause in liquid pipeline accidents; to report the facts and circumstances of such accidents, except in those

accidents which are (1) catastrophic in magnitude, (2) of general public interest, (3) involve questions of broad national interest, or (4) which may involve unique technical problems, all as determined in accordance with the provisions set forth in § 400.44.

(e) Any report of the facts, circumstances, and the determination of cause or probable cause of an accident issued by the Commandant of the Coast Guard, the Federal Highway Administrator, the Federal Railroad Administrator, or the Director, Office of Pipeline Safety, under the delegation of authority set forth in this section, shall be subject to the provisions of section 5(e) of the Department of Transportation Act which provides that such reports shall be made public except as otherwise provided by statute, and the use of such reports as evidence or for other purposes in suits or actions for damages growing out of any accident mentioned in such reports are subject to the provision of law applicable to such reports.

3. Section 400.44(a) is revised to read as follows:

§ 400.44 Procedures for identifying nondelegated accidents.

(a) To facilitate decisions by the National Transportation Safety Board on motor carrier, rail, and pipeline accidents for which it will determine cause or probable cause, the Federal Highway Administrator, the Federal Railroad Administrator, and the Director, Office of Pipeline Safety, respectively, in exercising their authority under this order, shall immediately notify the National Transportation Safety Board of the occurrence of such accidents as in their best judgment fall within the categories indicated in paragraphs (b), (c), and (d) of § 400.43.

• • • • •

By the National Transportation Safety Board.

[SEAL] JOHN H. REED,
Chairman.

FEBRUARY 7, 1973.

[FR Doc.73-2887 Filed 2-13-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-52]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

New Zealand; Free Withdrawal of Supplies and Equipment for Aircraft

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309(d)), the Secretary of Commerce has found and under date of October 24, 1972, has advised the Secretary of the Treasury that, except for ground equipment, New Zealand allows privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C. 1309, 1317), to aircraft registered in the United States and engaged in foreign trade. The Secretary of Commerce has further advised that New Zealand has allowed these privileges to aircraft registered in the United States and engaged in foreign trade since December 23, 1937, in the case of cargo operations, and since September 13, 1940, in the case of passenger operations. Corresponding privileges are accordingly extended to aircraft registered in New Zealand and engaged in foreign trade effective as of October 1, 1972.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "New Zealand" in appropriate alphabetical order, the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" and the wording "Not applicable to ground equipment" opposite "New Zealand" in the column headed "Exceptions, if any, as noted" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624)

Since there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 are unnecessary. Inasmuch as the amendment recognizes an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for waiving a delayed effective date.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 7, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-2964 Filed 2-13-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

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

Lincomycin, Zoalene

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-954V) filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use of lincomycin and zoalene in the feed of broiler chickens. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Part 121 is amended in § 121.207 in the table in paragraph (c) by adding a new item 2.8 as follows:

§ 121.207 Zoalene.

• • • • • •

(c) The additive is used or intended for use as follows:

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
2.8 zoalene	113.5 (0.0125%)	Lincomycin	2	For floor raised broiler chickens; do not feed to laying chickens; to be fed as the sole ration; as lincomycin hydrochloride monohydrate provided by sponsor No. 037, see § 135.501(c) of this chapter; zoalene provided by sponsor No. 012, see § 135.501(c) of this chapter.	Increase in rate of weight gain, improved feed efficiency, and as an aid in the prevention and control of coccidiosis.
• • •	• • •	• • •	• • •	• • •	• • •

2. Section 135e.49 is amended by adding a new subparagraph (2)(vi) to paragraph (e) as follows:

§ 135e.49 Lincomycin.

• • • • • •

(e) *Conditions of use.* • • •

(2) • • •

(vi) Zoalene in accordance with § 121.207 of this chapter.

Effective date. This order shall be effective on February 14, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: February 5, 1973.

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

[FR Doc.73-2828 Filed 2-13-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 502-73]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

This order revises the regulations of the Department of Justice which prescribe the procedures for making and acting upon requests from members of the public for access to Justice Department records under the Freedom of Information Act (5 U.S.C. 552).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, 552, and 31 U.S.C. 483a, Subpart A of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

Sec.
16.1 Purpose and scope.
16.2 Public reference facilities.
16.3 Requests for identifiable records and copies.
16.4 Requests referred to division primarily concerned.
16.5 Prompt response by responsible division.
16.6 Responses by division: Form and content.
16.7 Appeals to the Attorney General from initial denials.
16.8 Maintenance of files.
16.9 Fees for provision of records.
16.10 Exemptions.

AUTHORITY: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552; 31 U.S.C. 483a.

§ 16.1 Purpose and scope.

(a) This subpart contains the regulations of the Department of Justice implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all divisions within the Department of Justice. Official records of the Department of Justice made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public as prescribed by this subpart. Officers and employees of the Department may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. Persons seeking information or records of the Department of Justice may find it useful to consult with the Department's Office of Public Information before invoking the formal procedures set out below. To the extent permitted by other laws, the Department also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

(b) The Attorney General's Memorandum on the Public Information section of the Administrative Procedure Act, which was published in June 1967 and is available from the Superintendent of Documents, may be consulted in considering questions arising under 5 U.S.C. 552. The Office of Legal Counsel after appropriate coordination is authorized from time to time to undertake training activities for Department personnel to maintain and improve the quality of administration under 5 U.S.C. 552.

§ 16.2 Public reference facilities.

Each office listed below will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying:

U.S. Attorneys and U.S. Marshals—at the principal offices of the U.S. Attorneys listed in the U.S. Government Organization Manual;
Bureau of Prisons and U.S. Board of Parole—at the principal office of each of those agencies at 101 Indiana Avenue NW., Washington, D.C. 20537;
Community Relations Service—at 550 11th Street NW., Washington, D.C. 20530;
Internal Security Division (for registrations of foreign agents and others pursuant to 28 CFR Parts 5, 10, 11, and 12)—at Room 458, Federal Triangle Building, 315 Ninth Street, NW., Washington, DC 20530;
Board of Immigration Appeals—at Room 1138, 521 12th Street NW., Washington, DC 20530;
Immigration and Naturalization Service—*see* 8 CFR § 103.9;
Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, DC 20530, and Regional Officer as listed in the U.S. Government Organization Manual;
All other Offices, Divisions, and Bureaus of the Department of Justice—at Room 6620, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530.

Each of these public reference facilities will maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2).

§ 16.3 Requests for identifiable records and copies.

(a) *Addressed to Office of Deputy Attorney General.* A request for a record of the Department which is not customarily made available, which is not available in a public reference facility as described in § 16.2, and which is not a record maintained by the Immigration and Naturalization Service, the Bureau of Prisons, or the Board of Immigration Appeals shall be addressed to the Office of the Deputy Attorney General, Washington, D.C. 20530. Requests for records of the Bureau of Prisons or of the Board of Immigration Appeals shall be sent directly to the Director, Bureau of Prisons, 101 Indiana Avenue NW., Washington DC 20537, or the Chairman, Board of Immigration Appeals, Department of Justice, Washington, D.C. 20530, respectively. Requests for records of the Immigration and Naturalization Service, including aliens' record files temporarily in the possession of the Board of Immigration Appeals, shall be made and processed pursuant to the provisions of Part 103 of Title 8 of the Code of Federal Regulations.

(b) *Request should be in writing and for identifiable records.* A request for access to records should be submitted in writing and should sufficiently identify the records requested to enable Department personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) *Form may be requested.* Where the information supplied by the requester is not sufficient to permit location of the records by Department personnel with a reasonable amount of effort, the requester may be sent and asked to fill out and return a Form D.J. 118, which is designed to elicit the necessary information.

(d) *Categorical requests*—(1) *Must meet identifiable records requirement.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records come within the requests, and the records can be searched for, collected, and produced without unduly burdening or interfering with Department operations because of the staff time consumed or the resulting disruption of files.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a categorical request would unduly burden or interfere with the operations of the Department under paragraph (d)(1) of this section, the response denying the request on those grounds shall specify the reasons why and the extent to which compliance would burden or interfere with Department operations, and shall extend to the requester an opportunity to confer with knowledgeable Department personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(e) *Requests for records of other agencies.* Many of the records in the files of the Department are obtained from other agencies for litigation or other purposes. Where it is determined that the question of the availability of requested records is primarily the responsibility of another agency, the request will be referred to the other agency for processing in accordance with its regulations, and the person submitting the request will be so notified.

§ 16.4 Requests referred to division primarily concerned.

(a) *Referral to responsible division.* The Deputy Attorney General shall, promptly upon receipt of a request for Department records, ascertain which division of the Department has primary concern with the records requested. As used in this subpart, the term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney and Federal Prison Industries except as otherwise expressly provided. He shall then promptly forward the request to the responsible division and notify the requester of his action. The Deputy Attorney General shall maintain or be furnished with a file copy of each request received, and records to show the date of its receipt from the requester, the division to which it was forwarded, and the date on which it was forwarded. For all purposes under this subpart the Board of Immigration Appeals and the Bureau of Prisons shall be considered the responsible division with respect to requests sent directly to them pursuant to § 16.3 hereof.

(b) *Deputy Attorney General shall assure timely response.* The office of the Deputy Attorney General shall periodically review the practices of the divisions in meeting the time requirements set out in § 16.5 hereof, and take such action to promote timely responses as it deems appropriate.

§ 16.5 Prompt response by responsible division.

(a) *Response within 10 days.* The head of the responsible division shall, within 10 working days of its receipt by the division and more rapidly if practicable, either comply with or deny a request for records unless additional time is required for one of the following reasons:

(1) The requested records are stored in whole or in part at other locations than the office in receipt of the request;

(2) The request requires the collection of a substantial number of specified records:

(3) The request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) The requested records have not been located in the course of a routine search and additional efforts are being made to locate them;

(5) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are (i) exempt from disclosure under the Freedom of Information Act, and (ii) should be withheld as a matter of sound policy, or disclosed only with appropriate deletions;

(6) The requested records or some of them involve the responsibility of another agency or another division of the Department whose assistance or views are being sought in processing the request.

When additional time is required for one of the above reasons, the head of the responsible division shall acknowledge receipt of the request within the 10-day period and include a brief notation of the reason for the delay and an indication of the date on which it is expected that a determination as to disclosure will be forthcoming. A copy of each such acknowledgment shall be furnished to the Deputy Attorney General. An extended deadline adopted for one of the reasons set forth above will be considered reasonable in all cases if it does not exceed 10 additional working days. The head of the responsible division may adopt an extended deadline in excess of the 10 additional working days (i.e., a deadline in excess of 20 working days from the time of receipt) upon specific prior approval of the notice to the requester of the extension by the office of the Deputy Attorney General where special circumstances reasonably warrant the more extended deadline and they are stated in the written notice of the extension.

(b) *Petition if response not forthcoming.* If the head of the responsible division does not respond to or acknowledge a request within the 10-day period, if the head of the responsible division does not act on a request within an extended deadline adopted for one of the reasons set forth in paragraph (a) of this section, or if the requester believes that an extended deadline adopted pursuant to paragraph (a) of this section is unreasonable, the requester may petition the Deputy Attorney General to take appropriate measures to assure prompt action on the request. In order for a requester to treat a failure to respond by the head of a division as a denial and file an appeal, he must have filed a petition with the Deputy Attorney General complaining of delay under this subsection.

(c) *Action on petitions complaining of delay.*—(1) *Prompt action.* Where a petition to the Deputy Attorney General complaining of a division's failure to respond to a request or to meet an extended deadline does not elicit a response to the request from the head of the responsible division within 10 days, or where a petition complaining of a division's adoption of an unreasonable deadline fails to elicit an acknowledgment of the petition within 10 days and a response to the request from the head of the division within a reasonable time, the requester may treat the request as denied, and he may then file an appeal to the Attorney General.

(2) *Copies maintained by Deputy Attorney General.* Copies of all petitions complaining of delay, and records of all actions taken upon them shall be supplied to or maintained by the Deputy Attorney General.

(d) *Removal by Deputy Attorney General.* The Deputy Attorney General may remove any request or class of requests from the division to which it is referable under these regulations and, in such event, shall perform the functions of the head of such division with respect thereto.

§ 16.6 Responses by divisions: form and content.

(a) *Form of grant.* When a requested record has been identified and is available, the responsible division shall notify the requester as to where and when the record is available for inspection or copies will be available. The notification shall also advise the requester of any applicable fees under § 16.9 hereof.

(b) *Form of denial.* A reply denying a written request for a record shall be in writing signed by the head of the responsible division and shall include:

(1) *Exemption category.* A reference to the specific exemption under the Freedom of Information Act authorizing the withholdings of the record, to the extent consistent with the purpose of the exemption a brief explanation of how the exemption applies to the record withheld, and, if the head of the division considers it appropriate, a statement of why the exempt record is being withheld; and

(2) *Administrative appeal and judicial review.* A statement that the denial may be appealed within 30 days to the Attorney General, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(c) *Record cannot be located or does not exist.* If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

(d) *Copy of response to Deputy Attorney General.* A copy of each grant or denial letter, and each notification under paragraph (c) of this section shall be furnished to the Deputy Attorney General.

§ 16.7 Appeals to the Attorney General from initial denials.

(a) *Appeal to Attorney General.* When the head of a division has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Attorney General, Washington, D.C. 20530. The appeal shall be in writing.

(b) *Action within 20 working days.* The Attorney General will act upon the appeal within 20 working days of its receipt, and more rapidly if practicable, unless novel and difficult questions are involved. Where such questions are involved, the Attorney General may extend the time for final action for a reasonable period beyond 20 working days upon notifying the requester of the reasons for the extended deadline and the date on which a final response may be expected.

(c) *Form of action on appeal.* The Attorney General's action on an appeal shall be in writing. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld and the reasons for asserting it.

(d) *Copies to Deputy Attorney General.* Copies of all appeals and copies of all actions on appeal shall be furnished to the Deputy Attorney General.

§ 16.8 Maintenance of files.

(a) *Complete files maintained by Deputy Attorney General.* The Deputy Attorney General shall maintain files containing all material required to be retained by or furnished to him under this subpart. The material shall be filed by individual request; and shall be indexed according to the exemptions asserted; and, to the extent feasible, according to the type of records requested.

(b) *Maintenance of file open to public.* The Deputy Attorney General shall also maintain a file, open to the public, which shall contain copies of all grants or denials of appeals by the Attorney General. The material shall be indexed by the exemption asserted, and, to the extent feasible, according to the type of records requested.

(c) *Protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an invasion of personal privacy if made generally available, the Deputy Attorney General shall delete identifying details from the copies of documents maintained in the public file established under paragraph (b) of this section.

§ 16.9 Fees for provision of records.

(a) *When charged.* User fees pursuant to 31 U.S.C. 483a (1970), shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for Department records under this subpart unless the responding official of the Department determines, in conformity with the provisions of 31 U.S.C. 483a, that such charges or a portion thereof are not in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 10 copies will be supplied) $.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, $1.25.

(3) *Monitoring inspection.* For each one quarter hour spent in monitoring the requester's inspection of records, $1.25.

(4) *Certification.* For certification of true copies, each, $1.

(5) *Attestation.* For attestation under the seal of the Department, $3.

(6) *Nonroutine, noncerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.57.

(7) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records in connection with determining whether they are exempt from mandatroy disclosure and should be withheld as a matter of sound policy. However, where a broad request requires Department personnel to devote a substantial amount of time to examining records for the purpose of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, time will be charged for at the rate of $1.25 per quarter hour, and where higher level personnel are required, time will be charged for at the rate of $3.75 per quarter hour.

(8) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (b)(6) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge shall be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipments and the amounts of time on such equipments that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (b), of this subpart.

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Department personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall toll the running of the period for response by the Department until a reply is received from the requester.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 16.10 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files; internal procedures and communications; materials exempted from disclosure by other statutes; information given in confidence; and matters involving personal privacy. The scope of the exemptions is discussed generally in the Attorney General's memorandum referred to in § 16.1.

(b) The Attorney General will not withhold any records of the Department over 10 years old on the ground that they are classified pursuant to Executive Order No. 11652 or its predecessors without notification from the Department review committee established in accordance with the Executive order and Subpart G of Part 17 of this chapter, by its Chairman, that continued classification is required by the Executive order.

Previous regulations superseded. This order supersedes order No. 381–67 of July 5, 1967, as amended, 28 CFR Part 16, Subpart A (1972), effective March 1, 1973.

Dated: February 9, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73–2970 Filed 2–13–73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

Revisions in Respirable Dust Sampling Procedures—Establishment of Basic Samples

The notice of revisions of Part 70, Title 30, Code of Federal Regulations, published in the FEDERAL REGISTER December 28, 1972, (37 FR 28631) requires all operators to establish a new basic sample (consisting of 10 samples and one intake air sample) to determine if there is compliance with the new 2.0 mg/m³

standard. This notice provided that at least one valid respirable dust sample from each active working section must be received by the Bureau of Mines not later than January 25, 1973, and all samples comprising the new basic sample to be completed and received by the Bureau of Mines not later than February 15, 1973.

The requirement that all new basic samples be received by February 15, 1973, would make inoperative the provisions of § 70.241, which provides for the staggering of sampling cycles in multisection mines. Therefore, the deadlines are revised as follows:

1. In single section mines, at least one valid sample from the active working section must be received by the Bureau of Mines not later than January 25, 1973, and all samples comprising the basic sample must be received not later than February 15, 1973.

2. In multisection mines, at least one valid sample from at least one active working section must be received by the Bureau of Mines not later than January 25, 1973, and all samples comprising the basic sample for at least one active working section must be received not later than February 15, 1973.

The sampling cycles of the other remaining active sections shall be staggered in the manner provided in § 70.241, and all samples comprising the basic sample for all active working sections in the mine must be completed and the samples must be received by the Bureau of Mines not later than March 30, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

JANUARY 28, 1973.

FRANK C. CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

FEBRUARY 8, 1973.

[FR Doc.73-2888 Filed 2-13-73;8:45 am]

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Requirements for Deenergization Devices and Automatic Emergency Brakes on Self-Propelled Electric Face Equipment

Correction

In FR Doc. 73-2192, appearing at page 3406, in the issue of Tuesday, February 6, 1973, in the second line of § 75.523-2 (a)(2), the word "level", should read "lever".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Maneb and Zineb

In response to Pesticide Petition No. 2E1266, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of November 2, 1972 (37 FR 23349), proposing that the established tolerance (40 CFR Part 180) for residues of the fungicide maneb on sweet corn (kernels plus cob with husk removed) be reduced from 7 to 5 parts per million and that the tolerance of 5 parts per million for zineb on corn fodder and forage be changed to 5 parts per million on sweet corn (kernels plus cob with husk removed).

The same notice stated that in the order establishing reduced tolerances for residues of zineb on certain raw agricultural commodities (37 FR 19134; September 19, 1972) the parenthetic word "(escarole)" should have been deleted from the paragraph "25 parts per million * * *" and inserted in the paragraph "10 parts per million * * *".

No requests for referral to an advisory committee were received. One comment was received expressing the opinion that the proposed tolerances appeared excessive. Based on consideration given the expressed opinion, the data submitted in the petition, and other relevant material, it is concluded that the proposed tolerances will better protect the public health than the tolerances they replace.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 FR 9038), Part 180 is amended, as follows:

1. In § 180.110, by deleting the words "sweet corn (kernels plus cob with husks removed)" from the paragraph "7 parts per million * * *" and by revising the paragraph "5 parts per million * * *", to read as follows:

§ 180.110 Maneb; tolerances for residues.

* * * * *

5 parts in or on celery and sweet corn (kernels plus cob with husk removed).

* * * * *

2. In § 180.115, by revising the paragraphs "25 parts per million * * *", "10 parts per million * * *", and "5 parts per million * * *", to read as follows:

§ 180.115 Zineb; tolerances for residues.

* * * * *

25 parts per million in or on beet tops, Chinese cabbage, collards, romaine, and Swiss chard.

* * * * *

10 parts per million in or on endive (escarole), kale, lettuce, mustard greens, and spinach.

* * * * *

5 parts per million in or on celery and sweet corn (kernels plus cob with husk removed).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 16, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 14, 1973.

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

Dated: February 8, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-2918 Filed 2-13-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71-136R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Fissile Class II Radioactive Material

The purpose of this amendment is to adopt the procedures being issued by the Hazardous Materials Regulations Board, to prescribe certain transport controls for Fissile Class III shipments, to provide for additional packaging for fissile radioactive material authorized in 49 CFR 173.396 but previously not in 46 CFR 146.19-100, and relocating the requirements of 46 CFR 146.19-12, 146.19-18, and 146.19-20 into 146.19-100.

On Saturday, November 20, 1971, the Coast Guard published a notice of proposal rule making. A public hearing was held on February 22, 1972, and no comments were received at this hearing. One written comment was received on the proposal. This comment requested that the requirement for the shipper to mark the package be changed so the shipper would be required to insure that the proper markings are placed on the container. This suggestion was incorporated into the regulations.

The Hazardous Materials Regulations Board has, for reasons fully stated in their amendment published at page 4396 of this issue of the FEDERAL REGISTER, made certain changes to their proposal. The Coast Guard is adopting these changes for water shipments.

In consideration of the foregoing Part 146 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By adding in the table of contents of Part 146 the following:

Subpart 146.19—Detailed Regulations Governing Radioactive Materials

Sec.
146.19-10a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

146.19–10b International shipments and foreign-made packages; standard requirements and conditions.

2. By revising § 146.05–12(f)(9) (v) and (vi) to read as follows:

§ 146.05–12 Originating shipping order, transfer shipping paper.

* * * * *

(f) * * *

(9) * * *

(v) For Fissile Class III shipments, the additional notations:

WARNING—FISSILE CLASS III SHIPMENT. PERSONNEL HANDLING AND STOWING THIS SHIPMENT MUST BE ADVISED TO NOT LOAD MORE THAN * * * PACKAGES PER VEHICLE. (* * * to be replaced by appropriate number). IN ANY LOADING OR STOWAGE AREA, THIS SHIPMENT MUST BE SEGREGATED BY AT LEAST 20 FEET FROM OTHER PACKAGES BEARING RADIOACTIVE LABELS. FOR SHIPMENT BY WATER ONLY ONE FISSILE CLASS III SHIPMENT IS PERMITTED IN A HOLD.

(vi) For export shipments, a copy of any special permit or IAEA Certificate of Competent Authority (see § 146.19–106 (b)) issued by the Department of Transportation for the package.

* * * * *

3. By adding § 146.19–1(o) and (p) to read as follows:

§ 146.19–1 Radioactive materials; definition.

* * * * *

(o) As used in this subpart the abbreviation USAEC represents the U.S. Atomic Energy Commission, Washington, D.C. 20545. Applicable regulations of the USAEC are published in Title 10, Code of Federal Regulations, Part 71, and entitled "Packaging of Radioactive Materials for Transport and Transportation of Radioactive Materials Under Certain Conditions". (These regulations are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.) Other publications of the USAEC may be obtained from the National Technical Information Center, U.S. Department of Commerce, Springfield, Va. 22151.

(p) As used in this subpart the abbreviation IAEA represents the International Atomic Energy Agency, Karnter Ring, 11, Post Office Box 590, A–1011, Vienna, Austria. IAEA publications may be purchased in the United States from: Unipub, Inc., Post Office Box 433, New York, NY 10016. Regulations of IAEA are published as "Regulations for the Safe Transport of Radioactive Materials," 1967 Edition, Safety Series No. 6.

4. By adding § 146.19–10a to read as follows:

§ 146.19–10a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

Each shipper of a package containing radioactive material which has been approved by the U.S. Atomic Energy Commission in accordance with §§ 146.19–12, 146.19–18, 146.19–20, or 146.19–100, shall also comply with the following:

(a) Before the first shipment in a package approved by the U.S. Atomic Energy Commission for use by another person each shipper shall register in writing with the USAEC, Division of Materials Licensing, his name and address, the name of the person to whom the USAEC approval was issued, and the approval number assigned to the package. Each shipper shall have a copy of the USAEC approval and the document referred to in the approval in his possession. Each shipment must be made in compliance with the terms and conditions of the approval.

(b) The outside of each package must be durably and legibly marked with the package identification marking indicated in the USAEC approval.

(c) Each shipping paper related to the shipment of this package must bear a notation of the package identification marking indicated in the USAEC approval.

(d) Before the first export shipment of the package, the shipper shall submit a copy of the applicable competent authority certificate applying to the package design to the competent national authority of each country into or through which the package will be transported, unless a copy has already been furnished to this party by another person. (Detailed requirements for the issuance and contents of competent authority certificates are provided in marginal C–6 of the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1967 Edition," hereinafter referred to as the "IAEA Regulations." A list of the National Competent Authorities of each country is published annually by the IAEA.)

(e) Each package of fissile radioactive material must be marked with the numerical value for the transport index if the shipment is Fissile Class II. Any vehicle limitation indicated in the USAEC approval applies if the shipment is Fissile Class III.

(f) For a Fissile Class III shipment the statement prescribed in § 146.05–12 (f)(9)(v) must be included with the shipping papers.

5. By adding § 146.19–10b to read as follows:

§ 146.19–10b International shipments and foreign-made packages; standard requirements and conditions.

(a) In addition to the other applicable requirements of this Part 146, each shipper of a package containing radioactive material, for which a foreign competent authority certificate has been issued and revalidated pursuant to the IAEA regulations and by the Department of Transportation, also shall comply with the following:

(1) Before the first shipment of the package, each shipper shall register in writing his identity and type of package with the Office of Hazardous Materials, U.S. Department of Transportation, Washington, D.C. 20590, furnishing a copy of the foreign certificate or revalidation thereof which is applicable to that package, unless a copy has already been furnished by another person.

(2) The outside of each package must be durably and legibly marked with the competent authority identification marking indicated on the certificate or revalidation.

(3) Each shipping paper related to the shipment of the package must bear a notation of the package identification marking indicated in the certificate of revalidation.

(4) Before the first export shipment of the package the shipper shall furnish a copy of the applicable competent authority certificate applying to that package design and any required revalidation, to the competent national authority of each country through or into which the package will be transported, unless a copy has already been furnished by another person.

(5) The applicable competent authority certificates need not accompany the packages to which they relate. However, the shipper shall supply them to the carrier upon request.

(6) For a Fissile Class III shipment, the statement prescribed in § 146.05–12 (f)(9)(v) must be included with the shipping papers.

(b) The designated competent authority in the United States responsible for administering the requirements (Marginal C–6) of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Materials," Safety Series No. 6, 1967 Edition, is:

Office of Hazardous Materials, U.S. Department of Transportation, Washington D.C. 20590

(c) Any request for a competent authority certificate required by the IAEA regulations must be submitted in writing to the address given in paragraph (b) of this section. This request should be in duplicate and must contain all the information required by the applicable subsection of Marginal C–6 of the IAEA regulations. Unless there is good reason for priority treatment, each request will be considered in the order in which it is received. To permit timely consideration, requests should be submitted at least 45 days prior to the requested effective date.

6. In § 146.19–12 by deleting paragraph (d) and by revising paragraph (g) and the first line of paragraph (b)(3) to read as follows:

§ 146.19–12 Fissile radioactive material.

* * * * *

(b) * * *

(3) Additional packagings are listed in § 146.19–100 for not more than the following:

* * * * *

(d) [Deleted]

* * * * *

(g) Fissile Class III shipments must be in accordance with the provisions of this paragraph, or in accordance with other procedures authorized by the Coast Guard.

(1) The shipper shall provide a knowledgeable representative in attendance during the loading of Fissile Class III

shipments to insure that nuclear criticality safety is maintained; or

(2) The shipper shall provide for special arrangements and/or instructions on the shipping papers to insure that nuclear criticality safety is maintained during loading.

(3) The carrier shall load only one Fissile Class III shipment in a hold and shall protect against loading, transportation, or storing of that with other fissile materials.

(4) The carrier shall separate Fissile Class III shipment by at least 20 feet from other packages bearing the radioactive-yellow labels during handling and storing.

7. By revising § 146.19–18 to read as follows:

§ 146.19–18 Radioactive material in normal form.

Radioactive material in normal form in type A, type B and large quantities must be packaged in authorized packages as listed in § 146.19–100 under radioactive materials, n.o.s.

8. By revising § 146.19–20 radioactive material in special form:

§ 146.19–20 Radioactive material in special form.

Radioactive material in special form in type A, type B and large quantities must be packaged in authorized packages as listed in § 146.19–100.

9. By revising § 146.19–35(e) to read as follows:

§ 146.19–35 Stowage and handling aboard vessels.

* * * * *

(e) The carrier shall separate Fissile Class III shipment from other packages bearing radioactive-yellow labels during handling and stowage by at least 20 feet. The carrier must stow only one Fissile Class III shipment in any one hold.

* * * * *

10. In § 146.19–100 *Table Classification: Radioactive materials,* the entry "Fissile radioactive materials" is amended by revising the list of "Outside Packaging" in columns 4, 5, 6, and 7, by revising Note 1 and 2 and by adding Note 3 to read as follows:

Outside packaging:
Authorized for Type A quantities in normal or special form: Metal packaging (DOT–6L, 6M). See Note 1.
Metal drums (DOT–5B, 5D, 6A, 6B, 6C, 6J, 6K, 17C, 17H, 42B, 42C). See Note 2.
Fiber drums (DOT–21C). See Note 2.
Wooden boxes (DOT–14, 15A, 15B, 15C, 15D, 19A, 19B). See Note 2.
Fiberboard boxes (DOT–12 series, 200-lb. test minimum, DOT 23F, 23H). See Note 2.
Cylinders (DOT–3, 4 series). See Note 2.
Metal-encased shielded packaging (DOT–55). See Note 2.
Type A general package (DOT–7A). See Note 2.
Foreign-made packagings bearing the symbol "Type A," for export and import shipments only. See Note 2.
Any other type A or B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department of Transportation.
Any other type A or B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.
Authorized for type B quantities in normal or special form.
Metal packaging (DOT–6L, 6M). See Note 3.
Any other type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.
Any other type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department of Transportation.

NOTE 1: See § 146.19–12(b) (1) and (2) for limitations on contents.

NOTE 2: See § 146.19–12(b) (3) for limitations on contents.

NOTE 3: See § 146.19–12(c) (1) and (2) for limitations on contents.

11. In § 146.19–100 *Table-Classification: Radioactive materials,* the entry "Radioactive materials, special form" is amended by adding to the list of "Outside Packaging in columns 4, 5, 6, and 7:

(a) Under the heading "Authorized for Type B Quantities":

Any other type B packaging approved by the U.S. Atomic Energy Commission.
Any other type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.

(b) Under the heading "Authorized for Large Quantities":

Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.
Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department of Transportation.

12. In § 146.19–100 *Table-Classification: Radioactive materials* the entry "Radioactive materials, n.o.s." is amended:

(a) In column 4 by striking out "Fiber drums (DOT–21)" and inserting "Fiber drums (DOT–21C)" in place thereof.

(b) In column 4 by striking out "Fiberboard boxes (DOT–12 series, 200-lb. test minimum)" and inserting "Fiberboard boxes (DOT–12 series (200-lb. test minimum), DOT–23F, 23H)" in place thereof.

(c) By striking out in columns 4, 5, 6, and 7 "For large quantities, see § 146.19–18" and by inserting in place thereof the following:

Any other type B packaging approved by the U.S. Atomic Energy Commission.
Any other type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department of Transportation.
Authorized for large qauntities:
Metal packaging (DOT–6M), authorized only for solid or gaseous radioactive materials which will not decompose up to 25°F. Radioactive thermal decay energy must not exceed 10 watts.
Any other type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.
Any other type B packaging which meets the pertinent requirements for large qauntities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department of Transportation.

Effective date. This amendment is effective on June 30, 1973.

(R.S. 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 30, 1973.

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

NOTE: Incorporation by reference approved by the Director of the Federal Register on February 9, 1973.

[FR Doc.73–2850 Filed 2–13–73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–73; Amdts. 171–17, 173–69, 174–16, 175–9, 177–23]

DESIGN APPROVALS FOR RADIOACTIVE MATERIALS PACKAGES

The purpose of these amendments to the Hazardous Materials Regulations is to eliminate the present duplicative procedure for the issuance of special permits by DOT for type B, fissile, and large quantity radioactive materials packages which have been reviewed and approved by the U.S. Atomic Energy Commission (USAEC). The present regulations for these materials requires that the packages be reviewed and approved by the USAEC, prior to the issuance of a special permit by the DOT. This amendment will eliminate this second step. These amendments also establish and clarify the Department's procedures for issuance of competent authority certificates with respect to the regulations for the safe transport of radioactive materials, as

established by the International Atomic Energy Agency (IAEA), hereinafter referred to as the IAEA Regulations. Essentialy the IAEA Regulations provide for certain administrative approvals of radioactive materials package designs by the "competent national authority" of countries when the export-import of such packages is involved. These approvals are known as competent authority certificates. The IAEA regulations also prescribe the information required to be submitted to the competent authority by petitioners, as well as the content of the certificates, and the requirements for exchange of such certificates between the countries involved.

On January 8, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-73; notice No. 71-1 (36 FR 292), which initially proposed these amendments. After further consideration, it became apparent that several additional sections of the regulations needed clarification in order to fully implement a transition from the "Special Permit" issuances for radioactive materials to the "AEC approvals," as well as to describe the related requirements pursuant to IAEA competent authority certificate issuances. Accordingly, notice No. 71-1 was superseded by a second notice of proposed rule making in the same docket, HM-73 published in the FEDERAL REGISTER on November 20, 1971, as notice No. 71-30 (36 FR 22181). Concurrent proposed revisions to Title 10 CFR Part 71 were also published by the U.S. Atomic Energy Commission on the same date. Interested persons were invited to give their views and several comments were received by the Board. These comments were generally in support of the proposed amendments as were those on the original notice.

One commenter stated that the proposed package approval procedures would lead to a duplication of effort and diverse interpertation of requirements by establishing various review groups within the USAEC. In fact, more than one package review and approval group already exists within the USAEC and these amendments recognize the approvals of any one of those USAEC groups. These amendments, however, reduce an existing duplication of effort by eliminating the requirements for issuance of a special permit by the Department. Amendments to the USAEC regulations (10 CFR Part 71) to be published soon in the FEDERAL REGISTER as well as changes to be made in that Commission's own operating rules (USAEC manual), will describe the implementation by the USAEC of the package approvals by the appropriate USAEC review group.

In these amendments, several minor changes have been made regarding the revalidation and furnishing of the IAEA competent authority certificates and the shipping paper information for export shipments of radioactive materials packages. As proposed in §§ 173.393a(a)(4) and 173.393b(a)(4), each shipper of a package described by an IAEA certificate would have been required to furnish a copy of the certificate to the competent authority of each country prior to the first export shipment. After reconsideration, the Board has modified this requirement to the effect that the shipper simply must insure that the proper certificate has been furnished, i.e., if the applicable certificate has already been supplied by another shipper, it will not be necessary for an additional copy to be furnished. Also, a requirement for the competent authority certificate to accompany each shipment of fissile class III (§ 173.393b (a)(5)) is redundant and inconsistent especially in view of the requirement in § 173.427(a)(5)(v) for certain specific shipping paper information on each fissile class III shipment. Accordingly, § 173.393b(a)(5) has been modified to require that shippers shall furnish competent authority certificates to carriers upon request. Concurrent with this, the shipping paper requirement in § 173.427 (a)(5)(vi) is deleted.

A further change has been made with respect to the requirement for revalidation of foreign made and certified packages. As proposed in each earlier notice, the revalidation of foreign-made packages which had been certified by a foreign competent authority, and which contained less than a large quantity of nonfissile radioactive material, would not have been required by the U.S. competent authority. The principal requirement would have been for the furnishing of the applicable foreign certificate to the Department and a registration by each shipper using such certificate. Upon further reconsideration, the Board feels that it would be desirable to maintain the degree of administrative control over foreign made and certified packages at the present level. Accordingly, a modification has been made to § 173.393b(a) to require that the certificate for all foreign-made packages be revalidated by the U.S. competent authority.

Several comments were received with respect to the proposed changes to 14 CFR Part 103. One commenter recommended that mention of required "Special arrangements" between shipper and carrier as made in proposed § 103.24(a)(1) should also be made in § 103.24(a)(2). The Board agrees and has amended § 103.24(a)(2), accordingly. Another commenter objected to the proposed prohibition of large quantities (also referred to as large radioactive sources) for carriage on passenger-carrying aircraft. The commenter noted that protection to the public is afforded by package integrity, and that a properly packaged large quantity shipment should present no more hazard than a properly packaged type A or B package. Although this comment has some merit in principle, the Board is of the opinion that the large radioactive source threshold is a practical and logical maximum delineating point for establishment of a quantity limit on passenger-carrying aircraft. It should be also noted in support of this opinion, that in the regulations of both IAEA and the International Air Transport Association (IATA), as well as in the domestic air tariff No. 6D provisions, the routine carriage of large sources of radioactivity on passenger- carrying aircraft is not permitted. Therefore, 14 CFR 103.19(d) has been added to impose this same requirement in the Federal Aviation Regulations.

Upon the effective date of these amendments, the Department will cease the issuance of new or amended special permits for those packages which have become subject to the USAEC approval requirements of § 173.393a. However, all existing DOT Special Permits will continue in effect until their stated expiration date. Prior to the expiration of any permit containing an IAEA certification clause, this clause will have to be replaced by a separate IAEA certification to be issued by the Department pursuant to § 173.393b. All persons concerned should submit petitions for such replacement certificates at least 45 days prior to the expiration date of the special permit.

Accordingly, 49 CFR Parts 171, 173, 174, 175, and 177 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7 paragraphs (c)(15) and (c)(16), (d)(10) and (d)(11) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(15) IAEA: International Atomic Energy Agency, Karnter Ring 11, Post Office Box 590, A-1011, Vienna, Austria (IAEA publications may be purchased in the United States from: Unipub, Inc., Post Office Box 433, New York, NY 10016).

(16) USAEC: U.S. Atomic Energy Commission, Washington, D.C. 20545. Regulations of the USAEC are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Other publications by the USAEC may be obtained from the National Technical Information Center, U.S. Department of Commerce, Springfield, Va. 22151.

(d) * * *

(10) IAEA "Regulations for the Safe Transport of Radioactive Materials," 1967 edition, safety series No. 6.

(11) United States Atomic Energy Commission (USAEC).

(i) Title 10, Code of Federal Regulations, Part 71 is titled "Packaging of Radioactive Materials for Transport and Transportation of Radioactive Materials Under Certain Conditions."

PART 173—SKIPPERS

(A) In Part 173 table of contents, §§ 173.393a and 173.393b are added to read as follows:

Sec.

173.393a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

173.393b International shipments and foreign-made packages; standard requirements and conditions.

(B) Section 173.393a is added to read as follows:

§ 173.393a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.

(a) In addition to the applicable requirements of the USAEC approval and Parts 170–189 of this subchapter, each shipper of a package containing radioactive material, which has been approved by the U.S. Atomic Energy Commission in accordance with § 173.394(b)(3), (c)(2), § 173.395(b)(2), (c)(2), § 173.396(b)(4), or § 173.396(c)(3), also shall comply with the following:

(1) Before the first shipment in a package approved by the U.S. Atomic Energy Commission for use by another person, each shipper shall register in writing with the USAEC, Division of Materials Licensing, his name and address, the name of the person to whom the USAEC approval was issued, and the approval number assigned to the package. Each shipper shall have a copy of the USAEC approval and the document referred to in the approval in his possession. Each shipment must be made in compliance with the terms and conditions of the approval;

(2) The outside of each package must be durably and legibly marked with the package identification marking indicated in the USAEC approval;

(3) Each shipping paper related to the shipment of this package must bear a notation of the package identification marking indicated in the USAEC approval;

(4) Before the first export shipment of the package, the shipper shall submit a copy of the applicable competent authority certificate applying to that package design to the competent national authority of each country into or through which the package will be transported, unless a copy has already been furnished to this party by another person. (Detailed requirements for the issuance and content of competent authority certificates are provided in marginal C–6 of the IAEA "Regulations for the Safe Transport of Radioactive Materials, safety series No. 6, 1967 edition," hereinafter referred to as the "IAEA Regulations." A list of the national competent authorities of each country is published annually by the IAEA.);

(5) Each package of fissile radioactive material must be marked with the numerical value for the transport index if the shipment is fissile class II. Any vehicle limitation indicated in the USAEC approval applies if the shipment is fissile class III; and

(6) For a fissile class III shipment the statement prescribed in § 173.427(a)(5)(v) must be included with the shipping papers.

(C) Section 173.393b is added to read as follows:

§ 173.393b International shipments and foreign-made packages; standard requirements and conditions.

(a) In addition to the other applicable requirements of Parts 170–189 of this subchapter, each shipper of a package containing radioactive material, for which a foreign competent authority certificate has been issued and revalidated pursuant to the IAEA regulations and § 173.394(b)(4), § 173.394(c)(3), § 173.395(b)(3), § 173.395(c)(3), § 173.396(b)(5), or § 173.396(c)(4), also shall comply with the following:

(1) Before the first shipment of the package, each shipper shall register in writing his identity and type of package with the Office of Hazardous Materials, U.S. Department of Transportation, Washington, D.C. 20590, furnishing a copy of the foreign certificate or revalidation thereof which is applicable to that package, unless a copy has already been furnished by another person;

(2) The outside of each package must be durably and legibly marked with the competent authority identification marking indicated on the certificate or revalidation;

(3) Each shipping paper related to the shipment of the package must bear a notation of the package identification marking indicated in the certificate or revalidation;

(4) Before the first export shipment of the package, the shipper shall furnish a copy of the applicable competent authority certificate applying to that package design and any required revalidation, to the competent national authority of each country through or into which the package will be transported, unless a copy has already been furnished by another person;

(5) The applicable competent authority certificates need not accompany the packages to which they relate. However, the shipper shall supply them to the carrier upon request; and

(6) For a fissile class III shipment, the statement prescribed in § 173.427(a)(5)(v) must be included with the shipping papers.

(b) The designated competent authority in the USA responsible for administering the requirements (Marginal C–6) of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Materials," Safety Series No. 6, 1967 Edition, is:

Office of Hazardous Materials, U.S. Department of Transportation, Washington, D.C. 20590.

(c) Any request for a competent authority certificate required by the IAEA regulations must be submitted in writing to the address given in paragraph (b) of this section. This request should be in duplicate and must contain all the information required by the applicable subsection of Marginal C–6 of the IAEA regulations. Unless there is good reason for priority treatment, each request will be considered in the order in which it is received. To permit timely consideration, requests should be submitted at least 45 days prior to the requested effective date.

(D) In § 173.394 paragraphs (b)(3) and (c)(2) are amended; paragraphs (b)(4) and (c)(3) are added to read as follows:

§ 173.394 Radioactive material in special form.

* * * * * * *

(b) * * *

(3) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(c) * * *

(2) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(E) In § 173.395 paragraph (b)(2) and (c)(2) are amended; paragraphs (b)(3) and (c)(3) are added to read as follows:

§ 173.395 Radioactive material in normal form.

* * * * * * *

(b) * * *

(2) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(c) * * *

(2) Any other Type B packaging for large quantities of radioactive materials which meets the pertinent requirements in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(F) In § 173.396 paragraphs (b)(4) and (c)(3) are amended; paragraphs (b)(5) and (c)(4) are added; paragraph (d) and Note following are canceled; the introductory text of paragraph (g) and paragraph (g)(2) are amended; paragraph (g)(3) is added to read as follows:

§ 173.396 Fissile radioactive material.

* * * * * * *

(b) * * *

(4) Any other Type A or B packaging for fissile radioactive materials which also meets the pertinent standards for

packaging in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(5) Any other Type A or B packaging for fissile radioactive materials which also meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(c) * * *

(3) Any other Type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority certificate has been revalidated by the Department.

(d) [Canceled].

NOTE: [Canceled.]

* * * * *

(g) A fissile class III shipment may be made only in accordance with subparagraphs (1), (2), or (3) of this paragraph, or in accordance with other procedures authorized by the Department. The transport controls must provide nuclear criticality safety and must be carried out by the shipper or carrier, as appropriate, to protect against loading, storing, or transporting of that shipment together with any other fissile material.

* * * * *

(2) Except for shipments by aircraft, transportation under escort by person in a separate vehicle, with the escort having the capability, equipment, authority, and instructions to provide administrative controls adequate to assure compliance with this paragraph; or

(3) Transportation in a transport vehicle containing no other packages of radioactive material which are required to bear one of the "Radioactive" labels described in § 173.414. Specific arrangements must be effected between shipper and carrier, with instructions to that effect issued with the shipping papers.

* * * * *

(G) In § 173.427 paragraph (a)(5)(v) is amended; (a)(5)(vi) is canceled as follows:

§ 173.427 Shipping papers.

(a) * * *

(5) * * *

(v) For a fissile radioactive material, the fissile class of the package. For a fissile class III shipment, the additional notations:

Warning—Fissile Class III Shipment. Personnel Handling and Stowing this Shipment Must be Advised to not Load More Than * * * Package per Vehicle. (* * * to be replaced by appropriate number.) In any Loading or Stowage Area, this Shipment Must be Segregated by at Least 20 Feet From Other Packages Bearing Radioactive Labels.

If a fissile class III shipment is to be transported by water the supplementary notation must also include the following statement:

For Shipment by Water Only One Fissile Class III Shipment is Permitted in a Hold.

(vi) [Canceled].

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.586 paragraph (h)(3) is added to read as follows:

§ 174.586 Handling hazardous materials.

* * * * *

(h) * * *

(3) Each fissile class III radioactive material shipment (as defined in § 173.389 (a)(3) of this subchapter) must be transported in accordance with one of the methods prescribed in § 173.396(g) of this subchapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipment. In loading and storage areas each fissile class III shipment must be segregated by a distance of at least 20 feet from other packages required to bear one of the "radioactive" labels described in § 173.414 of this subchapter.

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655 paragraph (j)(4) is added to read as follows:

§ 175.655 Protection of packages.

* * * * *

(j) * * *

(4) Each fissile class III radioactive material shipment (as defined in §173.389 (a)(3) of this subchapter) must be transported in accordance with one of the methods prescribed in § 173.396(g) of this subchapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipment. In loading and storage areas each fissile class III shipment must be segregated by a distance of at least 20 feet from other packages required to bear one of the "radioactive" labels described in § 173.414 of this subchapter.

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

In § 177.842 paragraph (f) is added to read as follows:

§ 177.842 Radioactive material.

* * * * *

(f) Each fissile class III radioactive material shipment (as defined in § 173.389(a)(3) of this subchapter) must be transported in accordance with one of the methods prescribed in § 173.396(g) of this subchapter. The transport controls must be adequate to assure that no fissile class III shipment is transported in the same transport vehicle with any other fissile radioactive material shipment. In loading and storage areas each fissile class III shipment must be segregated by a distance of a least 20 feet from other packages required to bear one of the "Radioactive" labels described in § 173.414 of this subchapter.

This amendment is effective June 30, 1973. However, compliance with the regulations as amended herein is authorized immediately.

(Sec. 831–835, Title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, title VI; sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on February 2, 1973.

W. F. REA III,
Rear Admiral, Board Member for the U.S. Coast Guard.

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

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

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

NOTE: Incorporation by reference approved by the Director of the Federal Register February 9, 1973.

[FR Doc.73-2848 Filed 2-13-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-7; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading, Miscellaneous Amendments

This notice responds to a petition for reconsideration of 49 CFR § 571.126, Motor Vehicle Safety Standard No. 126, Truck-camper loading, with an amendment allowing optional wording of a portion of the placard to be affixed to campers, and of other required information. The amendments are effective February 14, 1973.

On August 15, 1972, Motor Vehicle Safety Standard No. 126 was originally published (37 FR 16497). In response to petitions for reconsideration the standard was republished on December 14, 1972 (37 FR 26605), with amendments that included minor changes in the text of information required to be furnished to purchasers of slide-in campers.

Paragraph S5.1.2(a) of Standard No. 126 requires each manufacturer of a slide-in camper to provide in a manual or other document delivered with each camper "the statement and information provided on the certification label as specified in paragraph S5.1.1". Among this information is the month and year that the camper was manufactured. The Trailer Coach Association has asked in a letter dated December 29, 1972, that

wording such as "see certification label for date of manufacture" be substituted for the month and year of manufacture, contending that "to require manufacturers to list the month and year of manufacture in each vehicles owner's manual would be an unnecessary hardship in view of the production and shipping schedule which varies greatly from time to time during the year."

The NHTSA believes that the request of TCA is reasonable, and is treating TCA's letter as a petition for reconsideration filed pursuant to 49 CFR 553.35. However, since the information requirement became effective January 1, 1973, and because of the possibility that manufacturers now providing this data may wish to continue to do so, the manufacturer should have the option of including either the month and year of manufacture or a reference to the certification label. The standard is being amended to provide this option.

In the amendments published on December 14, 1972, two minor changes were made in terminology. In paragraph S5.1.2(c) the phrase "total load", which appears twice, was changed to "total cargo load" as a clarification. Further clarification was provided in an amendment to figure 2, Camper Center of Gravity Information where the legend "Mount at Aft End of Truck Cargo Area" was changed to "Point That Contacts Rear End of Truck Bed". In view of the amendments to § 575.103 delaying the effective date 30 days until April 1, 1973, and permitting use of the earlier form until October 1, 1973 (Docket No. 71-7; Notice 6 (38 FR 4400)), camper manufacturers who have printed manuals with the old terminology should be afforded the same opportunity as truck manufacturers to exhaust obsolete stocks of materials. Appropriate amendments are therefore made to Standard No. 126, including a 30-day delay in the pictorial information that was to have been provided as of September 1, 1973.

In consideration of the foregoing 49 CFR 571.126 Motor Vehicle Safety Standard No. 126 is amended as follows:

1. The last sentence of paragraph S5.1.2 is revised to read: The information in paragraphs S5.1.2(e) and S5.1.2 (f) shall also be provided with each camper manufactured on or after October 1, 1973.

2. Paragraph S5.1.2(a) is revised to read:

(a) The statement and information provided on the certification label as specified in paragraph S5.1.1. Instead of the information required by subparagraphs (c) and (d) of paragraph S5.1.1 a manufacturer may use the statements, "See camper certification label for month and year of manufacture" and "This camper conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture". If water, bottled gas, or refrigerator (icebox) has been omitted from this statement, the manufacturer's information shall note such omission and advise that the weight of any such item when added to the camper, should be added to the maximum camper weight figure used in selecting an appropriate truck.

3. Paragraph S5.1.2(c) is amended by adding the following sentence at the end thereof: Until October 1, 1973, the phrase "total load" may be used instead of "total cargo load".

4. Paragraph S5.1.2(e) is amended by adding the following sentence at the end thereof: Until October 1, 1973, the phrase "Mount at Aft End of Truck Cargo Area" may be used in figure 2 instead of "Point That Contacts Rear End of Truck Bed".

Effective date. February 14, 1973. Because the amendments create no additional burden it is found for good cause that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 112, 114, and 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority 49 CFR 1.51).

Issued February 12, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-3005 Filed 2-12-73;12:39 pm]

[Docket No. 71-7; Notice 6]

PART 575—CONSUMER INFORMATION

Truck-Camper Loading; Miscellaneous Amendments

This notice responds to petitions for reconsideration of 49 CFR 575.103, Truck-camper loading, with amendments extending the effective date to April 1, 1973, and allowing optional wording of certain statements until October 1, 1973.

On December 14, 1972, Part 575 of Title 49, Code of Federal Regulations, was amended by adding § 575.103 Truck-camper loading (37 FR 26607). The amendment was in essence that portion of Federal Motor Vehicle Safety Standard No. 126, Truck-camper loading that applied to manufacturers of trucks accommodating slide-in campers, as originally published on August 15, 1972 (37 FR 16497). Pursuant to 49 CFR 553.35, petitions for reconsideration of § 575.103 have been filed by General Motors Corp., and International Harvester Co. Ford Motor Co. has asked for a clarification.

In response to information contained in these petitions the regulation is being amended in certain respects, and a new effective date of April 1, 1973, adopted. Requested changes in other requirements of the regulation are denied.

1. *Effective date.* Both petitioners request delay of the effective date of the regulation for at least 60 days, until May 1, 1973, at the earliest. One reason for the request is that petitioners had printed their manuals on the basis of the notice of August 15, 1972, and that the additional time is needed to print new materials conforming to modified texts published December 14, 1972. General Motors also states that the additional time is needed to prepare and disseminate data in a manner meeting the requirement that it be available to prospective purchasers. While data has been prepared for each truck, it has not yet been consolidated into a single sheet or pamphlet suitable for showroom display and availability. The requests of both petitioners reflect the probability that the material will not be submitted to the Administrator at least 30 days before it is available to prospective purchasers, as required by § 575.6(c), and the possibility that the data will not be ready by March 1, 1973.

The NHTSA has determined that good cause has been shown for postponement of the effective date until April 1, 1973. This agency recognizes, however, that the minor textual changes made in the December notice create problems of conformity for those manufacturers who in good faith relied on the August notice in ordering materials. Accordingly, the regulation is being amended to allow the earlier wording on an optional basis until October 1, 1973. These amendments permit use of the phrase "total load" instead of "total cargo load" in paragraph (e)(3) where it twice appears, and the legend "Aft End of Cargo Area" for "Rear End of Truck Bed" in Figure 1, Truck Loading Information. The word "rating" appearing on the last line of paragraph (e)(5) is properly "ratings" as printed in the August notice, and a correction is made. Further, the NHTSA considers it important that a manufacturer fulfill the requirements of § 575.6(b) by making information available to prospective purchasers when trucks manufactured on or after April 1, 1973, are placed on sale. Considering the short leadtime between December 14, 1972, and February 1, 1973, and the intervening holidays, the NHTSA will not take enforcement action with respect to the furnishing of information under §§ 575.103 and 575.6(c) prior to April 1, 1973, if manufacturers provide information to this agency as required by those sections not later than the date by which the information must be provided to prospective purchasers.

2. *Administrative Procedure Act.* Harvester believes that the Administrative Procedure Act, was violated in that interested persons were not provided an opportunity to comment upon providing information under Part 575 prior to enactment of § 575.103. The NHTSA views Harvester's comment as a narrow construction of the requirements of the Act, and disagrees with petitioner's conclusion. The content of § 575.103 was proposed on April 9, 1971 (36 FR 6837) and adopted as a safety standard on August 15, 1972 (37 FR 16497). Pursuant to petitions for reconsideration from Chrysler Corp., Ford Motor Co., General Motors, Jeep Corp., and Motor Vehicle Manufacturers' Association that Standard No. 126 would be more appropriate as a consumer information regulation, the NHTSA adopted § 575.103 on December 14, 1972, with content virtually identical to that issued in the previous August. Thus the agency considers it has met 5 U.S.C. § 553 by providing notice of the terms and substance of the rule, and an opportunity to comment. It is true that notice was not provided on the specific issue that distinguishes the consumer information regulation from a motor vehicle safety standard (i.e., availability of information to a prospective purchaser

and the agency at specified time periods), but the NHTSA considers this issue a minor one in relation to the regulation as a whole for which adequate notice was given. In view of the weight of comment that the standard should properly be a consumer information regulation, no further notice was deemed necessary. The NHTSA has already in this notice indicated its willingness to liberally interpret § 575.6(c) because of the time factor involved.

3. *Clarification.* Ford Motor Co. has asked for a clarification of the term "weight of occupants" used to compute "cargo weight rating," as defined by the regulation. Specifically, Ford inquires whether the weight is that of a 95th percentile male—that of an "occupant" as defined by § 571.3(b)—or that of a person weighing 150 pounds, the figure applicable to other consumer information regulations and used in the safety standards.

The NHTSA intended "weight of occupants" to be the "normal occupant weight" figure of 150 pounds specified in Motor Vehicle Safety Standard No. 110, rather than that of a 95th percentile male, which is greater. To clarify this, the phrase, "computed as 150 pounds times the number of designated seating positions" is added to the regulation.

In consideration of the foregoing, 49 CFR 575.103, *Truck-camper loading,* is amended as follows:

1. The definition of "cargo weight rating" in paragraph (d) is revised to read: "Cargo weight rating" means the value specified by the manufacturer as the cargo-carrying capacity, in pounds, of a vehicle, exclusive of the weight of occupants, computed as 150 pounds times the number of designated seating positions.

2. Paragraph (e)(1) is revised by adding the following sentence at the end thereof: Until October 1, 1973, the phrase "Aft End of Cargo Area" may be used in figure 1 instead of "Rear End of Truck Bed".

3. Paragraph (e)(3) is revised by adding the following sentence at the thereof: Until October 1, 1973, the phrase "total load" may be used instead of "total cargo load".

4. The last word of paragraph (e)(5) is corrected to read "ratings".

Effective date: April 1, 1973.

(Sec. 112 and 119, Public Law 89-563; 80 Stat. 718, 15 USC 1401, 1407; delegation of authority 49 CFR 1.51)

Issued February 12, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-3004 Filed 2-12-73;12:39 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1120; Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of February 1973.

Upon further consideration of Service Order No. 1120 and good cause appearing therefor:

It is ordered, That, § 1033.1120 *Service Order No. 1120 (Distribution of Covered Hopper Cars)* be, and it is hereby, amended by substituting the following subparagraph (2) of paragraph (a) for subparagraph (2) of paragraph (a) thereof:

(a)(2) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on February 1, 1973.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 8, 1973.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2944 Filed 2-13-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-9974]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Temporary Suspension of Exempted Securities

In the days immediately preceeding the effective date of Rule 15c3-3 under the Securities Exchange Act of 1934, as stated in Securities Exchange release No. 9856 [37 FR 25226] on Monday, January 15, 1973, the Commission was informed that certain banking and other financial institutions were unaware that the rule, specifically paragraph (m), applied to exempted securities (e.g., U.S. Government and municipal obligations), or that these institutions were to be considered customers of a broker-dealer and thus subject to the buy-in provisions of paragraph (m) of the rule. It has been represented to the Commission that the application of paragraph (m) to exempted securities may create operational hardships with respect to the delivery of exempted securities, and, in this connection, the Commission has been requested to reconsider the applicability of the rule with respect to exempted securities, particularly with regard to paragraph (m).

Paragraph (m) of Rule 15c3-3 requires that if a broker-dealer executes a sell order for a customer and if for any reason the broker-dealer has not obtained possession of the securities from the customer within 10 business days after settlement date, the broker-dealer shall immediately thereafter close the transaction by purchasing securities of like kind and quantity. The purpose of this provision is to insure that a broker-dealer promptly obtains possession of securities sold by customers. Prompt possession is necessary in order for the broker-dealer to be able to comply with other provisions of the rule to reduce customers' fully paid and excess margin securities to his possession or control and for the broker-dealer to be able to promptly redeliver to other broker-dealers to whom deliveries are owed. A further objective of this provision is to improve the securities processing mechanisms employed by the securities industry by increasing the availability of securities to make deliveries and to accomplish timely settlements and thereby reduce fails in the settlement process.

The Commission does not intend that a provision designed to improve the financial responsibility and related practices of broker-dealers cause operational hardships. The Commission therefore suspends the operation of paragraph (m) as to sell orders for exempted securities (e.g., U.S. Government and municipal obligations), until March 1, 1973.

The Commission is soliciting the comments of interested persons regarding the operational problems encountered by customers in making deliveries of exempted securities within the designated time frame of paragraph (m). After reviewing these comments, the Commission will set forth its views on these matters. Comments should be addressed to Lee A. Pickard, Associate Director of the Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should be received no later than February 20, 1973.

Broker-dealers are reminded that paragraph (m) remains in effect as to sale transactions by all customers, including such financial institutions, with regard to all securities other than exempted securities.

The suspension of paragraph (m) with regard to exempted securities relieves a restriction within the meaning of 5 U.S.C. 553(d) and is effective immediately.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 30, 1973.

[FR Doc.73-2913 Filed 2-13-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 112]

OSAGE TRIBE OF INDIANS IN OKLAHOMA

Distribution of Judgment Funds

FEBRUARY 5, 1973.

Notice is hereby given that it is proposed to add a new Part 112 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations as set forth below. This addition is proposed pursuant to the authority contained in 5 U.S.C. 301 and the Act of October 27, 1972 (86 Stat. 1295).

The purpose of the proposed regulations is to govern the distribution of judgment funds awarded to the Osage Tribe of Indians in Oklahoma in Indian Claims Commission Dockets 105, 106, 107, and 108, including accrued interest.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Associate Solicitor of Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240, on or before March 16, 1973.

It is proposed to add a new Part 112 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

PART 112—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Sec.

112.1 Definitions.
112.2 Purpose.
112.3 Notice of time limit and place for filing claims.
112.4 Issuance of Orders of Distribution.
112.5 Segregation of per capita shares.
112.6 Distribution of share of deceased allottee.
112.7 Notice of orders to claimants and distributees.
112.8 Appeal from an Order of Distribution.
112.9 Disbursement of distributed shares.
112.10 Miscellaneous provisions.

AUTHORITY: 5 U.S.C. 301; 86 Stat. 1295.

§ 112.1 Definitions.

(a) "Act" means the Act of October 27, 1972 (86 Stat. 1295).

(b) "Allottee" means a person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539).

(c) "Associate Solicitor" means the Associate Solicitor—Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240.

(d) "Distributee" means one to whom a distribution is ordered pursuant to the regulations in this part.

(e) "Secretary" means the Secretary of the Interior or his authorized representative.

(f) "Superintendent" means the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056.

§ 112.2 Purpose.

The regulations in this part govern the distribution, pursuant to the Act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma. All funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, are to be distributed, except the sum of $1 million and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

§ 112.3 Notice of time limit and place for filing claims.

The Act provides for distribution of funds to allottees and heirs of Osage Indian blood of deceased allottees.

(a) All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, not later than April 27, 1974. An individual who claims as an heir of Osage Indian blood should make a timely filing of a claim which identifies, by name and allotment number, each allottee in whose share the individual claims an interest, in order that the Superintendent may notify the individual when the order of distribution for each such allottee is made. Failure to file a claim in this manner may prevent an individual from receiving a notice of distribution in an instance in which he is an interested party. Failure of an heir of Osage Indian blood to file a claim will not necessarily prevent the distribution to such heir of the portion of the allottee's share due that heir if sufficient evidence to support such distribution is available to the Superintendent. However, no heir who fails to file a claim within the prescribed period (on or before Apr. 27, 1974) shall after that period have any right to any distribution other than that ordered by the Superintendent based on evidence available to the Superintendent during that period. Unclaimed shares of distributees are required by statute to revert to the Osage Tribe 6 months after determination of their right to share.

(b) Distribution of a living allottee's own share will be made without the filing of a claim.

§ 112.4 Issuance of orders of distribution.

The Superintendent, Osage Agency, Bureau of Indian Affairs, Pawhuska, Okla. 74056, is authorized to issue the orders of distribution in accordance with the Act and the regulations in this part. The Superintendent's decisions thereon shall be final unless a timely appeal therefrom is filed in accordance with § 112.8.

§ 112.5 Segregation of per capita shares.

The Superintendent shall segregate one per capita share for each allottee for distribution as follows:

(a) One share for distribution to each such allottee who is living on the date the order for distribution for that share is issued; and

(b) One share for distribution to the heir or heirs of Osage Indian blood of each allottee who is deceased on the date the order of distribution for that share is issued, to be divided among such heirs in such proportions as shall be computed in accordance with § 112.6.

§ 112.6 Distribution of share of deceased allottee.

(a) The Superintendent shall issue an order of distribution which, except as otherwise provided in this § 112.6, divides the share of a deceased allottee leaving heirs of Osage Indian blood in such proportions as the allottee's heirs of Osage Indian blood would have shared in the estate of the allottee if the allottee had died intestate leaving one or more individuals of Osage Indian blood as the allottee's only heirs at law under the Oklahoma law of intestate succession. In preparing such an order, the superintendent shall accept as accurate any unambiguous determination of heirship, of an allottee or of the heir of an allottee, either made by the Secretary prior to April 18, 1912, or contained in a final order of an Oklahoma court after that date. When no such unambiguous determination is available, such order shall be based upon all other pertinent heirship evidence available to the Superintendent.

(b) When one or more of the immediate heirs of Osage Indian blood of an allottee is deceased, the heirs of Osage Indian blood of such deceased heirs shall be ascertained, successively among all remote heirs of Osage Indian blood of the allottee, in the sequence in which the

deaths of the heirs occurred until the identities of all living remote heirs of Osage Indian blood, and the respective proportions of the share to which they are entitled, have been ascertained. To qualify for distribution as an heir, it must be established that the distributee and each heir of the allottee through whom the claim is traced had Osage Indian blood acquired either from an allottee or from a common ancestor of an allottee and the distributee.

§ 112.7 Notice of orders to claimants and distributees.

Notice of an order of distribution shall be mailed, on the date of issuance of such order, to the allottee whose share is being distributed if living, but if not living, to (a) each distributee named therein, and (b) each claimant whose claim asserts entitlement to a portion of the allottee's share. Such notice shall be accompanied by a copy of the order of distribution and shall contain instructions for filing an appeal in accordance with paragraphs (a) or (b) and (c) of § 112.8.

§ 112.8 Appeal from an order of distribution.

(a) An order of distribution of the share of an allottee living on the date the order is issued shall become final 3 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 3 days.

(b) An order of distribution of the share of an allottee who is deceased on the date the order is issued shall become final 30 days from the date thereof unless an appeal is filed by an interested party with the Superintendent before the expiration of those 30 days.

(c) Each appeal must contain a statement of the reasons that the appellant considers the order of distribution to be subject to error, and each appellant must, at the time of filing his appeal, mail a copy thereof to each person named as a distributee in the order of distribution. The Superintendent shall furnish a copy of the appeal to each other interested party to whom a copy of the order of distribution was mailed.

(d) The Associate Solicitor-Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20240, is authorized to determine appeals from orders of distribution in accordance with the Act and the regulations in this part. The Associate Solicitor's decision thereon shall be final on the date of the issuance of his decision and shall constitute the final action of the Department of the Interior in connection with such appeal.

(e) The Superintendent may, in his discretion for good cause shown, order partial distribution of any undisputed segment of any share for which an appeal is pending when such distribution will not be affected by the appeal decision on the disputed portion of the share.

§ 112.9 Disbursement of distributed shares.

When an order of distribution, either as issued or as amended by decision on appeal, has become final, the Superintendent shall either disburse to distributees the amounts distributed to them or deposit such amounts to appropriate accounts, in accordance with the following guidelines:

(a) When the amount distributed to any heir is less than $20, the amount shall be segregated in a special account for that heir until all orders of distribution have become final, at which time the sum of all amounts thus segregated to such account shall be disbursed or redeposited as provided in paragraphs (b), (c), (d), and (e) of this § 112.9, if such sum equals or exceeds $20. When such sum is less than $20, such sum in each of such accounts, and all unclaimed shares, and all amounts awarded to distributees which remain unclaimed for 6 months after the order of distribution has become final, shall, subsequent to April 27, 1974, be deposited to the account of the Osage Tribe as sums which have reverted to it.

(b) Living allottees having certificates of competency shall have their distributions disbursed directly to them.

(c) Living allottees not having certificates of competency shall have their distributions deposited to their accounts, subject to withdrawal by them at their request.

(d) Heirs of Osage Indian blood who are at least 18 years of age and are not under guardianship shall have their distributions disbursed directly to them.

(e) Heirs of Osage Indian blood who are under guardianship shall have their distributions deposited to their accounts, subject to disbursement to the distributees or their guardians or other persons on their behalf on such terms and conditions as the Superintendent shall consider to be in their best interests during their legal disability, after which the remaining portion shall be disbursed to such distributees.

(f) Heirs of Osage Indian blood who are under 18 years of age shall have their distributions deposited to their accounts, with the funds represented by such deposits invested at favorable rates of return for prudent investments, to be disbursed with earnings thereon only when the respective distributees for whom they are held shall attain the age of 18 years.

§ 112.10 Miscellaneous provisions.

(a) Powers of attorney, assignments, and orders given to another person by anyone entitled to share in the payment will not be recognized.

(b) None of the funds distributed are subject to Federal or State income taxes.

W. L. ROGERS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-2910 Filed 2-13-73;8:45 am]

Bureau of Land Management

[43 CFR Parts 2070, 6250, 6290]

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Proposed Procedures and Standards

The purpose of this proposed amendment is to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands. The proposed rules would provide procedures to control and direct the use of off-road vehicles so as to protect the resources of those lands, promote the safety of all users of those lands, and minimize conflicts among the various uses of those lands. The proposed rules also would prescribe operating regulations and vehicle standards for the use of off-road vehicles. Areas and trails would be designated as open, closed, or restricted, with regard to such use.

In accordance with the Department's policy of public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until March 16, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45–4:15 p.m.).

Chapter II, Title 43, of the Code of Federal Regulations is amended as follows:

PART 2070—DESIGNATION OF AREAS AND SITES

1. A new paragraph (c) is added to § 2071.1 to read as follows:

§ 2071.1 Areas or sites that may be designated.

* * * * *

(c) The provisions of this part do not apply to designation of areas and trails for off-road vehicle use. Such designations are made pursuant to Part 6290 of this chapter.

PART 6250—RECREATION ACCESS

§ 6250.1–2 [Amended]

2. Paragraph (c) of § 6250.1–2 of Part 6250 is deleted.

Subpart 6251 [Deleted]

3. Subpart 6251 of Part 6250 is deleted.

PART 6290—OFF-ROAD VEHICLES

4. A new Part 6290 is added to Group 6200 to read as follows:

Subpart 6290—General

6290.0–1 Purpose.
6290.0–2 Objectives.
6290.0–3 Authority.
6290.0–5 Definitions.
6290.0–8 Applicability.

Subpart 6291—Use of Off-Road Vehicles

6291.1 Use of Off-Road Vehicles.

Subpart 6292—Designation of Public Lands

6292.1 Classes of designations.
6992.2 Designations.
6292.3 Designation criteria.
6292.4 Procedures for designation.

Subpart 6293—Organized Off-Road Vehicle Events

6293.1 Events requiring permits.

Subpart 6294—Management of Off-Road Vehicle Use

6294.1 Effects of use; change in designations or restrictions.

Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

6295.1 Operating regulations.
6295.2 Vehicle standards.

AUTHORITY: 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; and Executive Order 11644 (37 FR 2877).

Subpart 6290—General

§ 6290.0–1 Purpose.

The purpose of the regulations in this part is to implement Executive Order No. 11644, of February 8, 1972 (37 FR 2877).

§ 6290.0–2 Objectives.

The objective of these regulations is to provide procedures to control and direct the use of off-road vehicles on public lands so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

§ 6290.0–3 Authority.

The provisions of this part are issued under 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; and Executive Order 11644 (37 FR 2877).

§ 6290.0–5 Definitions.

As used in this part:

(a) Except as excluded hereinafter, "Off-Road Vehicle" means any vehicle designed for, or capable of, travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, including, but not limited to: Automobiles, trucks, four-wheel drive or low-pressure-tire vehicles, motorcycles and related two-wheel vehicles, snowmobiles, amphibious machines, ground-effect or air-cushion vehicles, recreation campers, and any other means of transportation deriving motive power from any source other than muscle. The term "Off-Road Vehicle" excludes: (1) Any registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; (3) any vehicle whose use is expressly authorized by a permit, lease, license, or contract issued by the authorized officer.

(b) "Public Lands" means any lands administered by the Bureau of Land Management.

(c) "Bureau" means the Bureau of Land Management.

(d) "Authorized Officer" means an employee of the Bureau of Land Management to whom has been delegated the authority to take actions under the regulations of this chapter.

§ 6290–0–8 Applicability.

The regulations in this part do not apply to State, county, or municipal highways and roads.

Subpart 6291—Use of Off-Road Vehicles

§ 6291.1 Use of Off-Road Vehicles.

(a) Off-road vehicles operated on the public lands must conform to the vehicle standards set forth in Subpart 6295 of this part.

(b) Any person who operates an off-road vehicle on public lands must comply with the operating regulations set forth in Subpart 6295 of this part at all times while operating such vehicle on public lands.

(c) Except as provided in the following sentence hereof, the operation of off-road vehicles is prohibited on those areas and trails designated as closed to off-road vehicle use. This prohibition does not apply to any vehicle while being used: (1) To explore or develop public lands for minerals pursuant to the U.S. mining laws; or (2) to conduct oil and gas geophysical exploration operations on the public lands.

(d) Operators of off-road vehicles on those areas and trails designated as restricted must conform to all terms and conditions of the applicable designation order or orders.

Subpart 6292—Designation of Public Lands

§ 6292.1 Classes of designations.

Public lands will be designated as follows with regard to off-road vehicle use:

(a) *Open use areas and trails.* These are areas and trails where off-road vehicles may be operated without restrictions, but subject to the operating regulations and vehicle standards set forth at Subpart 6295 of this part.

(b) *Restricted areas and trails.* These are areas and trails where the use of off-road vehicles is subject to restrictions deemed appropriate by the authorized officer. Restrictions may limit the numbers or types of vehicles allowed, times of use, and similar matters. Restricted areas or trails may be designated for special or intensive use, including, but not limited to, organized events.

(c) *Closed areas and trails.* These are areas and trails where the use of off-road vehicles is permanently or temporarily prohibited.

§ 6292.2 Designations.

(a) The authorized officer may designate any public lands as restricted or closed to off-road vehicle use. Public lands not so designated shall remain open to off-road vehicle use and are hereby designated as open use areas and trails.

(b) The authorized officer may redesignate any public lands, including those designated as open to off-road vehicle use, at any time hereafter if he determines that redesignation is appropriate.

§ 6292.3 Designation criteria.

Designations of restricted and closed areas and trails will be based on the following:

(a) The ability of the land and its resources to withstand and sustain off-road vehicle use impacts.

(b) Consideration of the scenic qualities of the land, and its cultural, ecological, and environmental values.

(c) The need for public use areas for intensive recreation vehicle use.

(d) Consideration of the impacts on other lands, use, and resources.

(e) The potential hazards to public health and safety, other than the normal risks involved in off-road vehicle use.

§ 6292.4 Procedures for designation.

(a) *Public participation.* The authorized officer shall designate and redesignate areas and trails in conformance with the Bureau of Land Management planning system. In making designations, he will consult with interested user groups, Federal, State, county, and local agencies, local landowners, and other parties as he deems appropriate.

(b) *Identification of designated areas and trails.* The authorized officer shall take appropriate measures to identify areas and trails designated as restricted or closed so that the public will be aware of their locations and restrictions applicable thereto. Public notice of such designations shall be given through publication in local newspapers, and copies of such notices shall be available to the public in local Bureau offices. Areas and trails so designated shall be posted appropriately. The authorized officer will make available to the public such other informational material as may be appropriate.

Subpart 6293—Organized Off-Road Vehicle Events

§ 6293.1 Events requiring permits.

No person or association of persons may conduct any race, rally, meet, contest, or other type of organized event involving the use of off-road vehicles, on public lands without first obtaining a permit to do so from the authorized officer pursuant to Subpart 2924 of Part 2920 of this chapter.

Subpart 6294—Management of Off-Road Vehicle Use

§ 6294.1 Effects of use; changes in designations or restrictions.

The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever he deems it necessary to carry out the objectives of this part, he may amend, revise, or revoke any designations or restrictions made pursuant to the regulations in this part.

Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

§ 6295.1 Operating regulations.

No person may operate an off-road vehicle on public lands without a valid motor vehicle operator's license or learner's permit. Persons under licensing or permitting age must be accompanied and supervised by a person 21 years of age or older who has a valid operator's license. No person shall operate an off-road vehicle on public lands:

(a) In a reckless, careless, or negligent manner;

(b) In excess of established speed limits;

(c) While under the influence of alcohol or drugs;

(d) In a manner likely to cause excessive damage to or disturbance of the land, wildlife or vegetative resources; or

(e) During darkness without lighted headlights and taillights.

§ 6295.2 Vehicle standards.

No off-road vehicle may be operated on public lands unless it conforms to applicable State laws and regulations relating to registration, operation, and inspection. All off-road vehicles shall be equipped with adequate and operating brakes, mufflers, and spark arresters. No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise, may be operated on public lands.

CURT BERKLUND,
Deputy Assistant, Secretary of the Interior.

FEBRUARY 2, 1973.

[FR Doc.73-2866 Filed 2-13-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 28]

OPERATION OF VEHICLES ON NATIONAL WILDLIFE REFUGES

Notice of Proposed Rule Making

Section 3 of Executive Order 11644, requires that the heads of Federal agencies shall develop and issue regulations and administrative instructions to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted. These regulations are required to direct that the designation of such areas and trails will be based upon the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations are to further require that areas and trails shall be located to minimize: Damage to resources; harassment of wildlife and disruption of wildlife habitats; and conflicts between off-road vehicle use and other existing or proposed recreational uses of the public lands, and to insure compatibility of off-road vehicle use with existing conditions on populated areas. Paragraph 3(a) (4) of E.O. 11644 states that areas and trails shall be located in areas of the National Park System, Natural Areas, or National Wildlife Refuges and Game Ranges only if the off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

The regulations of the Bureau of Sport Fisheries and Wildlife have been reviewed in light of Executive Order 11644, and it has been determined that these following regulations, as amended, are adequate to carry out the purpose of that Executive order.

The Bureau of Sport Fisheries and Wildlife provides for general and permanent regulations governing the National Wildlife Refuge System, in Subchapter C, Parts 25, 26, 28, and 29 of Title 50, Code of Federal Regulations. National Fish Hatcheries are coded in Subchapter E with references made to Parts 26, 28, and 29.

Section 25.2 cites the fundamental purpose and wildlife management responsibilities of the Bureau. The following subsections of Title 50, CFR, are applicable to off-road vehicle use: §§ 26.2 prohibiting trespassing; 26.3 controlling entry and use; 26.14 which states, "travel in or use of any motorized vehicle, including land, water, ice, snow, and aircraft types is prohibited on areas within the National Wildlife Refuge System, except on specific routes of travel or in designated areas posted for public use by the officer in charge, "; 26.20 concerning disorderly conduct; 28.1(b) concerning permits for access to wildlife refuges; 28.6 concerning use of roads and trails; 28.7 concerning operation of vehicles; 28.8 concerning the possession, use and transportation of firearms on wildlife refuge areas; 28.17 concerning the types of use that will be permitted in wildlife refuge areas; 28.25 providing for the issuance of special regulations concerning public use, access, and recreation within certain individual wildlife refuge areas; and 29.3 concerning the granting of permission for nonprogram uses.

These sections are considered to provide adequate regulations of off-road vehicles on National Wildlife refuges as required by Executive Order 11644 with the exception of § 28.7 which it is proposed to amend as follows:

§ 28.7 Operation of vehicles.

* * * * *

(i) All vehicles shall be equipped with a proper muffler in good working order and in constant operation that conforms to the laws of the State in which the refuge is located and no vehicle shall have a muffler cutout, bypass, or similar device. A vehicle that produces unusual or excessive noise or other pollutants shall not be permitted. A Refuge Manager, by posting of appropriate signs or by marking on a map which shall be available in the office of the Refuge Manager, may require that a motor vehicle, operating off established roads and parking areas, shall be equipped with a spark arrestor that meets standard 5100-1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(j) A motor vehicle shall not be operated at any time without proper brakes, or from a half-hour after sunset to a half-hour before sunrise without working headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose boundaries the refuge is located.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. In accordance with this policy, the abovementioned amended regulations of the Bureau of Sport Fisheries and Wildlife in 50 CFR, are issued as notices of rulemaking, and are subject to public comment, objection, and suggestion, prior to final issuance. Accordingly, interested persons may submit written comments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C., on or before March 16, 1973.

O. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 29, 1973.

[FR Doc.73-2868 Filed 2-13-73;8:45 am]

National Park Service

[36 CFR Parts 2, 4, 7]

PUBLIC USE AND RECREATION; VEHICLES AND TRAFFIC SAFETY

Off Road Use of Vehicles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend portions of Parts 2, 4, and 7 of title 36, concerning off road use of vehicles as set forth below.

The purpose of these changes is to clarify, reorganize, and bring the regulations concerning snowmobiles and motor vehicles operated off road into conformity with the requirements of sections 3 and 4 of Executive Order 11644, to amend and reorganize the regulations concerning saddle and pack animals, travel on trails and bicycles, and to amend special regulations concerning motor vehicles on the beach at Fire Island National Seashore and Cape Cod National Seashore and snowmobiles at Delaware Water Gap National Recreation Area to ensure that these special regulations are consistent with the general regulations amendments proposed concerning snowmobiles and motor vehicles.

Specifically, the general regulations amendments concerning snowmobiles and motor vehicles operated off road state the criteria by which a Superintendent will determine whether an area or route shall be designated as open for off road use of a motor vehicle or use of a snowmobile. The regulations also provide operating conditions under which snowmobiles and motor vehicles will be operated off road.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director, National Park

Service, Department of the Interior, Washington, D.C., on or before March 16, 1973.

PART 2—PUBLIC USE AND RECREATION

It is proposed that § 2.23 be amended to read as follows:

§ 2.23 Saddle and pack animals.

• • • • •

(f) Pedestrians on trails or routes established for use of horses or other saddle or pack animals shall remain quiet when such animals are passing.

It is proposed that § 2.27 be amended to read as follows:

§ 2.27 Special events.

(a) Sports events, pageants, reenactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(b) As a condition of permit issuance, the Superintendent may require the filing of a bond with satisfactory surety payable to the Director, to cover costs such as restoration, rehabilitation, and clean-up, of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

It is proposed that § 2.30 be renamed National Scenic Trails and be amended to read as follows:

§ 2.30 National Scenic Trails.

• • • • •

(b) [Deleted]

• • • • •

It is proposed that § 2.34 be amended to read as follows:

§ 2.34 Snowmobiles.

• • • • •

(c) *Use in designated areas.* (1) The use of snowmobiles is prohibited, except in areas and on routes designated by the Superintendent by posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route for snowmobile use the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route has been designated as open for snowmobile use in accordance with paragraph (c)(1) of this section the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of snowmobiles by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(d) *Vehicle suitability.* (1) Every snowmobile shall be equipped with a muffler in good working order any time the snowmobile is operating. Operating a snowmobile equipped with a muffler cutout, bypass, or similar device is prohibited.

• • • • •

PART 4—VEHICLES AND TRAFFIC SAFETY

It is proposed that § 4.3 be amended to read as follows:

§ 4.3 Bicycles.

• • • • •

(c) In natural and historical areas, the use of bicycles is prohibited, except on established public roads and parking areas, and on routes designated for their use by the posting of signs or by marking on a map which shall be available at the office of the Superintendent, or both.

(d) In recreational areas, the use of bicycles is permitted unless restricted by posted signs or by marking on a map which shall be available at the office of the Superintendent, or both.

It is proposed that § 4.19 be amended to read as follows:

§ 4.19 Travel on roads and designated routes.

(a) *Natural and historical areas.* In natural and historical areas, the use of motor vehicles outside of established public roads or parking areas is prohibited.

(b) *Recreational ares.* (1) In recreational ares, the use of motor vehicles outside of established public roads or parking areas is prohibited, except in areas and on routes designated by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route outside of established public roads or parking areas for general motor vehicle use, or for use of particular types of motor vehicles, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and shall also consider factors such as other visitor uses, safety, wildlife mnagement, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use notice of such intention shall be published in the FEDERAL REGISTER, and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route outside of an established public road or parking area has been established as open for motor vehicle use in accordance with paragraph (b)(1) of this section, the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicle, by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife mangement, noise, erosion, geography, weather, vegetation, resource protection, and other management consideration. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(c) *Vehicle suitability.* (1) Operating a motor vehicle other than a wheeled vehicle equipped with pneumatic tire is prohibited: *Provided*, That operating a track-laying vehicle or a vehicle equipped with a similar traction device is permitted in dry sand or marsh areas on routes, designated by the Superintendent for use of such vehicles pursuant to paragraph (b)(1) of this section.

(2) The operation of a motor vehicle that will damage or be likely to damage the surface of the road or route, beyond wear and tear normally caused by the pneumatic tires or trck with which it is equipped, is prohibited.

(3) Paragraph (c)(1) and (2) of this section shall not be construed to prohibit the use, on established roads or parking areas, of ordinary detachable tire or skid chains, stud tires, or comparable safety devices under adverse road conditions.

(d) A Superintendent, by the posting of appropriate signs or by marking on a map which shall be available in the office of the Superintendent, may require that a motor vehicle, or a particular class of motor vehicle, operated off established

roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100–1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(e) A motor vehicle operated off established roads and parking areas, from a half-hour after sunset to a half-hour before sunrise, shall be equipped with lighted headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

It is proposed to add § 4.21 to read as follows:

§ 4.21 Brakes.

A motor vehicle shall be equipped with brakes in good working order in accordance with the laws and regulations for operation on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

It is proposed to amend § 7.20 to read as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* * * *

(ii) Reserve. * * *

(2) *Permits.* * * *

(iv) No permit shall be issued for any motor vehicle not equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter.

* * * * *

(4) *Rules of travel.* (i) When two motor vehicles approach from opposite direction in the same track both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

* * * * *

(iv) [Revoked]

(v) [Revoked]

* * * * *

It is proposed to amend § 7.67 as follows:

§ 7.67 Cape Cod National Seashore.

* * * * *

(c) *Private oversand vehicle operation.* (1) Operation of privately owned passenger vehicles not for hire, including the various forms of vehicles used for travel over sand, such as, but not limited to "beach buggies," on designated oversand routes or beaches in the park area without a permit, is prohibited. Such permit will be issued provided that each vehicle is equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter, and provided that the vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or designated oversand routes:

(i) Shovel,

(ii) Jack,

(iii) Tow rope or chain,

(iv) Board or similar support for jack,

(v) Low pressure tire gauge.

In addition, operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to issuance of the permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.

* * * * *

It is proposed to amend § 7.71 to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

* * * * *

(b) [Revoked]

* * * * *

Dated: January 31, 1973.

RONALD H. WALKER,
Director,
National Park Service.

[FR Doc.73-2865 Filed 2-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN OREGON AND CALIFORNIA

Reapportionment of Committee Membership

Consideration is being given to the reapportionment of committee members among districts to provide more equitable representation as recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California, and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. This order provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee, at its January 3, 1973, meeting, voted 13 to 1 to recommend reapportioning representation by shifting one producer member and his alternate from District No. 1 to District No. 2.

Production in District No. 1 has declined from nearly 2 million hundredweight a decade ago to only about 771,000 hundredweight in 1971–72, yet it still has three producer members while District No. 2 with 2 million hundredweight has only two members. With this change, representation will be more nearly in proportion to production.

All persons who desire to submit written data, views, and arguments in connection with the proposal shall file the same with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 1 and No. 4; three members from District No. 2; and one member from each of Districts No. 3 and No. 5; (2) Handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

Dated: February 9, 1973.

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

[FR Doc.73-2952 Filed 2-13-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 719, 722, 728, 775]

PRODUCERS LEASING FEDERALLY OWNED LAND

Eligibility for Certain Payment and Price-Support Loan Programs

The Department of Agriculture administers programs under which payments and price-support loans are made available to producers of feed grains, wheat, upland cotton, and other commodities. The purpose of this notice is to announce that the Department of Agriculture is considering certain changes in the conditions under which producers leasing federally owned land may participate in the 1973 payment and price-support loan programs for such commodities.

Current regulations provide that federally owned land which has been leased subject to restrictions prohibiting the production of wheat, upland cotton, and feed grains, or prohibiting the receipt of

Federal payments for diversion or set-aside of such acreage, is not eligible for participation in the wheat, upland cotton, and feed grain programs. Current regulations also provide that commodities produced in violation of restrictive leases on federally owned land are not eligible for price support.

Notice is hereby given that the Department of Agriculture is considering the issuance of amendments to regulations which would, effective with the 1973 crop year, (1) require all federally owned land presently constituted with other land to be separated and constituted as separate farms (with the exception of land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession), and (2) make all federally owned land ineligible for participation in the programs for feed grain, wheat, upland cotton, and other commodities (with the exception of land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession).

Under the proposed amendments, no price-support loans or purchases would be made available with respect to wheat, upland cotton, feed grains, or any other commodity produced on such federally owned land. However, the prohibition against the making of payments and the extension of price support with respect to commodities produced on such land would not apply during the current term of any lease to the extent that the lease permits the production of the commodities but would apply to any renewal of an existing lease or a new lease executed after the date of publication of regulations implementing the proposed policy in the FEDERAL REGISTER.

Interested persons are invited to submit written data, views, and recommendations on the proposed changes to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.). All submissions must, in order to be sure of consideration, be received not later than March 1, 1973.

Signed at Washington, D.C., on February 8, 1973.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

FEBRUARY 8, 1973.

[FR Doc.73-2963 Filed 2-13-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 11]

HORSE PROTECTION REGULATIONS

Proposed Rule Making Regarding Scars and Limitations on Boots

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Horse Protection Act of 1970 (15 U.S.C. 1821 et seq.), the Animal and Plant Health Inspection Service is considering requested changes in the regulation prescribing the limitations on boots in Title 9, Code of Federal Regulations, § 11.3, as well as considering the addition to § 11.1, Title 9, Code of Federal Regulations, of a regulation prescribing the effect of the presence of scars or similar conditions on a horse in relation to determining whether the horse is sored.

Statement of considerations. The Department has received a number of requests, including a formal request from several organizations of the Tennessee Walking Horse Industry for a more liberal regulation regarding boots. It has been requested that a heavier boot than that presently allowed be permitted in order to obtain the maximum effort from the Tennessee Walking Horse.

Also the Department has been requested to include in the regulations, a new regulation concerning the presence of scars, callouses, or granulative tissue on the coronary band/or pastern areas of horses foaled after December 9, 1970. It has been requested that horses foaled after December 9, 1970, with such conditions be considered sored and that the showing of such horses be prohibited.

As a result of these requests, the Department is instituting this rule making procedure to develop all the relevant facts pertaining to the requested changes. A decision will then be made as to whether the regulations should be changed.

The Department is requesting data, views, arguments, and any other information from the public relating to the need, if any, of revising the boot regulations and/or the need for such a scar regulation. Such data, views, or arguments would be most useful if they contain published scientific articles or other evidence supporting the views of the writer. The publishing of this notice should not be construed to mean that the present regulations are, in any way, negated. The regulations published on February 1, 1972, and amended May 4, 1972, are in effect and will continue to be enforced until such time as they may hereafter be amended.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Inspection Service, Room 324-E, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 before March 16, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at Room 403, Federal Center Building, Hyattsville, Md., during regular hours of business (8 a.m.-4:30 p.m., Monday-Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1973.

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

[FR Doc.73-2902 Filed 2-13-73;8:45 am]

Commodity Credit Corporation

[7 CFR Parts 1421, 1446]

PEANUTS

Loan and Purchase Program for 1973 Crop

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations concerning a loan and purchase program for 1973 crop peanuts. This notice also provides that interested persons may submit to the office designated below written data, views, and recommendations, concerning the proposals not later than March 9, 1973.

The program will include: (1) Loan and purchase rates, (2) the method by which loans and purchases will be made, (3) eligibility requirements, (4) storage requirements, (5) sales provisions, (6) area and period of the program, and (7) other operating provisions necessary to carry out the program.

Authority for such actions are sections 101, 401, and 403 of the Agricultural Act of 1949, as amended, (63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, (62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c).

Section 101 of the Agricultural Act of 1949 directs the Secretary to make support available on peanuts to cooperators, if producers have not disapproved marketing quotas, at a level between 75 and 90 percent of the parity price, with the minimum permissible level of support within such range to be determined by the supply percentage.

Section 401 of that act requires that in determining the level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels of which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Section 403 of the act provides that appropriate adjustments may be made in the support level for differences in grade, type, quality, location, and other factors. The average of any such adjustment shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year determined in accordance with the Agricultural Act of 1949, as amended.

Current program provisions regarding peanut warehouse storage loans and

sheller purchases may be found in regulations in Title 7, Part 1446 of the Code of Federal Regulations. Current program provisions regarding peanut farm storage loans may be found in regulations governing loans, purchases and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

In connection with the 1973 crop loan and purchase program the Department is giving consideration to: (a) Eliminating the sheller purchase program, (b) making peanuts with visable *Aspergillus flavus* mold of the type that produces aflatoxin ineligible for price support, and (c) requiring producers to assume storage, handling and inspection costs on peanuts placed under warehouse storage loans.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations, which are submitted in writing to the Director, Oilseeds, and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agricultural, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than March 9, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C. on February 9, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-2954 Filed 2-13-73;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210, 220, 245]

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS, AND DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the regulations governing the operation of the National School Lunch Program, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses, and the Special Food Service Program for Children, and the regulations for Determining Eligibility for Free and Reduced Price Meals, for the purpose of implementing the amendments made to the National School Lunch Act and the Child Nutrition Act of 1966 by Public Law 92-433, approved September 26, 1972.

The proposed amendments to the regulations are intended to accomplish the following: (1) Under Part 210, initiate a system of performance funding in fiscal year 1974 to replace the present system of apportioning National School Lunch Program and School Breakfast Program funds. Such a system would provide reimbursement for all lunches and breakfasts on the basis of national average basic payments which would be prescribed annually by the Secretary; (2) under Part 210 permit States and regional offices to make advance payments of school lunch funds to participating schools. Such authority is similar to that presently available under Part 220 governing the School Breakfast Program; (3) under Parts 210 and 220, remove the Federal restriction on competitive food services in the National School Lunch and School Breakfast Programs if the proceeds inure to the school or school-approved student organization; (4) under Part 245, provide that free and reduced price standards are applicable to lunches and to breakfasts as well as specify the Federal, State, and local free and reduced price requirements and set forth time frames for completing these requirements. Also, language clarifications are made to refer to the proposed amendment to the Secretary's income poverty guidelines with respect to defining "income" so as to allow for adjustments for hardship conditions.

Comments, suggestions or objections are invited and may be delivered by March 16, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than March 16, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments, with the proposed effective date as stated, are as follows:

[Amdt. 9]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.4, the first sentence of paragraph (a) is amended by deleting the words "any fiscal year" and substituting therefor the words "the fiscal year ending June 30, 1973"; the first sentences in paragraphs (b) and (c) are revised, by inserting the words "For the fiscal year ending June 30, 1973" at the beginning of the sentence, and a new paragraph (a-1) is added as follows:

§ 210.4 Apportionment of funds to States.

* * * * *

(a-1) For the fiscal year ending June 30, 1974, and each subsequent fiscal year, the Secretary shall make food assistance payments to each State agency, or FNSRO where applicable, from any Federal funds available for general cash-for-food assistance in an amount determined by multiplying the number of lunches meeting the lunch requirements set forth in § 210.10 served to children during such fiscal year in schools in the State which participate in the program under agreements with such State agency, or FNSRO where applicable, by a national average payment per lunch: *Provided, however,* That in any fiscal year such national average payment shall not be less than 8 cents per lunch and that the aggregate amount of the food assistance payments made by the Secretary to each State agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4. Such national average payment shall be prescribed by the Secretary at the beginning of each fiscal year.

* * * * *

2. In § 210.5, paragraph (a) is revised, and paragraphs (b), (c) and (c-1) are revoked, as follows:

§ 210.5 Payments to States.

(a) Funds made available to any State for general cash-for-food assistance or special cash assistance shall be made available by means of letters of credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. Such letters of credit shall be designed to provide funds for the State agency for the operation of the program in such amounts and at such times as the funds are needed to reimburse school food authorities. As soon as practicable after funds are made available to FNS, FNS shall prepare a letter of credit for each State with which it has an approved agreement and an approved State plan of child nutrition operations. If funds have been authorized by Congress for the operation of the program under a continuing resolution, letters of credit shall reflect only the amounts authorized for the effective period of the resolution. The State agency shall obtain funds needed to reimburse school food authorities through presentation by designated State officials of a payment voucher on letter of credit (Form FNS 218) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State agency shall draw only such funds as are needed to pay claims for reimbursement certified for payment and shall use such funds without delay to pay such claims. State agencies shall report information on the status of program funds on a monthly basis to FNS on a form provided by FNS. Program funds shall be made available to the State agency in the District of Columbia by means of Treasury Department checks on the same basis as is prescribed for payments made by letters of credit. For the fiscal year ending June 30, 1973, no section 32 funds made available for general cash-for-food assistance or special cash assistance purposes shall be expended by a State agency, or FNSRO where applicable, until the respective funds made available to it under the

provisions of paragraphs (a) and (c), and of paragraphs (d) and (e) of § 210.4, have been expended.

(b) [Revoked]

(c) [Revoked]

(c–1) [Revoked]

* * * * *

3. In § 210.11, paragraph (b–2) is revised by deleting the words "and Type C" wherever they appear; and the first sentence of paragraph (b) and paragraph (b–1) are revised, and paragraphs (f) and (g) are revoked, as follows:

§ 210.11 Reimbursement payments.

* * * * *

(b) The maximum rate of reimbursement from general cash-for-food assistance shall be 14 cents for a Type A lunch and 2 cents for a Type C lunch: *Provided, however,* That beginning with the fiscal year ending June 30, 1974, no reimbursement shall be paid for a Type C lunch. * * *

(b–1) Within the maximum rate of reimbursement set forth in paragraph (b) of this section, in each fiscal year, the State agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from the general cash-for-food assistance funds available under paragraphs (a), (a–1), (c), and (f) of § 210.4 to the State agency, or FNSRO where applicable, for the total number of Type A lunches it is estimated will be served in participating schools in the State in such fiscal year, except that, for the fiscal year ending June 30, 1973, any State agency which provides general cash-for-food assistance for Type C lunches, shall make appropriate downward adjustments in the payment for Type A lunches within the State. At a minimum, the estimate of the number of Type A lunches to be served in a fiscal year shall take into account the estimated number of such lunches to be served in schools which are expected to apply and be approved for participation in the program during such fiscal year and the estimated number of such lunches to be served in schools which participated in the preceding fiscal year.

* * * * *

(f) [Revoked]

(g) [Revoked]

4. In § 210.13, a new paragraph (e) is added, as follows:

§ 210.13 Reimbursement procedure.

* * * * *

(e) Notwithstanding any other provision of this section, the State agency, or FNSRO where applicable, may advance funds available for the program to a school food authority in an amount equal to the amount of reimbursement estimated to be needed for 1 month to make payments for the total number of lunches, including free and reduced price lunches, to be served to children in participating schools under the jurisdiction of the school food authority. The State agency, or FNSRO where applicable, shall require school food authorities who receive advances of funds under this paragraph to make timely submissions of claims on a monthly basis and shall suspend advances of funds in the absence of such timely submissions. Following the receipt of claims, the State agency, or FNSRO where applicable, shall make such adjustments as are necessary in such advances of funds to insure that the total amount of payments received by a school food authority for the fiscal year will not exceed an amount equal to the number of lunches, including free and reduced price lunches, served to children times the respective rates of payment assigned by the State agency, or FNSRO where applicable, in accordance with § 210.11. In no event shall an advance of funds be made by the State agency, or FNSRO where applicable, for the month of April in any fiscal year unless the school food authority has submitted claims covering operations through the month of February in such fiscal year and unless the amount of payment earned for the number of lunches, including free and reduced price lunches, served through February of such fiscal year is equal to at least 80 per centum of the amount of the funds advanced to the school food authority for the operations through the month of March in such fiscal year. The advance may not be made more than 30 days prior to the last day of the month for which it is made.

5. Section 210.15b is revised to read as follows:

§ 210.15b Competitive food services.

Food services for profit may be operated at the same time and place as the nonprofit food service under the program is in operation only when the proceeds inure to the benefit of the school or a student organization approved by the school. Nothing in this section shall be deemed to prohibit the State agency or school food authority from issuing such instructions as they deem necessary concerning the sale of food items in the school, except that instructions concerning the sale of food items in the federally assisted food service shall be consistent with the provisions of this part.

[Amdt. 13]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

6. In § 220.4, paragraph (a) is amended by deleting the words "any fiscal year" and substituting therefor the words "the fiscal year ending June 30, 1973;" and the first sentence in paragraph (c) is amended by inserting the words "For the fiscal year ending June 30, 1973" at the beginning of the sentence; and a new paragraph (a–1) is added, as follows:

§ 220.4 Apportionment of funds to States.

* * * * *

(a–1) For the fiscal year ending June 30, 1974, and each subsequent fiscal year, the Secretary shall make breakfast assistance payments to each State agency, or FNSRO where applicable, from any Federal funds available therefor, in an amount equal to the sum of the results obtained by (1) multiplying the number of breakfasts meeting the breakfast requirements set forth in § 220.8 served during such fiscal year to children in schools in the State which participate in the school breakfast program under agreements with such State agency, or FNSRO where applicable, by a national average breakfast payment; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a national average free breakfast payment; and (3) multiplying the number of such breakfasts served at a reduced price to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average reduced price payment: *Provided, however,* That in any fiscal year the aggregate amount of the breakfast assistance payments made by the Secretary to each State agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this part. Such national average payments for breakfasts, free breakfasts, and reduced price breakfasts shall be prescribed by the Secretary at the beginning of each fiscal year.

* * * * *

7. In § 220.7, subdivision (iii) of paragraph (e)(12) is revised to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(e) * * * (12) * * * (iii) *Breakfast program expenditures.* Expenditures (supported by invoices, receipts, or other evidence of expenditure).

(*a*) For food;

(*b*) For labor;

(*c*) For all other supplies and services.

* * * * *

8. In § 220.11, the first sentence of subparagraph (10) of paragraph (b) is revised to read as follows:

§ 220.11 Reimbursement procedure.

* * * * *

(b) * * * (10) the per-meal cost of providing breakfast if the school is an especially needy school approved for reimbursement under the provisions of paragraph (b–1) of § 220.9. * * *

* * * * *

9. Section 220.11a is revised to read as follows:

§ 220.11a Competitive food services.

Food services for profit may be operated at the same time and place as the nonprofit food service under the program is in operation only when the proceeds inure to the benefit of the school or a student organization approved by the school. Nothing in this section shall be deemed to prohibit the State agency and

local school food authority from issuing such instructions as they deem necessary concerning the sale of food items in the school, except that any instructions concerning the sale of food items in the federally assisted food service shall be consistent with the provisions of this part.

10. In § 220.24, a new paragraph (i) is added as follows:

§ 220.24 Special responsibilities of State agencies.

* * * * *

(i) Each State agency shall establish a system of accounting under which school food authorities shall report the information required in § 220.7(e). Such system shall permit determination of the operating balances available to school food authorities.

[Amdt. 3]

PART 245—DETERMINING ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS

11. Amendment 3 published in the November 2, 1972, FEDERAL REGISTER (37 FR 23323) is renumbered Amendment 2.

12. References to "lunch" and "lunches" are hereby deleted wherever they appear, including the headings and the table of contents, and "meal" and "meals" are hereby substituted therefor. References to "Program" are hereby deleted and "National School Lunch Program and School Breakfast Program" are hereby substituted therefor.

13. Section 245.1 is revised to read as follows:

§ 245.1 General purpose and scope.

Section 9 of the National School Lunch Act, as amended, and section 4 of the Child Nutrition Act of 1966, as amended, require that schools participating in the National School Lunch Program (Part 210 of this chapter) or the School Breakfast Program (Part 220 of this chapter), and other schools utilizing commodities donated by the Department under section 32 of the Act of August 24, 1935, as amended, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, shall serve meals free to any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income guideline to be prescribed by the State educational agency, or FNSRO where applicable. Such schools may also serve meals at a reduced price to needy children, if they choose to serve such meals. Following announcement of the income poverty guidelines prescribed by the Secretary not later than May 15 of each fiscal year for use in the subsequent fiscal year, each State educational agency shall prescribe income guidelines, for both free and reduced price meals by family size pursuant to paragraph (a) of § 245.3. Each school food authority shall: (a) Publicly announce its minimum income guidelines on or about the opening date of school each fiscal year; (b) make determinations on a child's eligibility for a free and reduced price meal solely on the basis of a statement executed by an adult member of the household; and (c) make no physical segregation of, or other discrimination against any child because of his inability to pay the full price of the meal. This part sets forth the responsibilities of State educational agencies, the Food and Nutrition Service Regional Offices, and school food authorities with respect to the determination of eligibility of children for free and reduced price meals, the serving of free and reduced price meals to children, and assuring that there is no physical segregation of, or other discrimination against, children because of their inability to pay the full price for meals. The requirements of this part with respect to the amount charged for reduced price lunches and reduced price breakfasts and with respect to eligibility for free meals shall not apply to any nonprofit private school which participates in the National School Lunch Program or the School Breakfast Program until it has been determined by the State educational agency or the Food and Nutrition Service Regional Office that sufficient funds from sources other than children's payments are available to enable such school to meet such requirements.

14. In § 245.2, paragraphs (c), (d), (e), (f), and (g) are revised to read as follows:

§ 245.2 Definitions.

* * * * *

(c) "FNSRO where applicable" means the appropriate Food and Nutrition Service Regional Office when that agency administers the national school lunch program or the school breakfast program with respect to nonprofit private schools.

(d) "Free meal" means a meal for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

(e) "Income poverty guidelines" means the family-size annual income levels prescribed annually by the Secretary for use by States as the minimum annual family-size income levels for establishing eligibility for free and reduced price meals.

(f) "Meal" means a lunch or a breakfast which meets the applicable requirements prescribed in §§ 210.10, 215.15a, and 220.8 of this chapter.

(g) "Reduced price meal" means a meal which meets all of the following criteria: (1) The price shall be less than the full price of the meal; (2) the price shall not exceed 20 cents for a lunch and 10 cents for a breakfast; and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's food service.

* * * * *

15. In § 245.3, a new sentence is added before the last sentence of paragraph (b), as follows:

§ 245.3 Eligibility standards for free and reduced price meals.

* * * * *

(b) * * * Family income used by a school food authority in determining eligibility of an applicant shall be income as defined in the Secretary's income poverty guidelines (37 FR 23370, 38 FR), including the adjustments for special hardship conditions. * * *.

16. In § 245.5, the opening paragraph is revised and a new sentence is added after the second sentence of paragraph (a), as follows:

§ 245.5 Public announcement of the eligibility standards.

Each school food authority of a school participating in the national school lunch program or school breakfast program or of a commodity only school shall publicly announce the standards for determining the eligibility of children for free and reduced price meals in such school as soon as practicable, but no later than 10 days after approval of such standards by the State agency, or FNSRO where applicable: *Provided, however,* That no such public announcement shall be required for boarding schools, or a school which includes food service fees in its tuition, where all attending children are provided the same meals. The public announcement of such standards, as a minimum, shall include the following actions:

(a) * * * The letter or notice shall also include the following statement: "In the operation of child feeding programs, no child will be discriminated against because of his race, color, or national origin. * * *

* * * * *

17. In § 245.6, two new sentences are added following the third sentence in paragraph (a), paragraph (c) is revised and paragraph (d) is revoked, as follows:

§ 245.6 Applications for free and reduced price meals.

(a) * * *. Other cash income would include cash amounts received or withdrawn from any source, including savings, investments, trust accounts, and other resources which would be available for payment of the price of a child's meals. Information requested in the application with respect to expenses shall be furnished by families whose income, but for the special hardship provisions of the Secretary's income poverty guidelines, would be above the school's family-size income standards, and shall be limited to the expenses set forth in the Secretary's income poverty guidelines. * * *.

* * * * *

(c) In providing free or reduced price meals to eligible children, the school food authority need not require the submission of an application if alternative methods will expedite eligibility determinations. In such event, it shall include information to this effect in the letter or notice to parents, distributed in accordance with § 245.5, and advise parents

of such children that an application is not required.

Nothing in this paragraph shall be deemed to authorize the State agency, or FNSRO where applicable, to make reimbursement from special cash assistance funds for all Type A lunches, or at rates of reimbursement under the school breakfast program in excess of 5 cents for all breakfasts, served in a school unless a reasonable basis exists for finding that all such meals are meals eligible for such assistance. The State agency, or FNSRO where applicable, shall maintain on file, or cause to be maintained on file, the data used to make such a finding. Such data shall be maintained on file for 3 years after the end of the fiscal year to which they pertain.

(d) [Revoked]

18. Section 245.8 is revised to read as follows:

§ 245.8 Nondiscrimination practices for children eligible to receive free and reduced price meals.

The school food authorities of schools participating in the national school lunch program or school breakfast program or of commodity only schools shall take such actions as are necessary to assure that the names of children eligible to receive free or reduced price meals shall not be published, posted, or announced, in any manner and to assure that there shall be no overt identification of any such children by the use of special tokens or tickets or by any other means. Children eligible for a free or reduced price meal shall not be required to work for their meal, use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, eat meals at a different time, or eat a different meal from the meal sold to children paying the full price of such a meal.

19. Section 245.9 is revised to read as follows:

§ 245.9 Exemption for certain nonprofit private schools.

The requirements of this part with respect to the amount charged for reduced price meals and with respect to the family-size income standards for free or reduced price meals shall not apply to any nonprofit private school participating in the national school lunch program or school breakfast program under an agreement with any State agency, or FNSRO where applicable, until the State agency, or FNSRO where applicable, has determined and notified the school food authority of such school that sufficient funds are available from sources other than children's payments to finance the cost of meeting such requirements. The school food authority of any such nonprofit private school shall provide to the State agency, or FNSRO where applicable, information in such form and by such date as the State agency, or FNSRO where applicable, shall request, which will be sufficient, together with other information available, for a determination to be made with respect to whether sufficient funds from sources other than children's payments are available to enable such school to meet the requirements of this part with respect to the amount charged for reduced price meals and with respect to family-size income standards for free and reduced price meals.

20. In § 245.10, subparagraph (2) of paragraph (a) is revised and new paragraphs (c), and (d) are added, as follows:

§ 245.10 Action by school food authorities.

(a) * * *:

(2) The family-size income guidelines to be used by schools under their jurisdiction in determining the eligibility of children for free and reduced price meals in accordance with the provisions of § 245.11.

* * * * *

(c) If any free and reduced price policy statement submitted for approval by any school food authority to the State agency, or FNSRO where applicable, is determined to be not in compliance with the provisions of this part, the school food authority shall submit a policy statement that does meet such provisions within 30 days after notification by the State agency, or FNSRO where applicable. When revision of a school food authority's approved free and reduced price policy statement is necessitated because of a change in the family-size income standards of the State agency, or FNSRO where applicable, or because of other program change, the school food authority shall submit for approval to the State agency, or FNSRO where applicable, a revision of its free and reduced price policy statement no later than 30 days after the State agency, or FNSRO where applicable, has announced such change. Pending approval of a revision of a policy statement, an existing policy statement shall remain in effect.

(d) In no event shall any school food authority be reimbursed for any meals served after September 30 of any fiscal year, nor shall any commodities donated by the Department be used in any school's nonprofit lunch or breakfast program after such date, unless the school food authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable.

21. In § 245.11, paragraphs (a), (d), (e), and (f) are revised, to read as follows:

§ 245.11 Action by State agencies and FNSRO.

(a) State agencies, or FNSRO's where applicable, shall, for schools under their jurisdiction: (1) Issue such instructions as are necessary to assure that school food authorities are fully informed of the provisions of this part and of the requirements for the filing and approval of free and reduced price policy statements. Such instructions may require school food authorities to establish the maximum price of a reduced price lunch at a level below 20 cents and the maximum price of a reduced price breakfast at a level below 10 cents.

(2) Prescribe and publicly announce by July 1 of each fiscal year, in accordance with § 245.3(a), family-size income standards which shall be applicable to all families, including welfare and other families receiving public assistance. Any such standards made by FNSRO with respect to nonprofit private schools shall be developed by FNSRO after consultation with the State agency.

* * * * *

(d) Not later than 5 days after the State agency, or FNSRO where applicable, announces its family-size income standards, it shall notify school food authorities in writing of any amendment to their free and reduced price policy statements necessary to bring the family-size income standards into conformance with the State agency's or FNSRO's family-size income standards.

(e) Except as provided in § 245.10, the State agency, or FNSRO where applicable, shall neither disburse any funds, nor authorize the distribution of commodities donated by the Department to any school unless the school food authority has an approved free and reduced price policy statement on file with the State agency, or FNSRO where applicable.

(f) State agencies, or FNSROs where applicable, shall review and evaluate the performance of school food authorities and of schools under the provisions of this part during the course of administrative reviews of nonprofit food service programs and by other means. They shall advise school food authorities of any deficiencies found and any corrective actions required.

§ 245.12 [Revoked]

22. Section 245.12 is revoked.

Effective date. State educational agencies, or FNSROs where applicable, and school authorities under their jurisdiction shall implement the provisions of these amendments as soon as practicable, but in no event later than July 1, 1973.

Dated: January 30, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-2863 Filed 2-13-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Other Federal Jurisdiction

Pursuant to section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970, and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is hereby proposed to issue regulations as a new § 1952.9 in Subpart A, Part 1952, Chapter XVII of Title 29, Code of Federal Regulations, setting forth general policies concerning effect of other Federal jurisdiction on approved State plans for enforcement of State standards.

Interested persons may submit written data, views, and arguments, concerning the proposal by March 6, 1973, to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

It is proposed that Subpart A, Part 1952, Chapter XVII of Title 29, be amended by adding a new § 1952.9 which would read as follows:

§ 1952.9 Other Federal jurisdiction.

(a) The approval of a State plan submitted under section 18 of the Act shall not imply or be construed to grant authority to the State which would be inconsistent with section 4(b)(1) of the Act. That section makes the Act inapplicable to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. State plans approved under section 18 of the Act are subject to this limitation. In addition, section 4(b)(1) limits the purposes for which Federal grants to the States under section 23(g) of the Act may be used.

(b) The Secretary of Labor reserves the authority to determine the areas in which State plans are inapplicable under section 4(b)(1). States with occupational safety and health plans shall seek the advice and assistance of the Assistant Secretary whenever and as soon as questions concerning the effect of that section arise. This advice shall normally be requested before the inspection of the workplace. Requests for advice should be directed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, 400 First Street NW., Washington, DC 20210.

(c) Nothing in this section or in section 4(b)(1) of the Act shall affect the authority of State agencies to assert jurisdiction outside the scope and application of State plans in any manner consistent with the supremacy doctrine of the Federal Constitution, including:

(1) The assertion of jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6 of the Act, as permitted by section 18(a) of the Act, and

(2) The assertion of jurisdiction under State law in accordance with the provisions of other Federal statutes or in accordance with agreements between State agencies and other Federal agencies.

(Sec. 18, 84 Stat. 1600, 29 U.S.C. 657)

Signed at Washington, D.C. this 19th day of January 1973.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.73-2959 Filed 2-13-73;8:45 am]

Office of Federal Contract Compliance

[41 CFR Part 60-3]

EMPLOYEE TESTING AND OTHER SELECTION PROCEDURES

Guidelines for Reporting Validity

Pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to amend § 60-3.15 of Title 41, Code of Federal Regulations to read as set forth below. The purpose of this amendment is to clarify Federal contractors' existing obligations to report the validity of tests and other employee selection methods as required by 41 CFR Part 60-3.

Interested parties are invited to file written data, views or arguments concerning this proposal on or before March 16, 1973. Written comments should be addressed to Mr. Philip Davis, Acting Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, DC 20210.

§ 60-3.15 Recordkeeping and reporting.

(a) Each contractor shall maintain, and submit upon request, such records and documents relating to the nature and use of tests, the validation of tests, and test results, as may be required under the provisions of this chapter and under the orders and directives issued by the Office of Federal Contract Compliance.

(b) Reports of validity of tests and other selection methods, where required by this chapter, should contain the following information. Previously written company or consultant reports are acceptable if they are complete in regard to this information.

(1) *Firm or organization and location(s) and date(s) of study.* If study is longitudinal, both testing dates and criterion collection dates should be shown. If study was conducted at several locations, names of cities and States should be shown rather than just plant identification.

(2) *Problem and setting.* Explicit definition of purposes and brief discussion of the situation in which the study was conducted. Include description of existing selection procedures and cutting scores, if any, which were used.

(3) *Job titles and code.* Job title use in company plus corresponding job titles and codes from U.S. Employment Service "Dictionary of Occupational Titles" (third edition) volumes I & II, U.S. Government Printing Office, 1965. Where appropriate DOT codes and titles do not exist, a notation to that effect should be made.

(4) *Job description.* Where necessary, a brief supplement to the job description given in the DOT or, if the job is not described in the DOT, a complete description of the job. If two or more jobs are grouped for validation study, a justification for this grouping should be provided.

(5) *Criteria.* Description of all criteria of job performance considered and/or collected (including a rationale for what were selected as final criteria) and means by which they were observed, recorded, evaluated, and quantified. An indication of the reliability coefficients and how they were established is desirable.

(6) *Sample.* Description of ethnic and sex composition of sample is mandatory. Description of educational levels, entrance levels, length of service, and age is also desirable. Also desirable is a description of how the research sample was selected and how it compares with employees in the job and with current applicants.

(7) *Number of cases.* Description of number of people in the sample, number in subsamples and the use of subsamples.

(8) *Predictors.* Tests should be described by title, form, and publisher. Other predictors, including tailor-made tests; interviewer's ratings; education and experience levels; should be explicitly described.

(9) *Techniques and results.* Methods used in evaluating data must be described. Any statistical adjustments such as corrections for restriction in range or for attenuation must be described. Results of criterion-related studies must be summarized in graphical or statistical form (by ethnic or sex subgroup, if possible) and statements regarding statistical significance of results must be made. Where the statistical technique used categorizes continuous data (such as bi serial correlation, and phi coefficient) the cutoffs used and their bases should be described. Where more than one predictor and/or more than one criterion is used, all predictor-criterion correlations must be reported regardless of magnitude or direction. Where content validity is offered, a complete explanation of the basis is required (e.g., job analysis, item selection, test reliability, etc.).

(10) *Uses and applications.* Description of the way in which the test is to be used (e.g., as a screening device with a cutoff score, combined with other tests in a battery) and application of the test (e.g., selection, transfer, upgrading). Where cutoff scores are to be used, both the cutoff scores and the way in which they were determined should be described.

(11) *Source data.* It is desirable that a worksheet be attached to the report showing all pertinent information about individual sample members, i.e., test scores, criterion scores, age, sex, experience, minority-group status, education.

NOTE: Specific identifying information such as name and social security number should NOT be shown.

(12) *Contact person.* The name, mailing address, and telephone number of

person currently working for the company or consulting firm who can be contacted for further information about the validation study.

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

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.73-2958 Filed 2-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard

[46 CFR Part 111]

[CGD 73-6P]

WIRING METHODS AND MATERIALS FOR HAZARDOUS LOCATIONS

Notice of Proposed Rule Making

The Coast Guard is considering an amendment to the electrical engineering regulations which would bring the list of certain air mixtures of hazardous gases, vapors, or dusts into conformance with the recently revised article 500-2 of the National Electric Code.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments, to the Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD-73-6P), and give reasons for any recommendations. Comments received before March 16, 1973, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The present requirement in § 111.80-5 (a) (7) was published in the December 30, 1970, issue of the FEDERAL REGISTER (35 FR 19907) and was based on Article 500 of the National Electric Code. However, Article 500 has been revised and this document proposes to amend § 111.80-5(a) (7) to conform to that revision.

Air mixtures of hazardous gases, vapors, or dusts, may be ignited by an electrical apparatus or wiring on board a vessel. The explosive characteristic of these air mixtures varies with the specific materials involved. The National Fire Protection Association in the National Electric Code has classified these exposive mixtures into groups based on their hazardous characteristics. The Coast Guard proposes to change the requirements in § 111.80-5(a) (7) to conform to the current National Electric Code by adding the following to each group.

N.E.C. Group classification	*Proposed to be added to § 111.80-5(a) (7)*
Group A-----	None.
Group B-----	Butadiene, ethylene oxide, and propylene oxide.
Group C-----	Acetaldehyde, cyclopropane, isoprene, and unsymmetrical dimethyl hydrazine (UDMH 1, 1-dimethyl hydrazine).
Group D-----	Acrylonitrile, ammonia, benzene, butane, n-butyl acetate, ethane, ethyl acetate, ethylene dichloride, heptanes, hexanes, methanol, methyl ethyl ketone, methyl isolbutyl ketone, octanes, pentanes, propane, propylene, styrene, toeuene, vinyl acetate, vinyl chloride, and xylenes.
Group E-----	None.
Group F-----	None.
Group G-----	Flour and starch.

In consideration of the foregoing, it is proposed to revise § 111.80-5(a) (7) to read as follows:

§ 111.80-5 Wiring methods and materials for hazardous locations.

(a) * * *

(7) Electrical equipment is approved for location and for specific hazardous atmospheres of gas, vapor, or dust, that are present. Hazardous air mixtures that are not oxygen enriched are grouped on the basis of their characteristics in Article 500 of the National Electric Code, which is reproduced in Table § 111.80-5(a) (7). Other chemicals and materials which generate hazardous atmospheres and are not listed in Table 111.80-5(a) (7) are listed in Table 151.05 of this chapter.

TABLE 111.80-5(a) (7) HAZARDOUS ATMOSPHERES

GROUP A

Acetylene.

GROUP B

Butadiene.
Ethylene oxide.
Hydrogen.
Manufactured gases containing more than 30 percent hydrogen (by volume).
Propylene oxide.

GROUP C

Acetaldehyde.
Cyclopropane.
Diethyl ether.
Ethylene.
Isoprene.
Unsymmetrical dimethyl hydrazine (UDHM 1, 1-dimetyl hydrazine).

GROUP D

Acetone.
Acrylonitrile.
Ammonia.
Benzlene.
Butane.
1-butanol (butyl alcohol).
2-butanol (secondary butyl alcohol).
n-butyl acetate.
Isobutyl acetate.
Ethane.
Ethanol (ethyl alcohol).
Ethyl acetate.
Ethylene dichloride.
Gasoline.
Heptanes.
Hexanes.
Methane (natural gas).
3-methyl-1-butanol (isoamyl alcohol).
Methyl ethyl ketone.
Methyl isobutyl ketone.
2-methyl-1-propanol (isobutyl alcohol).
2-methyl-2-propanol (tertiary butyl alcohol).
Petroleum naptha.
Octanes.
Pentanes.
1-pentanol (amyl alcohol).
Propane.
1-propanol (propyl alcohol).
2-propanol (isopropyl alcohol).
Propylene.
Styrene.
Toluene.
Vinyl acetate.
Vinyl chloride.
Xylenes.

GROUP E

Metal dust, including aluminum, magnesium, and their commercial alloys, and other metals of similar hazardous characteristics.

GROUP F

Carbon black.
Coal.
Coke dust.

GROUP G

Flour.
Starch.
Grain dust.

* * * * *

(R.S. 4405, as amended, sec. 5, 49 Stat. 1384, as amended, sec. 3, 70 Stat. 152, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4491, as amended, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 369, 390b, 391a, 416, 489, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

Dated: February 7, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-2907 Filed 2-13-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Lafayette, La., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before March 16, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal

docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the Lafayette, La., transition area is amended to read:

LAFAYETTE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile south, within 2 miles each side of the Lafayette ILS localizer south course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles south of the airport, and within 2 miles each side of the Lafayette VORTAC 171° radial extending from the VORTAC to 8 miles south, within 2 miles each side of the 276° bearing from the Lafayette RBN (latitude 30°11'35" N., longitude 91°52'58" W.) extending from the RBN westward to the arc of the 5-mile radius circle, within a 5-mile radius of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.) and within 2 miles each side of the Lafayette VORTAC 207° radial extending from the VORTAC to the Abbeville Municipal Airport.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing the proposed NDB runway 28 approach.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Fort Worth, Tex., on February 5, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-2860 Filed 2-13-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket No. R-466]

ADVANCES TO SUPPLIERS FOR GAS OUTSIDE CONTINENTAL UNITED STATES

Accounting and Rate Treatment; Notice of Extension of Time

FEBRUARY 7, 1973.

On February 2, 1973, the Independent Natural Gas Association; and the people of the State of California; and the Public Utilities Commission of the State of California filed requests for an extension of time to file comments in the above matter as provided by the notice of proposed rule making issued December 29, 1972 (38 FR 1055, Jan. 8, 1973), concerning accounting and rate treatment of advances to suppliers for gas outside the lower 48 States.

Upon consideration, notice is hereby given that the time is extended to February 20, 1973, within which all persons may file data, views, comments, or suggestions in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2871 Filed 2-13-73;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 722]

ADVISORY COMMITTEE PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 120, 73 Stat. 635, 12 U.S.C. 1766 and pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, effective January 5, 1973, is considering the establishment of a new Part 722 (12 CFR Part 722) as set forth below.

This regulation will implement the provisions of the Federal Advisory Committee Act and will be applicable to the National Credit Union Board and to any other advisory committee established to assist the National Credit Union Administration. The proposed regulations deal with the meetings of the National Credit Union Board, procedures to be followed by both the Board and the public, procedures for gaining access to the records of the Board, and administrative relief for denials of requests for records.

Interested persons are invited to submit written comments, suggestions or objections to the Administrator, National Credit Union Administration, Washington, D.C. 20456, to be received not later than March 19, 1973.

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 7, 1973.

PART 722—ADVISORY COMMITTEE PROCEDURES

Sec.
722.0 Scope.
722.1 Designated Federal employee.
722.2 Calling of meetings.
722.3 Conduct of meetings.
722.4 Access to records.
722.5 Administrative remedies.

AUTHORITY: Sec. 120, 73 Stat. 635, 12 U.S.C. 1766 and pursuant to provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, effective January 5, 1973.

§ 722.0 Scope.

The regulations contained in this part shall be applicable to the National Credit Union Board and to any other advisory committee hereinafter established to assist the Administration which comes within the terms of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, effective January 5, 1973). These regulations deal with the meetings of the National Credit Union Board, procedures to be followed, access to records, and administrative relief.

§ 722.1 Designated Federal employee.

(a) The Federal Advisory Committee Act requires that an officer or employee of the Federal Government be designated to chair or attend each meeting of the National Credit Union Board. In fulfillment of this requirement, the Administrator, or his designee, shall attend each meeting of the National Credit Union Board.

(b) No meeting of the National Credit Union Board shall be held except at the call of or with the advance approval of the Administrator and no meeting of the National Credit Union Board shall be conducted in the absence of the Administrator or his designee.

(c) The Administrator or his designee may adjourn any meeting of the National Credit Union Board whenever he determines that such adjournment is in the public interest such as in the event of an unwarranted departure from a meeting's agenda. The Administrator shall approve, in advance, the agenda for each meeting of the National Credit Union Board.

(d) The Chairman of the Board or the Administrator, or his desigee, may request any attendee not a member of the Board who does not display the proper decorum as established in this part to leave the meeting and if such person refuses, the Chairman of the Board or the Administrator or his designee may order the removal of such person.

§ 722.2 Calling of meetings.

(a) *Time.* Notice of each meeting of the National Credit Union Board shall be published in the FEDERAL REGISTER at least seven (7) days prior to the commencement of such meeting except in emergency situations where shorter notice may be required. Normally, notice will be published approximately twenty-five (25) days in advance of such meeting.

(b) *Contents of notice.* The notice required in paragraph (a) of this section shall contain the name of the National Credit Union Board, the time and place of the meeting, and the purpose of the meeting, including a summary of the agenda items. The notice will also state whether there are any items on the agenda which will be closed to the public and the extent to which the public may participate in the meeting.

§ 722.3 Conduct of meetings.

(a) *Agenda.* Each meeting of the National Credit Union Board shall be conducted in accordance with an agenda which has been approved by the Administrator pursuant to § 722.1(c). The proposed agenda shall be submitted to the Administrator at least thirty-five (35) days prior to the scheduled date of the meeting except in the case of an emergency meeting where a shorter time may be required. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)). Copies of the agenda shall ordinarily be distributed to members of the National Credit Union Board prior to the date of the meeting.

(b) *Public participation.* (1) Subject to the provisions of this section, each meeting of the National Credit Union Board shall be open to the public. Each meeting shall be held at a reasonable time and at a place reasonably accessible to the public and shall use facilities of reasonable size considering such factors as the number of members of the public who could be expected to attend the particular meeting, the number of persons who attended similar meetings in the past, and the resources and facilities available to the Administration. Members of the public attending such meeting shall conduct themselves in accordance with these regulations and with proper decorum or subject themselves to removal as set forth in § 722.1(d).

(2) Any member of the public may file a written statement with the National Credit Union Board, either before or after the meeting. Such statement shall become a part of the official record of that particular meeting.

(3) To the extent that the time available for the meeting permits, interested persons may be permitted to present oral statements to the National Credit Union Board: *Provided*, That such persons obtain approval from the Chairman of the Board in advance of the date of the meeting: *And provided further*, That such oral statements are confined to items listed on the published agenda. Such statements will normally be limited to 10 minutes in duration. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

(4) Subject to the limits of time and in the discretion of the Chairman of the Board, members of the public may, during the course of the meeting, submit written questions to the National Credit Union Board. Such questions shall be confined to items on the agenda and, in accordance with the aforementioned limitations, may be answered orally by the National Credit Union Board.

(c) *Meetings closed to the public.* (1) If a meeting (or portion thereof) will have the express purpose of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion thereof) may be closed to the public: *Provided*, That a meeting (or portion thereof) involving consideration of a document prepared by or for the National Credit Union Board and exempt only under exemption (5) of 5 U.S.C. 552(b) (concerning intra- and interagency memoranda and letters) may be closed only if the Administrator determines that it is essential to close such meeting (or portion thereof) to protect the free exchange of internal views and to avoid undue interference with the Administration or National Credit Union Board operations.

(2) If a meeting (or portion thereof) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion thereof) may be closed to the public, even though no specific document is to be discussed.

(3) If a meeting (or portion thereof) will be such that neither paragraph (c)(1) nor paragraph (c)(2) of this section furnishes a basis for closing such meeting (or portion thereof), the meeting shall be open to the public unless such a meeting (or portion thereof) will consist of an exchange of opinions, and such discussion, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and it is essential to close such meeting (or portion thereof) to protect the free exchange of internal views and to avoid undue interference with the Administration or National Credit Union Board operations.

(4)(i) When the National Credit Union Board seeks to have a meeting (or portion thereof) closed on the basis of 5 U.S.C. 552(b), the Board shall notify the Administrator in writing setting forth the reasons why the meeting (or portion thereof) should be closed. Such notification shall be submitted to the Administrator at least thirty-five (35) days prior to the scheduled date of such meeting.

(ii) The Administrator may, upon receiving the proposed agenda pursuant to § 722.3(a), determine that the meeting (or portion thereof) shall be closed even though the National Credit Union Board has not so requested in accordance with paragraph (c)(4)(i) of this section: *Provided*, That this determination is made pursuant to the standards set forth in paragraphs (c) (1), (2), and (3) of this section.

(iii) The determination of the Administrator made pursuant to paragraph (c)(4)(i) or (4)(ii) of this section shall be in writing and shall contain a brief statement of the reasons upon which the determination is based.

(5) The determination with respect to closing a meeting may be made, where appropriate, to a series of meetings but a determination to close a series of meetings does not remove the requirement that public notice be given regarding each meeting.

(6) If a meeting is to consider several separable matters, not all of which are within the exemption of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempted matters (as contained in paragraphs (c) (1), (2), and (3) of this section) may be closed.

(7) When all or part of a meeting is to be closed, such fact shall be indicated in the public notice of the meeting and in the agenda. When only part of a meeting is to be closed, the agenda shall be arranged, whenever practicable, to facilitate attendance by the public at the open portion of the meeting.

(8) When a meeting (or portion thereof) is closed, members of the National Credit Union Board shall not disclose the matters discussed except to other members of the Board or Administration employees on a need-to-know basis.

(9) When a meeting (or portion thereof) is closed, the National Credit Union Board shall issue a report, at least annually, setting forth a summary of its activities and related matters which are informative to the public and is consistent with the policy of 5 U.S.C. 552(b).

(d) *Minutes.* Detailed minutes shall be kept of each meeting of the National Credit Union Board. The minutes shall include at least the following: The time and place of the meeting; a list of the Board members and Administration employees present; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the Board; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The Chairman of the National Credit Union Board shall certify to the accuracy of the minutes.

§ 722.4 Access to records.

(a) *Generally.* Subject to the provisions of 5 U.S.C. 552, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the National Credit Union Board shall be available for public inspection and copying at the National Credit Union Administration, Washington, D.C. 20456.

(b) *Exemptions.* Access to the items listed in paragraph (a) of this section is subject to the exemptions contained in 5 U.S.C. 552(b). When the only basis for denying access to a document is exemption (5) (concerning intra- and interagency memoranda and letters), access may not be denied unless the Administrator determines that such denial is essential to protect the free exchange of internal views and to avoid undue interference with the Administration or the National Credit Union Board operations.

(c) *Meeting partially closed.* With respect to any meeting, part of which was closed to the public, access shall be permitted to records relating to the open portion of the meeting.

(d) *Transcripts.* In addition to detailed minutes required by § 722.3(d), each meeting of the National Credit Union Board will be recorded, either mechanically or by other appropriate means. Transcripts will not be made unless specifically requested and the actual cost of such transcription shall be paid by the person or persons making the request.

(e) *Procedure for requesting access to records.* Requests for inspection and copying records under this Part shall be made in accordance with the provisions of Part 720 entitled "Disclosures of Official Records and Information" of this chapter. Such requests shall be directed to the National Credit Union Board Management Officer who shall be the Assistant Administrator for Administration.

§ 722.5 Administrative remedies.

(a) *Records.* Any person whose request for access to a National Credit Union Board record or document is denied, may seek administrative review of that denial by the Administrator in accordance with the provisions of § 720.4 *Procedure for denials and review of denials of request for records* of this chapter.

(b) *Other matters.* (1) When there is an allegation of noncompliance with the Federal Advisory Committee Act of the regulations contained in this Part, the allegation shall be filed with the Administrator, in writing, and shall set forth, in detail, the facts constituting the alleged noncompliance.

(2) Complaints under paragraph (b) (1) of this section shall be filed with the Administrator within thirty-five (35) days after the date of the alleged noncompliance.

(3) The Administrator shall consider the complaint and allegation contained therein and promptly notify, in writing, the complainant of the disposition of the complaint.

[FR Doc.73-2889 Filed 2-13-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release Nos. 33-5357, IC-7632, File No. S7-476]

INVESTMENT COMPANY ADVERTISING AND STATEMENT REQUIRED IN PROSPECTUS

Notice of Proposed Rule Making

The Commission has recently announced that it will hold hearings on mutual fund distribution and the potential impact of the repeal of section 22(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-22(d)). (Investment Company Act Release No. 7475 (37 FR 24449, November 17, 1972; Investment Company Act Release No. 7571, December 21, 1972, 38 FR 1284, January 11, 1973).[1] The purpose of the hearings is to reexamine traditional administrative positions in this area and explore possible new approaches to the marketing of mutual funds. One of the subjects to be considered in the hearings is further liberalization of the investment company advertising rules. The Commission is proposing these rule changes at this time in order to stimulate thinking with respect to investment company advertising and to provide a concrete proposal to serve as a basis for discussion at the hearings. The period for comments on this proposal has been set to expire on March 30, 1973, a substantial time after the estimated closing date of the hearings. The Commission hopes that discussion of this proposal at the hearings will also provide a basis for more informed comment on the rule itself.

See footnotes at end of document.

PROPOSED AMENDMENT TO RULE 134 AND PROPOSED RULE 425B

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule 134 under the Securities Act of 1933 (17 CFR 230.134, 15 U.S.C. 77a et seq.) as it relates to investment company advertising and adoption of a new Rule 425B (17 CFR 230.425b) relating to investment company prospectuses delivered in connection with advertisements pursuant to Rule 134 amended as proposed.

On May 9, 1972, the Commission amended two rules and adopted a new rule under the Securities Act in an attempt to broaden the scope of information which could be included in investment company advertising. (Securities Act Release No. 5248 (37 FR 10073). Rule 134 was amended to permit a "tombstone" advertisement to include a general description of an investment company, its services and manner of operation. Rule 135A (17 CFR 230.135a) was adopted, providing mutual fund underwriters for the first time with the opportunity to use generic or institutional" advertising, and Rule 434A (17 CFR 230.434a) was amended to permit investment companies to use summary prospectuses. That release emphasized that,

> The Commission considers the new provisions to be a modest step in the direction of liberalizing the rules relating to advertising for investment company securities. The Commission is continuing its study of this subject and invites all interested persons to submit in writing specific rule proposals in addition to, or in substitution for, the rules currently adopted.

The comment period originally set for June 30, 1972, was extended to September 15, 1972.

The Commission has carefully considered comments received in response to the invitation in Securities Act Release No. 5248 as well as suggestions of its staff and has determined to propose the following rule changes. These changes are not as far reaching as the changes proposed in the comments received because the Commission believes that section 2(10)(b) (15 U.S.C. 77b(10)(b)) places definite limits on the contents of tombstone advertisements. However, the changes proposed here should go a long way in providing investment companies with the flexibility they need to communicate effectively with the public. The approach embodies in the proposals should provide such flexibility, and at the same time further the Commission's aim of greater emphasis on the disclosures in the prospectus as the basis for investment decision.

The basic theory underlying the Securities Act, that full disclosure is the best investor protection,[2] suggests that the statutory prospectus should be the basic selling device for the securities being offered. Theory and practice sometimes diverge, however, particularly in the mutual fund area where salesmen and sales literature, rather than prospectuses often play the primary role in the selling process. A more readable prospectus would facilitate a shift in the emphasis back to the prospectus. Advertising which would stimulate the potential investor's interest in obtaining the prospectus together with material which would stress the importance of reading the prospectus could be equally helpful. The proposed rule changes are designed to accomplish this.

The May 9, 1972, amendment of Rule 134 permits a tombstone advertisement to contain a general description of an investment company, its attributes, method of operation and services offered, but only to the extent such general descriptions are not inconsistent with the attributes, operations, and services of the particular company running the advertisement. In other words, companies are now prohibited from discussing their own features and services. Proposed amended Rule 134(a)(3)(C) would remove this limitation and permit an investment company with an effective registration statement not only to include a general description of an investment company, but also a description of its own special attributes, methods of operation and services. Such a description could consist of its investment objectives and policies, services and method of operation and the advertisement could also include identification of the company's principal officers, directors, and key personnel of its adviser and a description of their background and experience, the company's date of incorporation, its total net asset value and any design or illustration contained in the prospectus not involving performance figures. Performance figures specifically could not be included because the Commission believes that their inclusion could make the advertisement an offer to sell securities—prohibited unless made by a statutory prospectus. On the other hand, an advertisement which discussed a company's method of operation and invited the reader to investigate the company's performance as set forth in sales literature accomplished by a prospectus would be entirely consistent with the proposed amendment's purpose, provided no misleading claims were involved. The specified information could be included provided the advertisement also contained a description of the advisory and other fees and charges and a coupon which the reader could mail to receive a prospectus and provided the prospectus contained the statement described in Rule 425B.

New Rule 425B would require that each prospectus sent in response to a coupon request from an advertisement pursuant to amended Rule 134 contain a statement stressing the importance of reading the prospectus before making an investment decision. Rule 134 would be amended pursuant to sections 2(10)(b) and 19(a) (of the Securities Act of 1933). The new Rule 425B would be

adopted pursuant to section 19(a) (of the Act) alone.[3]

Section 2(10)(b) of the Securities Act specifically delegates to the Commission the power to determine what information shall be contained in any communication which precedes the statutory prospectus insofar as such communication goes beyond the requirements of that section, and to set terms and conditions for the communication's use.

Present Rule 134 specifies the information that can be included in a securities advertisement without making the advertisement a prospectus which would not comply with section 10 of the Securities Act. Although the proposed amendment to Rule 134(a)(3)(C) would still not permit the use of selling arguments in an investment company advertisement[4] it would significantly expand the amount of information about the company which could be included.

Commission action. The Securities and Exchange Commission, pursuant to authority in sections 2(10)(b) and 19(a) of the Securities Act of 1933, proposes to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

I. Section 230.134 is proposed to be amended by changing the period to a semicolon after the word "given" in subdivision (iii) of paragraph (a)(3) and by adding new language thereafter reading as set forth below.

II. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new § 230.425b reading as set forth below.

§ 230.134 Communications not deemed a prospectus.

* * * * *

(a) * * *

(3) * * *

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock, or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics and a general description of an investment company including its general attributes, method of operation and services offered provided that such description is not inconsistent with the operation of the particular investment company for which more specific information is being given; and in addition, with respect to an investment company whose registration statement has been made effective, (*a*) a description of such company's investment objectives and policies, services, and method of operation; (*b*) identification of the principal officers and directors of the company and adviser and a description of the background and experience of those persons in the adviser's employ who are responsible for making advisory recommendations to or decisions for the company; (*c*) year of the company's incorporation; (*d*) aggregate net asset value as of a recent date; and (*e*) any logo, corporate symbol or trademark or other graphic design, device or pictorial illustration contained in the company's prospectus, not involving performance figures: *Provided,* That if any information permitted by (*a*) through (*e*) of this subdivision is included the communication shall also contain a statement of the advisory fee, and any administrative or other charge, and sales load and redemption charges if any and a coupon which the reader may mail to receive the prospectus, containing the following legend in 12-point boldface type, "Make no payment at this time;" *And provided further,* That the company's prospectus contains the statement described in § 230.435b of this chapter.

§ 230.425b Statement required in prospectus sent in response to communication pursuant to § 230.134(a)(3)(iii) of this chapter.

Each prospectus sent in response to a coupon request as a result of a communication pursuant to § 230.134(a)(3)(iii) of this chapter shall have the following legend in 12-point boldface type on top of the front page:

This prospectus contains information you need to know about this investment company. It is important that you read it carefully before you decide to invest.

(Secs. 2(10)(b), 19(a), 48 Stat. 74, 85, 15 U.S.C. 77b, 77s)

POSSIBLE PROSPECTUS SIMPLIFICATION FOR INVESTMENT COMPANIES

The approach to investment company advertising set forth in these rule proposals is premised on the Commission's belief that investment companies are sufficiently different from other types of companies to warrant this distinction. Consistent with this, the Commission is also considering the feasibility of simplifying the investment company prospectus. The business of an investment company is simply investing, reinvesting, and trading in securities and the disclosures and information needed to reach an informed investment decision with respect to an investment company security can be significantly distinguished from the information required to reach an informed decision with respect to, say, an offering of an industrial company.

For this reason, the Commission included as one of the items for discussion in the forthcoming hearings, a simplified, more readable mutual fund prospectus. This could be achieved by revision of Form S–5 (17 CFR 239.14) under the Securities Act to permit an abbreviated prospectus which would fully comply with the provisions of section 10 (of the Act).[5] Such a short prospectus could be similar to the investment company summary prospectus permitted under Rule 434A as amended in May. However, as the full statutory prospectus called for by Form S–5, not just a summary version, it could be used with sales literature. It would then be feasible to advertise an investment company's securities by utilizing the short prospectus in its entirety as the basis for immediate investment decision with payment mailed directly to the investment company or its underwriter. The Commission invites all interested persons to submit suggestions in writing on the abbreviated prospectus concept in conjunction with their comments on this aspect of the hearings. The Commission also calls the attention of interested persons to the conclusions and recommendations with respect to this question in the recent report of the Advisory Committee on Investment Companies and Advisers.

Although the rule proposals and the short prospectus suggestion may serve as reference points for the section 22(d) hearings discussed above, the hearings are concerned with development of general Commission policy in the area of mutual fund distribution while this is a specific rule proposal which should be commented on separately from the record in the hearings. Accordingly, all interested persons are invited to submit data, views and comments on the proposed rules in writing to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 30, 1973. Such communications should refer to File No. S7–476. All such communications will be considered available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.

JANUARY 17, 1973.

[FR Doc.73-2912 Filed 2-13-73;8:45 am]

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[1] Investment Company Act, Release No. 7475, stated that the hearings would begin on December 11, 1972. The date for the commencement of the hearings was changed to February 12, 1973, Investment Company Act, Release No. 7534.

[2] For investment companies, because of their combination of externalized management and large pools of liquid assets, the disclosure required by the Securities Act is supplemented by regulation under the Investment Company Act. Nevertheless, the disclosure required in an investment company's Securities Act registration statement is an integral part of the protection afforded the investment company investor.

[3] Section 2(10) defines "prospectus" as "any prospectus, notice, circular, advertisement, letter, or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security; except that * * *

(b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit.

Section 19(a) gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of the Act.

See footnotes at end of document.

[4] In proposing to adopt Rule 134 (Securities Act, Release No. 3535, March 10, 1955, 20 FR 1610) the Commission stated that tombstone advertisements, "are intended to be limited to announcements identifying the existence of a public offering and the availability of a prospectus and they are not intended to be selling literature of any kind."

[5] Section 10(d) provides that the Commission, in the exercise of its powers under subsections (a), (b) or (c) of section 10, shall have the authority to classify prospectuses according to the nature and circumstances of their use or the nature of the security, issue, issuer or otherwise and to prescribe as to each class the form and content it may find appropriate and consistent with the public interest and the protection of investors.

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF ARGENTINA

Information for Investors

The Agency for International Development (AID), has advised the Banco Hipotecario Nacional (the Borrower), an instrumentality of the Government of the Republic of Argentina, that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $4.6 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America, and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to construct housing projects in Argentina.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Angel Caram, Financial Advisor, Embassy of the Republic of Argentina, 1600 New Hampshire Avenue NW., Washington, DC 20009.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 3 years from the date a loan agreement is signed. This disbursement schedule is approximate and will depend upon the progress of the housing projects.

To be eligible for a guaranty, the loan must provide for repayment no later than 25 years from the dates of the respective disbursements and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guarantee fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Acting Director, Office of Housing, Agency for International Development, Room 508, SA-16, Washington, DC 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

PETER M. KIMM,
Acting Director, Office of Housing, Agency for International Development.

FEBRUARY 1, 1973.

[FR Doc.73-2877 Filed 2-13-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CERAMIC GLAZED WALL TILE FROM THE PHILIPPINES

Withholding of Appraisement Notice

Information was received on June 28, 1972, that ceramic glazed wall tile from the Philippines was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 28, 1972, on page 15178. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of ceramic glazed wall tile from the Philippines is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

Information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the f.o.b. Manila port price inland freight and shipping charges. Import duties and sales taxes rebated or not collected by reason of the exportation of the merchandise will be added back.

It appears that home market price will be based on the f.o.b. Manila price or the ex-factory price of such or similar merchandise. A deduction will be made for the included inland freight, as appropriate. Adjustments will be made for bank charges, advertising and differences in packing, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price will be lower than the home market price.

Customs officers are being directed to withhold appraisement of ceramic glazed wall tile from the Philippines in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than February 26, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 16, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective February 14, 1973. It shall cease to be effective on August 14, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 9, 1973.

[FR Doc.73-2987 Filed 2-13-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 1]

DISTRICT ADVISORY BOARD OF MALTA GRAZING DISTRICT

Notice of Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Malta Grazing District Advisory Board will hold a meeting beginning at 9:30 a.m., February 21, 1973, at the Malta District Office, 501 South Second Street East, Malta, MT. The agenda for the meeting, which will be open to interested members of the public, will include consideration of and recommended action on protests, grazing applications and transfers, and other matters requiring Advisory Board action or other items of interest.

The Advisory Board Chairman is John W. Black, Hinsdale, Mont. 59241.

DANTE SOLARI,
District Manager.

[FR Doc.73-2881 Filed 2-13-73;8:45 am]

[New Mexico 17537]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 6, 1973.

The Forest Service, U.S. Department of Agriculture, has filed application New Mexico 17537, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the land for an administrative site.

On or before March 16, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, Post Office Box 1449, Santa Fe, NM.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the land for purposes other than the applicant's; to eliminate land needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the land and its resources.

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

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

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

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Mayhill Lookout Tower

T. 15 S., R. 14 E.,
Sec. 31, SE¼NE¼SE¼ and N½NE¼SE¼SE¼.

The area described contains 15 acres in Otero County.

FRED E. PADILLA,
Acting Chief, Division of Technical Services.

[FR Doc.73-2876 Filed 2-13-73;8:45 am]

Bureau of Reclamation

CONTROL OF OFF-ROAD VEHICLES ON RECLAMATION LANDS

Proposed Policy and Criteria

Executive Order 11644 provides that agencies shall develop and publish regulations prescribing management and use requirements for off-road vehicles on the public lands. Pursuant to this order, proposed policy and criteria have been developed relating to off-road vehicles on Reclamation lands.

It is the policy of the Department of the Interior to afford those dealing with the Department a full and fair opportunity to be heard and to have their views considered on matters affecting their interests. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed policy and criteria to the Commissioner of Reclamation, 18th and C Streets NW., Washington, D.C. 20240, on or before March 16, 1973.

The material which follows is prepared for issuance in the Reclamation manual, and the numbering system is that of the manual.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

FEBRUARY 2, 1973.

RECLAMATION INSTRUCTIONS

PART 215—LAND MANAGEMENT

Chapter 9—Off-Road Vehicle Use

.1 *Purpose.* This chapter sets forth policy and criteria for the control of the use of off-road vehicles on Reclamation lands. These instructions implement applicable provisions of Executive Order 11644 and Departmental requirements.

.2 *Policy.* It is Bureau policy to (1) control the use of off-road vehicles on Reclamation lands and (2) ensure that any permitted use is compatible with other uses and will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances. Such use shall comply with the Departmental criteria in Appendix A.

.3 *Definitions.* An off-road vehicle is any motorized vehicle (including the standard automobile) which is used off established roadways and is designed for, or capable of, travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, 4-wheel drive or low-pressure-tire vehicles, motorcycles, and related 2-wheel vehicles, snowmobiles, amphibious machines, ground-effect or air-cushion vehicles, recreation vehicle campers, and any other means of transportation deriving motive power from any source other than muscle or wind.

A. *Exceptions.* Excluded from this definition are: registered motorboats; military, fire, emergency, or law enforcement vehicles; farm type tractors and other self-propelled agricultural equipment when used exclusively for their designed purposes; self-propelled equipment for harvesting and transporting forest products or for earth moving or construction while being used for these purposes; self-propelled lawn mowers, snowblowers, garden or lawn tractors, and golf carts while being used exclusively for their designed purpose; and vehicles whose use is expressly authorized by permit, lease, license, or contract.

.4 *Responsibility.* Regional Directors shall monitor off-road vehicle use on Reclamation lands and take action as necessary and appropriate to meet the requirements of Executive Order 11644 as set forth in this chapter. They shall also designate and publicize off-road vehicle areas, as appropriate, and shall compile information as necessary relative to such use.

.5 *Administering agencies.* Off-road vehicle use will be administered, in accordance with Executive Order 11644, by those Federal and non-Federal agencies which have assumed responsibility for management of Reclamation lands for recreational purposes. Specifically:

A. Areas managed by the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Forest Service, and other Federal agencies will be administered in accordance with procedures established by those agencies.

B. Areas managed by non-Federal entities will be administered in a manner consistent with both the provisions of this chapter and applicable non-Federal laws and regulations.

C. Areas administered directly by the Bureau of Reclamation will be consistent with this chapter.

D. Off-road vehicle use on public lands withdrawn but not yet utilized for Reclamation purposes will be administered by the Forest Service or by the Bureau of Land Management, as appropriate, consistent with Reclamation requirements for retaining the land.

.6 *Areas for Off-Road Vehicle Use—*
A. *Designation.* Reclamation lands will be closed to off-road vehicle use, as defined in .3 above, except for those areas specifically designated for such use. Prior to opening any area for this use, specific regulations will be established at the regional and operating levels consistent with Departmental criteria in appendix A.

B. *Inspection and control.* Designated off-road vehicle areas shall be inspected periodically to determine conditions resulting from such use. If substantial damage is found, areas shall be closed or appropriate controls established to prevent further deterioration to the land, water, wildlife, and vegetative resources.

C. *Coordination.* The regulation of off-road vehicle use on Reclamation lands will be coordinated with such use as permitted by recreation-managing agencies on adjacent lands (both public and private).

APPENDIX A

DEPARTMENT OF THE INTERIOR CRITERIA FOR MANAGING OFF-ROAD VEHICLE USE

a. *Use Criteria (except for official use).* (1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

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

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

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

(5) Areas and trails shall not be located in areas possessing unique natural, wildlife, historic or recreational values unless the Bureau head determines that these unique values will not be adversely affected.

b. *Operating criteria.* (1) A person operating an off-road vehicle on Interior lands shall have a valid license or learner's permit to operate a motor vehicle in the State of his residence or, if under licensing age for his State of residence, shall be accompanied by a person 21 years of age or older with a valid operator's license who, in turn, may not supervise the off-road vehicle use of more persons under age at any one time than conditions warrant as determined by the agency responsible for recreational management. In addition, no person shall operate an off-road vehicle on Interior lands:

(a) In a reckless, careless, or negligent manner;

(b) In excess of established speed limits;

(c) While the operator is under the influence of alcohol or drugs; and

(d) In a manner likely to cause excessive damage or disturbance of the land, wildlife or vegetative resources.

(2) In order to operate on Interior lands, all off-road vehicles must conform to applicable State laws and registration requirements established for such vehicles.

(3) All off-road vehicles operated on Interior lands shall be equipped with a proper muffler and spark arrestor in good working order and in constant operation, and no vehicle shall have a muffler cut-out, bypass, or similar device. An off-road vehicle that produces unusual or excessive noise shall not be permitted on Interior lands.

(4) Off-road vehicles shall not be operated on Interior lands at any time without proper brakes or from dusk to dawn without working headlights and taillights.

Interior bureaus may issue permits for the operation of off-road vehicles on areas designated for their use for organized races, rallies, meets, endurance contests and other off-road vehicle events. Special precautions must be taken to:

1. Protect the public;

2. Minimize damage to the land and its resources; and

3. Provide for rehabilitation of the land.

All applications for permits for off-road vehicle events shall be submitted no less than 4 months, or a lesser time as each Bureau may determine, prior to such events, to allow sufficient time to assure that such precautions are provided for. Each Interior bureau shall require the permittee to be bonded or to deposit money in such amounts as may be required to cover cost of restoration and rehabilitation of the trails and areas used, and such other special costs attributable to the events.

Fees may be collected as authorized under the provisions of section 2 of the Land and Water Conservation Fund Act of 1965, as amended, or under other appropriate authority.

[FR Doc.73-2867 Filed 2-13-73;8:45 am]

Geological Survey

[Power Site Cancellation 302]

TRANSMISSION LINES, ARIZONA

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 239, Arizona No. 4, of August 26, 1929, is hereby canceled in its entirety. The following described lands are affected:

GILA AND SALT RIVER MERIDIAN

All lands in the following described areas in Arizona, lying within 50 feet of each side of the centerline of the constructed transmission line of the New Cornelia Copper Co., as shown on maps filed with its application (Phoenix 031547), and incorporated in its final permit under the Act of February 15, 1901 (31 Stat. 790), issued by the Secretary of the Interior on May 23, 1918:

T. 11 S., R. 6 W.,
Sec. 24, lot 2, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 25, NE¼NW¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 35, E½SE¼;
Sec. 36, W½NW¼ and NW¼SW¼.

T. 12 S., R. 6 W.,
Sec. 2, lot 1, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 11, W½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 14, lot 4, NE¼NW¼, SW¼NW¼, and NW¼SW¼.

All lands in the following described tracts in Arizona lying within 20 feet of each side of the centerline of the constructed transmission line of the State of Arizona as shown on map entitled "Sacaton Florence Power Line," filed with its application (Phoenix 036256), and incorporated in its grant under the Act of March 4, 1911 (36 Stat. 1235, 1253), issued by the Secretary of the Interior on July 31, 1918:

T. 5 S., R. 8 E.,
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, N½NW¼;
Sec. 17, N½NE¼;
Sec. 18, N½N½.

T. 5 S., R. 9 E.,
Sec. 15, NW¼NE¼ and NE¼NW¼.

All lands in the following described tracts in Arizona lying within 20 feet of each side of the centerline of the constructed transmission line of the Christmas Copper Co., transferee of the Gila Copper Sulphide Co., as shown on map Exhibit J-2 filed with its application (Phoenix 038467), and incorporated in its grant under the Act of March 4, 1911 (36 Stat., 1235, 1253), issued by the Secretary of the Interior on September 27, 1918:

T. 4 S., R. 15 E.,
Sec. 36, SE¼NE¼ and E½SE¼.

T. 5 S., R. 15 E.,
Sec. 1, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 12, E½NW¼.

T. 4 S., R. 16 E.,
Sec. 30, (unsurveyed);
Sec. 31, (unsurveyed) NW¼.

The land described aggregates about 99 acres.

The effective date of this cancellation is June 5, 1973.

W. A. RADLINSKI,
Acting Director.

FEBRUARY 5, 1973.

[FR Doc.73-2882 Filed 2-13-73;8:45 am]

[Power Site Cancellation 315]

VERDE RIVER BASIN, ARIZ.

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 438 of November 16, 1956, is hereby canceled to the extent that it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 5 E.,
Sec. 19, NE¼SE¼.

The land described aggregates 40 acres. The effective date of this cancellation is June 5, 1973.

W. A. RADLINSKI,
Acting Director.

FEBRUARY 5, 1973.

[FR Doc.73-2883 Filed 2-13-73;8:45 am]

Office of the Secretary

[INT DES 72-62; Formerly INT DES 72-58]

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Notice of Reopening of Review Period for Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department issued a draft environmental statement for the proposed implementation of Executive Order No. 11644, which pertains to use of off-road vehicles on the public land (37 FR 11078, June 2, 1972).

This notice hereby reopens the review period and invites written comments by March 16, 1973.

In addition, this notice corrects the statement number which should be INT DES 72-62. Comments previously submitted referencing the incorrect number need not be corrected or resubmitted.

Dated: February 9, 1973.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-2864 Filed 2-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 7]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published at 37 FR 13352 is amended to read as follows:

1. Section 1(c) entitled "General" published at 37 FR 13352, as amended at 38 FR 1946, is revised to read as follows: Prices on sales of warehouse stocks of grain will be in accordance with the CCC Monthly Sales List in effect at the time of sale with interest beginning for the account of the buyer the day after the date of sale. Such sales made on an in-store delivery basis will require storage to begin for the account of the buyer 10 days after the date of sale. Such sales made on the FOB delivery basis will require storage for the account of the buyer beginning on the day after the date of sale. Storage charges will be in accordance with Uniform Grain Storage Agreement rates. Interest to date of payment will be at 7 percent. No cash advance will be required from responsible buyers, but buyers will be required to furnish CCC an irrevocable letter of credit covering the purchase price plus estimated storage and interest to the end of the delivery period. Specific terms for to-arrive sales will be enumerated with separate announcements.

2. Section 32 entitled "Peanuts, shelled or farmers stock-restricted use sales" published at 37 FR 13354 as amended at 37 FR 19389 and 37 FR 22639 is further amended by the revision of the last sentence to read as follows:

Sales are made on the basis of competitive bids submitted each Tuesday to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

3. The provisions of section 45 entitled "Linseed Oil—Export Sales" are deleted.

Signed at Washington, D.C. on February 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-2955 Filed 2-13-73;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, AND COMMODITY ONLY SCHOOLS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Meals

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the notice of November 2, 1972 (37 FR 23370), which set forth the income poverty guidelines to be used in determining eligibility for free and reduced price meals in the fiscal year ending June 30, 1973. The purpose of this amendment is to further define "Income" as pertains to special hardship conditions. Comments, suggestions or objections are invited and may be delivered by February 1973 to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than March 16, 1973. Communications should identify the section and paragraph on which comments, etc., are offered.

All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Child Nutrition Division during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendment, with the proposed effective date as stated, are as follows:

A new paragraph is added immediately before the last paragraph, as follows:

* * * * *

"Income" as the term is used in this notice, does not include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household: (1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses.

* * * * *

Effective date. This notice shall be effective March 16, 1973.

Dated: January 30, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-2862 Filed 2-13-73;8:45 am]

Office of the Secretary

PACIFIC COMMODITIES EXCHANGE, INC.

Designation as Contract Market for Shell Eggs

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate the Pacific Commodities Exchange, Inc., of San Francisco, Calif., as a contract market for shell eggs effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on August 1, 1972, designating the said exchange as a contract market for the commodity specified in said order, may constitute either a single designation or two designations.

Issued this 9th day of February 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-2897 Filed 2-13-73;8:45 am]

Soil Conservation Service

NARGE CREEK PROJECT MEASURE, KY.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Narge Creek Project Measure, Hopkins County, Ky., USDA-SCS-ES-RC&D-(ADM)-73-RD-1(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural water management. The planned works of improvement include conservation land treatment, supplemented by 6.2 miles of channel modification.

This draft environmental statement was transmitted to CEQ on February 2, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, KY 40504.

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

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

Comments concerning the proposed action or requests for additional information should be addressed to Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504.

Comments must be received within 30 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: February 2, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73-2962 Filed 2-13-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12 SIGNIFICANCE AND IMPACT OF ASCII AS A FEDERAL STANDARD

Notice of Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 11 a.m. to 4 p.m. on Thursday, February 22, 1973, in Room B-27, Building 225 of the National Bureau of Standards in Gaithersburg, Md.

The purpose of the meeting is to review proposed ASCII questionnaires and to consider matters related to their processing.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301—921-3551).

Dated: February 9, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-2908 Filed 2-13-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

Patent-3 646 813, Cryogenic-Sensing Device Using Uranium Monophosphide-Uranium Monosulphide. Filed September 9, 1969, Patented March 7, 1972. Not available NTIS.

Patent-3 647 421, Reprocessing a Plutonium Dioxide-Molybdenum Fuel. Filed April 4, 1969, Patented March 7, 1972. Not available NTIS.

Patent-3 648 472, Cryogenic Fluid Discharge Muffler. Filed February 6, 1970, Patented March 14, 1972. Not available NTIS.

Patent-3 649 450, Control Rod Position Indication System. Filed March 4, 1970, Patented March 14, 1972. Not available NTIS.

Patent-3 649 452, Nuclear Reactor Fuel Coated Particles. Filed March 28, 1968, Patented March 14, 1972. Not available NTIS.

Patent-3 649 829, Laminar Flow Cell. Filed October 6, 1970, Patented March 14, 1972. Not available NTIS.

Patent-3 649 834, Laminar Gas Flow Radiation Detector. Filed October 6, 1970, Patented March 14, 1972. Not available NTIS.

Patent-3 650 804, Process for Decreasing Permeability of a Porous Body and the Product Thereof. Filed February 19, 1969, Patented March 21, 1972. Not available NTIS.

Patent-3 650 893. Port Plug for a Plasma-Confining Cavity. Filed December 2, 1969, Patented March 21, 1972. Not available NTIS.

Patent-3 652 744, Method of Making Nuclear Fuel Elements. Filed November 19, 1969, Patented March 28, 1972. Not available NTIS.

Patent-3 654 794, Drawbench. Filed March 7, 1969, Patented April 11, 1972. Not available NTIS.

Patent-3 656 012, Method of Generating Unipolar and Bipolar Pulses. Filed February 2, 1971, Patented April 11, 1972. Not available NTIS.

Patent-3 656 116, Computer Interface. Filed May 5, 1970, Patented April 11, 1972. Not available NTIS.

Patent-3 656 128, Magnetic Matrix Recording System. Filed December 22, 1970, Patented April 11, 1972. Not available NTIS.

Patent-3 657 137, Nuclear Fuel Comprising Uranium Dioxide in a Porous Ceramic Oxide Matrix. Filed June 4, 1964, Patented April 18, 1972. Not available NTIS.

Patent-3 657 542, Production of Beams of Excited Energetic Neutral Particles. Filed May 4, 1970, Patented April 18, 1972. Not available NTIS.

Patent-3 657 920, Sequential Sampler. Filed May 6, 1970, Patented April 25, 1972. Not available NTIS.

Patent-3 658 467, System for Total Iodine Retention. Filed July 28, 1969, Patented April 25, 1972. Not available NTIS.

Patent-3 658 644, Fast Breeder Reactor. Filed February 6, 1970, Patented April 25, 1972. Not available NTIS.

Patent-3 659 105, Subatomic Particle Detector with Liquid Electron Multiplication Medium. Filed October 21, 1970, Patented April 25, 1972. Not available NTIS.

Patent-3 659 106, Portable Neutron Source Using a Plurality of Moderating Means. Filed September 21, 1970, Patented April 25, 1972. Not available NTIS.

Patent-3 659 107, Radioisotopic Fuel Capsule. Filed July 29, 1970, Patented April 25, 1972. Not available NTIS.

Patent-3 659 527, High Temperature Detonator. Filed October 29, 1970, Patented May 2, 1972. Not available NTIS.

Patent-3 660 075, Crucible Coating for Preparation of U and P Alloys Containing ZR or HF. Filed October 16, 1969, Patented May 2, 1972. Not available NTIS.

Patent-3 660 300, Method of Preparing Oxidized Radon Solutions. Filed June 5, 1970, Patented May 2, 1972. Not available NTIS.

Patent-3 660 712, Electrode Structure for Controlling Electron Flow with High Transmission Efficiency. Filed December 9, 1970, Patented May 2, 1972. Not available NTIS.

Patent-3 660 715, Ion Source with Mosaic Ion Extraction Means. Filed August 18, 1970, Patented May 2, 1972. Not available NTIS.

Patent-3 662 589, Ultrasonic Flaw Determination by Special Analysis. Filed February 2, 1971, Patented May 16, 1972. Not available NTIS.

Patent-3 662 280, Explosively Driven Pulsed Chemical Laser. Filed November 16, 1970, Patented May 9, 1972. Not available NTIS.

Patent-3 662 634, Hydrostatically Powered Messenger Style Wire Cutter. Filed December 18, 1970, Patented May 16, 1972. Not available NTIS.

Patent-3 663 178, Mixer-Settler Apparatus. Filed June 3, 1969, Patented May 16, 1972. Not available NTIS.

Patent-3 663 360, Conversion of High Temperature Plasma Energy into Electrical Energy. Filed August 13, 1970, Patented May 16, 1972. Not available NTIS.

Patent-3 663 361, Nuclear Fusion Device of the Air-Core Tokamak Type. Filed February 17, 1970, Patented May 16, 1972. Not available NTIS.

Patent-3 663 362, Controlled Fusion Reactor. Filed December 22, 1970, Patented May 16, 1972. Not available NTIS.

Patent-3 663 855, Cold Cathode Vacuum Discharge Tube with Cathode Discharge Face Parallel with Anode. Filed February 24, 1967, Patented May 16, 1972. Not available NTIS.

Patent-3 663 363, Identification of Failed Fuel Elements. Filed March 13, 1969, Patented May 16, 1972. Not available NTIS.

Patent-3 664 921, Proton E-Layer Astron for Producing Controlled Fusion Reactions. Filed October 16, 1969, Patented May 23, 1972. Not available NTIS.

Patent-3 664 950, Process for Selective Removal and Recovery of Chromates from Water. Filed June 23, 1970, Patented May 23, 1972. Not available NTIS.

Patent-3 665 236, Electrode Structure for Controlling Electron Flow with High Transmission Efficiency. Filed December 9, 1970, Patented May 23, 1972. Not available NTIS.

Patent-3 665 573, Method of Fabricating a Heat Pipe. Filed May 18, 1970, Patented May 30, 1972. Not available NTIS.

Patent-3 666 451, Aluminum Alloy. Filed August 13, 1970, Patented May 30, 1972. Not available NTIS.

Patent-3 666 529, Method of Conditioning Aluminous Surfaces for the Reception of Electroless Nickel Plating. Filed April 2, 1969, Patented May 30, 1972. Not available NTIS.

Patent-3 666 624, Hydraulic Hold-Down for Nuclear Reactor Fuel Assembly. Filed July 18, 1969, Patented May 30, 1972. Not available NTIS.

Patent-3 666 666, Ferroelectric Ceramic Materials. Filed December 17, 1969, Patented May 30, 1972. Not available NTIS.

Patent-3 666 845 Production-Scale Formation of Ultrahigh Purity Carbide Powders. Filed May 6, 1970, Patented May 30, 1972. Not available NTIS.

Patent-3 667 029, Method and Means for Charging or Discharging Superconducting Windings. Filed April 15, 1970, Patented May 30, 1972. Not available NTIS.

Patent-3 667 246, Method and Apparatus for Precise Temperature Control. Filed December 4, 1970, Patented June 6, 1972. Not available NTIS.

Patent-3 668 066, Dynamic Stabilizer for Plasma Instabilities to Improve Plasma Confinement and to Increase Plasma Density. Filed February 18 1970. Patented June 6, 1972. Not available NTIS.

Patent-3 668 067, Polygonal Astron Reactor for Producing Controlled Fusion Reactions. Filed October 16, 1969, Patented June 6, 1972. Not available NTIS.

Patent–3 668 084, Process for Plating Uranium with Metal. Filed June 10, 1970, Patented June 6, 1972. Not available NTIS.
Patent–3 668 285, Warm-Pressing Method of Making Stacked Fuel Plates. Filed October 27, 1970, Patented June 6, 1972. Not available NTIS.
Patent–3 669 631, Removal of Materials from Ion Exchange Resins. Filed January 8, 1970, Patented June 13, 1972. Not available NTIS.
Patent–3 670 164, Personnel Plutonium Monitor. Filed August 18, 1970, Patented June 13, 1972. Not available NTIS.
Patent–3 671 199, Plutonium Hexafluoride Reduction. Filed March 4, 1969, Patented June 20, 1972. Not available NTIS.
Patent–3 671 392, Light-Water Breeder Reactor. Filed March 15, 1971, Patented June 20, 1972. Not available NTIS.
Patent–3 671 455, Nitriles as Scintillation Solvents and Solutes. Filed May 6, 1971, Patented June 20, 1972. Not available NTIS.
Patent–3 672 204, Transient Thermal Method and Means for Nondestructively Testing a Sample. Filed April 8, 1970, Patented June 27, 1972. Not available NTIS.
Patent–3 672 246, Automatic Spindle Growth Compensation System. Filed April 20, 1970, Patented June 27, 1972. Not available NTIS.
Patent–3 672 772, Automatic Photoelastimeter. Filed August 31, 1970, Patented June 27, 1972. Not available NTIS.
Patent–3 672 846, Method for Reprocessing Spent Molten Salt Reactor Fuels. Filed April 21, 1970, Patented June 27, 1972. Not available NTIS.
Patent–3 673 038, Method for Brazing Graphite and Other Refractory Materials. Filed April 14, 1970, Patented June 27, 1972. Not available NTIS.
Patent–3 673 513, Electron Beam-Initiated Chemical Laser Systems. Filed May 26, 1970. Patented June 27, 1972. Not available NTIS.

[FR Doc. 73–2806 Filed 2–13–73;8:45 am]

Office of Import Programs

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY

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

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

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

Docket No. 73–00131–33–90000. Applicant: College of Physicians and Surgeons of Columbia University, 630 West 168th Street, New York, NY 10032. Article: Rotating anode X-ray generator, model GX–6 and accessories. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used in studies involving X-ray diffraction of living single muscle fibers (filament lattice) to clarify the physical-chemical nature of muscle tissue and to define the state of the crystalline lattice of the myofilaments during rest and contraction. The article will also be used in training graduate students in methods and techniques of X-ray diffraction of biological tissues in two anatomy courses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated January 24, 1973, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

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

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–2890 Filed 2–13–73;8:45 am]

MERCY CATHOLIC MEDICAL CENTER

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

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

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

Docket No. 73–00134–33–46500. Applicant: Mercy Catholic Medical Center, Lansdowne Avenue and Baily Road, Darby, Pa. 19023. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to study normal and abnormal mammalian tissues for the degree of anisotropism and properties involved in transport processes of macromolecules. The experiments are directed at the distribution of edema fluids in dog lung, and the transport rate of macromolecules from lung interstitial space into capillaries to permit detailed analysis of the role of fibrin in the evolution of pulmonary edema: fluid distribution, protein absorption.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (docket No. 69–00665–33–46500), which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW), advised that "Smooth cuts are obtained when the speetd of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (docket No. 70–00077–33–46500), relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of January 24, 1973, that cutting speeds in the excess of 4 mm./sec. are pertinent to the applicant's research studies.

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

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

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–2893 Filed 2–13–73;8:45 am]

HARTFORD HOSPITAL ET AL.

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

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific,

and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

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

Docket No.: 73–00122–33–46040. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, CT 06115. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine biologic specimens consisting of renal biopsy material. Experiments consisting of observation, recording, and photographing of renal ultrastructure and a wide variety of pathologic states including lipoid nephrosis, post Streptococus syndrome, clinical and subclinical diseases, idiopathic membranous glomerulonephritis, juvenile and adult nephrotic syndrome, clinical and subclinical diabetes mellitus. The underlying objective is the utilization of ultrastructural renal changes for correlation confirmation and expansion of diagnostic impressions made by light microscopy. The article will also be used for educational purposes in postgraduate residency training in pathology at the hospital. Application received by commissioner of customs: August 21, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

Docket No.: 73–00124–33–46040. Applicant: St. Cloud State College, Biology Department, St. Cloud, Minn. 56301. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following research projects:

a. Cytology of selected protozoa.

b. Delineation of paramylum bodies of Euglena after light and dark treatment.

c. Ultrastructure of Chlorella pyrenosa grown heterotrophically.

d. Chromosome mapping of Drosophila melanogaster mutant using the salivary gland tissue.

e. Effect of mercury on liver tissue of the white rat.

f. Cytogenetus of aquatic bull rusher Scirpus spp.

g. Phytophage of certain blue-green algae.

h. Anatomy of soil bacteria and their bacteria phages.

The article will also be used for demonstration or on single lesson units in a wide variety of biological courses. In addition, the article will be used extensively in a wide range of courses including: Biology 413–513—Electron microscope techniques, Biology 414–514—Advanced electron microscopy, and Biology 603—Research in biology. Application received by Commissioner of Customs: August 22, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

Docket No.: 73–00135–33–46040. Applicant: Michigan State University, Department of Pathology, 350 Giltner Hall, East Lansing, MI 48823. Article: Electron microscope, Model EM 9S–2, with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching and training of Ph. D. candidates, medical students, and inexperienced faculty members, as well as for research on a wide variety of animal and human tissues. Specific experiments to be conducted include:

(1) The anatomy of the normal, developing canine kidney (in utero, postuterine, young, and adult) and the ultrastructural renal pathology of dogs treated with penicillin.

(2) The differentiating cerebellum and its response to injury, including the ultrastructure of the developing cerebellum and morphologic changes in synapses following MAM-induced granule cell destruction.

(3) The ultrastructure pathology of Mycoplasma infections in turkey sinuses, lungs and air sacs.

(4) Surface changes in the intestines of baby pigs with several bacterial and viral infections.

(5) Ultrastructural pathology of heart, liver, and kidneys in selenium toxicosis.

The article will be used as a training microscope for graduate students and residents in the Department of Pathology. Application received by Commissioner of Customs: September 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

Docket No.: 73–00141–33–46040. Applicant: City of Hope Medical Center, 1500 East Duarte Road, Duarte, CA 91010. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research studies on biological materials, and the most important of which are experimental obesity and diabetes in mice (with electron microscope studies of pancreases), and experimental arteriosclerosis (hardening of the arteries). The article will also be used in training research fellows, residents, physicians, and scientists of the City of Hope Medical Center. Application received by Commissioner of Customs: September 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU–4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

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

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–2894 Filed 2–13–73;8:45 am]

NEW YORK MEDICAL COLLEGE AND UNIVERSITY OF CALIFORNIA, LOS ANGELES

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

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

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

Docket No. 73–00129–00–46040. Applicant: New York Medical College, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Double-tilting device with rotation for Elmiskop 101 electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope which is intended to be used to observe the fine structure of membranes and the ultrastructural relationships of closely apposed membranes at those particular angles of tilt and rotation at which these structures are optimally visible. Application received by Commissioner of Customs: August 17, 1972. Advice submitted by Department of Health, Education, and Welfare on January 24, 1973.

Docket No. 73-00143-00-46040. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Double tilt rotation equipment, objective pole piece, and accessory parts bit. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are components for an existing electron microscope being used for structural studies of purified bacterial viruses, intracellular viruses and protein crystals. Application received by Commissioner of Customs: September 7, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

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

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-2895 Filed 2-13-73;8:45 am]

TULANE UNIVERSITY SCHOOL OF MEDICINE ET AL.

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

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

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

Docket No. 73-00121-33-46040. Applicant: Tulane University School of Medicine, Department of Anatomy, 1430 Tulane Avenue, New Orleans, LA 70112. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine the fine structure of cells of the endocrine organs, liver, carotid body and heart. Investigations to be conducted include: Studies on cytoplasmic crystals and myelin, studies of the fine structure of sympathetic and parasympathetic paraganglion cells together with the mechanism of release of their hormones, cytochemical localization of acetyl CoA carboxylase in hepatocytes and cells of the mammary gland, effects of drugs on motoneurons of the spinal cord and analyses of the effects of cholesterol inhibitors on the lens of the eye. The article will also be used in the course, Electron Microscopic Anatomy, for teaching students the theories of fixation, dehydration and embedding tissues for microscopy as well as actual experience in the use of the electron microscope. Application received by Commissioner of Customs: August 18, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1972.

Docket No. 73-00127-33-46040. Applicant: The University of Rochester, River Station, Rochester, N.Y. 14627. Article: Electron microscope, Model JEM 100B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study:

(i) The ultrastructure of normal and pathologic spleen and bone marrow from animals and humans.

(ii) The three-dimensional structure of normal and pathologic blood cells both in suspension and within the hemopoietic tissues.

(iii) The ultrastructural fine detail of the cell membranes at high resolution.

Experiments to be conducted include control of release of precursor cells from the bone marrow and RBC membrane surface changes. The article will also be used in the hematology training program for research training of academic hematologists. Application received by Commissioner of Customs: August 29, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1972.

Docket No. 73-00130-33-46040. Applicant: University of Texas Southwestern Medical School of Dallas, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of articles: The article is intended to be used in high resolution studies of conformational and redistributional changes of proteins on or within organelle and cell membranes which occur during change in the state of organelle and cell function. The identification of specific proteins on or in cellular membranes will be investigated using antibody and other protein tagging techniques in a research program devoted to studies in the molecular anatomy of membranes. Protein identification and orientation in biomembranes as well as conformation of solubilized proteins will be studied by high-resolution freeze-cleaving electron microscopy, dark field electron microscopy and negative staining. The article will also be used in an advanced seminar course in the graduate-medical program by an experienced operator to train several postdoctoral, graduate, and medical students in the fundamentals of high resolution electron microscopy. Application received by Commissioner of Customs: August 25, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1972.

Docket No.: 73-00137-33-46040. Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by the Department of Microbiology in a wide variety of investigations in the areas of genetics, virology, immunology, medical mycology, bacteriology, and physiology. Some of the experiments to be conducted involve:

(i) The genetic control of virus structure and virus morphogenesis.

(ii) Studies to develop chemically defined, simple antigens with which the presumed structural change associated with the allosteric transition suspected in the binding of antigen-antibody complex with the first component of complement can be examined in detail.

(iii) The mechanism of neutralization of small DNA tumor Viruses (polyoma).

(iv) Studies of the effects of Allescheria boydii on the brain tissue of mice.

(v) Comparing the normal and aberrant cell types of the yeast, Trigonopsis variabilis to determine the cell wall structure of these organisms. Application received by Commissioner of Customs: September 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of 5 Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific

value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

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

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-2891 Filed 2-13-73;8:45 am]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 72-00627-33-46500. Applicant: University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut ultrathin sections of brains and nerve tissues and liver from rhesus monkeys. This involves a research project on the chronic effects of methamphetamine administration.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of October 20, 1972, that cutting speeds in the excess of 4 mm./sec. are pertinent to the applicant's research studies.

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

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

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-2892 Filed 2-13-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Agriculture Statistics will convene on February 23, 1973, at 9:30 a.m. The committee will meet in Room 2113, Federal Building No. 3, at the Bureau of the Census in Suitland, Md.

This committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents; to prepare recommendations regarding the contents of reports and to present the views and needs for data of major agricultural organizations and their members.

The committee is composed of 19 members appointed by the presidents of the nonprofit organizations having representatives on the committee.

The agenda for the meeting is: (1) Recommendations for postponement of the 1974 Census of Agriculture until 1977, (2) requirements for planning a 1977 Census of Agriculture, (3) status report on the 1969 Census of Agriculture, and (4) Department of Agriculture's recommendations for changes in classifications of establishments associated with agriculture and desired data collection and tabulations.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, FB No. 3, Suitland, Md. (Mail address: Washington, D.C. 20233.) Telephone: 301-763-5230.

O. BRYANT BENTON,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-2869 Filed 2-13-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANUFACTURERS AND DISTRIBUTORS

Notice of Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation

Correction

In FR Doc. 72-21556 appearing at page 26623 in the issue for Thursday, December 14, 1972, the following changes should be made:

1. In the paragraph immediately preceding "XI. Parenteral Multivitamin Products", in the first column of page 26626, the 14th and 15th lines should be deleted, and the following should be inserted after the word "therapy" in the 13th line: "unless equal or greater consideration is given to diet, calcium, physiotherapy".

2. In "XI. Parenteral Multivitamin Products", the first word of the third item in the listing, now reading "Beclsyl," should read "Becylsyl".

Office of Education

NATIONALLY RECOGNIZED ACCREDITING ASSOCIATIONS AND AGENCIES

List

For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82-550 and subsequent legislation, the U.S. Commissioner of Education hereby publishes a list of nationally recognized accrediting associations and agencies which he determines to be reliable authority as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

This list supersedes the list previously promulgated by the Commissioner of Education on May 16, 1970, 35 FR 7668–7669.

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR GENERAL ACCREDITATION OF COLLEGES AND UNIVERSITIES

Commission on Higher Education, Middle States Association of Colleges and Secondary Schools.
Commission on Institutions of Higher Education, New England Association of Schools and Colleges.
Commission on Institutions of Higher Education, North Central Association of Colleges and Secondary Schools.
Commission on Higher Schools, Northwest Association of Secondary and Higher Schools.
Commission on Colleges and Universities, Southern Association of Colleges and Schools.
Accrediting Commission for Senior Colleges and Universities, Accrediting Commission for Junior Colleges, Western Association of Schools and Colleges.
Board of Regents, University of the State of New York (for institutions within New York State registered by the Office of Higher Education, the State Education Department).

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS

ARCHITECTURE

National Architectural Accrediting Board, Inc. (5-year programs leading to a professional degree).

ART

National Association of Schools of Art (professional schools and programs).

BIBLE COLLEGE EDUCATION

Accrediting Association of Bible Colleges (3-year institutes and 4- and 5-year colleges).

BLIND AND VISUALLY HANDICAPPED EDUCATION

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (residential schools for the blind).

BUSINESS

Accrediting Commission, Association of Independent Colleges and Schools (private junior and senior colleges of business, and 1- and 2-year private schools of business).
American Association of Collegiate Schools of Business (baccalaureate and master's degree programs).

CHEMISTRY

Committee on Professional Training, American Chemical Society (baccalaureate professional programs)

CLINICAL PASTORAL EDUCATION

National Certification and Accreditation Committee, Association for Clinical Pastoral Education, Inc. (professional training centers).

COSMETOLOGY

Cosmetology Accrediting Commission (private cosmetology schools).

DENTISTRY

Council on Dental Education, American Dental Association (professional programs leading to D.D.S. or D.M.D. degrees, advanced dental specialty programs, rotating and mixed internship and general practice residency programs, professional programs in dental hygiene, and technical programs in dental assisting, dental hygiene, and dental technology).

ENGINEERING

Engineers' Council for Professional Development (first professional degree curricula in engineering and 2-year programs in engineering technology).

FORESTRY

Society of American Foresters (professional schools).

FUNERAL SERVICE EDUCATION

Commission on Schools, American Board of Funeral Service Education (independent schools and collegiate departments).

HOME STUDY EDUCATION

Accrediting Commission, National Home Study Council (private correspondence schools).

HOSPITAL ADMINISTRATION

Accrediting Commission on Graduate Education for Hospital Administration (graduate programs).

JOURNALISM

American Council on Education for Journalism (baccalaureate professional programs).

LANDSCAPE ARCHITECTURE

Committee on Education, American Society of Landscape Architects (first professional degree programs).

LAW

American Bar Association (professional schools).

LIBRARIANSHIP

Committee on Accreditation, American Library Association (5-year programs leading to the master's degree).

MEDICINE

Liaison Committee on Medical Education representing the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges (professional programs leading to M.D. degree).

MEDICAL LABORATORY TECHNICIAN EDUCATION

Accrediting Bureau for Medical Laboratory Schools (technical schools and programs).

MEDICAL RECORD ADMINISTRATION

Council on Medical Education, American Medical Association, in collaboration with the American Medical Record Association which sponsors the Education and Registration Committee, AMRA (professional programs).

MEDICAL RECORD TECHNICIAN EDUCATION

Council on Medical Education, American Medical Association, in collaboration with the American Medical Record Association which sponsors the Education and Registration Committee, AMRA (technical programs).

MEDICAL TECHNOLOGY

Council on Medical Education, American Medical Association, in collaboration with the American Society of Clinical Pathologists and the American Society of Medical Technologists which sponsor the Board of Schools of Medical Technology (professional programs).

MUSIC

National Association of Schools of Music (baccalaureate and graduate degree programs).

NURSING

Nurse Anesthesia, American Association of Nurse Anesthetists (professional schools).
Professional and Practical Nurse, Board of Review, National League for Nursing, Inc. (professional and practical nurse programs).
Accrediting Review Board, National Association for Practical Nurse Education and Service, Inc. (practical nurse programs).

OCCUPATIONAL THERAPY

Council on Medical Education, American Medical Association, in collaboration with the American Occupational Therapy Association which sponsors the Accreditation Committee, AOTA (professional programs).

OCCUPATIONAL, TRADE AND TECHNICAL EDUCATION

Accrediting Commission, National Association of Trade and Technical Schools (private trade and technical schools).
Commission on Occupational Education Institutions, Southern Association of Colleges and Schools (noncollegiate postsecondary schools).

OPTOMETRY

Council on Optometric Education, American Optometric Association (professional schools).

OSTEOPATHIC MEDICINE

American Osteopathic Association (professional programs leading to D.O. degree).

PHARMACY

American Council on Pharmaceutical Education (professional schools).

PHYSICAL THERAPY

Council on Medical Education, American Medical Association, in collaboration with the American Physical Therapy Association which sponsors the Committee on Accreditation in Basic Education, APTA (professional programs).

PODIATRY

Council on Education, American Podiatry Association (baccalaureate and graduate degree programs).

PSYCHOLOGY

American Psychological Association (doctoral and internship programs in clinical and counseling psychology).

PUBLIC HEALTH

Committee on Professional Education, American Public Health Association, Inc. (master's degree programs in community health education and graduate professional schools of public health).

RADIOLOGIC TECHNOLOGY

Council on Medical Education, American Medical Association, in collaboration with the American College of Radiology and the American Society of Radiologic Technologists which sponsor the Joint Review Committee on Education in Radiologic Technology (technical programs).

RESPIRATORY (INHALATION) THERAPY

Council on Medical Education, American Medical Association, in collaboration with the American Association for Inhalation Therapy, the American College of Chest Physicians, and the American Society of Anesthesiologists which sponsor the Joint Review Committee for Inhalation Therapy Education (technical programs).

SOCIAL WORK

Committee on Accreditation, Council on Social Work Education (graduate professional schools).

SPEECH PATHOLOGY AND AUDIOLOGY

American Boards of Examiners in Speech Pathology and Audiology, American Speech and Hearing Association (master's degree program).

TEACHER EDUCATION

National Council for Accreditation of Teacher Education (baccalaureate and graduate degree programs).

THEOLOGY

Commission on Accrediting, American Association of Theological Schools (graduate professional schools).

VETERINARY MEDICINE

Council on Education, American Veterinary Medical Association (professional programs leading to D.V.M. or V.M.D. degrees).

Dated: January 19, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

[FR Doc.73-2922 Filed 2-13-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-218]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

Section D of the Secretary's delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management published at 36 FR 5005, March 16, 1971, as amended, is further amended to add "and the Deputy Assistant Secretary for Housing Management" following "The Assistant Secretary for Housing Management" in line 3 of that section.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of January 22, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-2909 Filed 2-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-73-25N]

BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2) dated October 6, 1972, that the Boating Safety Advisory Council, U.S. Coast Guard, will conduct an open meeting on Monday and Tuesday, April 30 and May 1, 1973, at the U.S. Coast Guard Academy, New London, Conn., beginning at 1 p.m.

The Boating Safety Advisory Council is a 21-member council authorized by section 33 of the Federal Boat Safety Act of 1971. The council must be consulted by the Coast Guard in establishing a need for formulating and prescribing regulations which establish minimum safety standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the council on any other major boat safety matters related to the Act.

The agenda for the April 30 and May 1 meeting consists of the following:

Beginning at 1 p.m. on Monday, April 30, there will be an update on the Coast Guard's Office of Boating Safety Program followed by a boating education presentation and a report on the accident reporting program.

At 9 a.m. on Tuesday, May 1, there will be an update on the Manufacturers Compliance and Defect Notification Program followed by a National Safe Boating Committee presentation.

Any member of the public who wishes to do so may file a written statement with the committee, before or after the meeting, or may present an oral statement with the advance approval of the chairman.

Interested persons may request additional information concerning the April 30 and May 1 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to the Federal Advisory Committee Act, section 10(b) dated October 6, 1972) from the Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (GBL/62), 400 Seventh Street SW., Washington, DC 20590, or by calling 202—426-1060.

Dated: February 8, 1973.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.73-2906 Filed 2-13-73;8:45 am]

National Transportation Safety Board

[Docket No. SA-437]

AIRCRAFT ACCIDENT AT MIAMI, FLA.

Notice of Investigation Hearing; Change of Date

In the matter of investigation of accident involving Eastern Air Lines, Inc., Lockheed L-1011 of U.S. Registry N310EA, near Miami, Fla., December 29, 1972, Docket No. SA-437.

Notice is hereby given that an Accident Investigation Hearing (38 FR 2784, Tuesday, January 30, 1973) on the above matter is rescheduled to be held commencing at 1:30 p.m. (local time), on March 5, 1973, in the Florida Room of the Miami Springs Villas, Miami Springs, Fla.

Dated this 8th day of February 1973.

[SEAL] JAMES W. KUEHL,
Hearing Officer.

[FR Doc.73-2896 Filed 2-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-406]

TUSKEGEE INSTITUTE

Notice of Proposed Issuance of Construction Permit and Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of a construction permit and subsequently a facility operating license to the Tuskegee Institute (the Institute) in Tuskegee, Ala. The proposed permit would authorize the Institute to receive, possess, transport, and construct the AGN-201 (Serial No. 102) nuclear research reactor on its campus in Tuskegee, Ala., for teaching and training purposes. The permit also would authorize the receipt, possession, transportation, and storage of 700 grams of contained uranium-235, and the small quantity of byproduct material contained in the reactor components. The proposed license would authorize the Institute to operate the reactor at power levels up to 100 milliwatts.

The reactor presently is located in Stillwater, Okla., under the authority of Commission Facility License No. R-22 issued to the Oklahoma State University (Docket No. 50-58).

The Commission has found that the application dated March 14, 1972, and supplements thereto dated May 3, 1972, and September 22, 1972, comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. Prior to issuance of the proposed construction permit, the Commission will have made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the proposed permit. Upon issuance of the permit, the Tuskegee Institute will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Upon completion of the construction of the facility in Tuskegee Ala., in compliance with the terms and conditions of the construction permit and the application, as amended, and in the absence of good cause to the contrary, the Commission will issue to the Institute (without prior notice) a class 104c facility license authorizing operation of the AGN-201 (Serial No. 102) nuclear research reactor at power levels up to 100 milliwatts since the application is complete enough to permit evaluation of the safety of the operation of the facility in the manner and location proposed. Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been constructed in accordance with the application and the provisions of the construction permit. The license will not be issued until the Commission makes the findings required by the Act and the Commission's regulations which are set

forth in the proposed license, and concludes that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. In addition, the Institute will be required to execute an amended indemnity agreement as required by section 170 of the Act and by 10 CFR Part 140 of the Commission's regulations.

On or before March 16, 1973, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed actions, see: (1) The application by the Institute dated March 14, 1972, and supplements thereto dated May 3, 1972, and September 22, 1972, (2) the proposed construction permit, (3) proposed facility license, and (4) the Commission's related safety evaluation, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (2), (3), and (4) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing. Prior to issuance of the facility operating license, the technical specifications referenced in the proposed license will be made available in the above Public Document Room.

Dated at Bethesda, Md., this 2d day of February 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-2911 Filed 2-13-73;8:45 am]

[Docket No. 50-269]

DUKE POWER CO.

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-38 to Duke Power Co. (the applicant) which authorizes the applicant to possess, use and operate the Oconee Nuclear Station, Unit 1, a pressurized water reactor, located on the applicant's site in eastern Oconee County, approximately 8 miles northeast of Seneca, S.C. The applicant is authorized to operate the facility at reactor core power levels not in excess of 2,568 megawatts thermal in accordance with the Technical Specifications appended thereto.

On January 8, 1971, a notice of proposed issuance of facility operating license was published by the Commission in the FEDERAL REGISTER (36 FR 296). The notice of proposed issuance provided that within thirty (30) days from the date of publication in the FEDERAL REGISTER, any person whose interest might be affected by the issuance of a license could file a petition for leave to intervene in accordance with 10 CFR Part 2, rules of practice, of the Commission's rules and regulations. No requests for a hearing or petitions for leave to intervene were filed.

On February 11, 1972, a supplementary notice of proposed issuance of facility operating license was published by the Commission in the FEDERAL REGISTER (37 FR 3084). The supplementary notice provided an opportunity for hearing with respect to those matters covered by Appendix D of 10 CFR Part 50 and provided that within thirty (30) days from the date of publication in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. No requests for a hearing or petitions for leave to intervene were filed.

In March 1972, the Commission issued the final detailed statement related to the operation of the Oconee Nuclear Station, Units 1, 2, and 3, pursuant to 10 CFR Part 50, Appendix D. A notice of availability of the final detailed statement was published in the FEDERAL REGISTER on April 1, 1972 (37 FR 6702).

The Commission's regulatory staff has inspected the facility and has determined that for operation as authorized by the license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-33, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The applicant has submitted prof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Commissioner's director of regulation has made the findings set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. 1, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire on November 6, 2007, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) facility operating license No. DPR-38, complete with technical specifications, (2) the final safety analysis report, dated June 2, 1969, (3) the report of the advisory committee on reactor safeguards, dated September 23, 1970, (4) the safety evaluation, dated December 1970; supplement No. 1 to the safety evaluation, dated March 1972; supplement No. 2 to the safety evaluation, dated December 1972; (5) the draft detailed statement, dated December 1971, and (6) the final detailed statement, dated March 1972, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Oconee County Library, 201 South Spring Street, Walhalla, SC 29691. Copies of items (1), (4), (5), and (6) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 6th day of February 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-2878 Filed 2-13-73;8:45 am]

[Docket Nos. 50-259, etc.]

TENNESSEE VALLEY AUTHORITY

Notice and Order for Prehearing Conference

FEBRUARY 8, 1973.

In the matter of Tennessee Valley Authority (Browns Ferry Nuclear Plant Units 1, 2, and 3), Dockets Nos. 50-259, 50-260, 50-296.

The Atomic Energy Commission, by a notice of consideration of issuance of facility operating license and notice of opportunity for hearing pursuant to 10 CFR Part 50, Appendix D, section C, dated September 15, 1972, and published in the FEDERAL REGISTER on September 20, 1972, at volume 37, page 19394, gave notice that the Commission would consider the issuance of facility operating licenses to the Tennessee Valley Authority which would authorize the possession, use and operation of the Browns Ferry Nuclear Plants Units 1, 2 and 3, which are three single cycle, forced circulation, boiling water power reactors located at the applicant's site at Wheeler Lake, Limestone County, Alabama. That notice announced that the Commission is providing an opportunity for a hearing with respect to whether, considering the matters covered by Appendix D to 10 CFR Part 50, the existing provisional construction permits for Units 2 and 3 should be continued, modified, terminated or appropriately conditioned to protect environmental value. It also announced that the applicant might file a request for a hearing and that any person whose interest may be affected by this proceeding might file a petition for leave to intervene (1) with respect to whether, considering the matters covered by Appendix D to 10 CFR Part 50, the construction permits for Units 2 and 3 should be continued, modified, terminated, or appropriately conditioned to protect environmental values and (2) with respect to the issuance of operating licenses for Units 1, 2, and 3.

Petitions for leave to intervene and requests for a hearing were filed by the

State of Alabama and by Frank L. Parker. A memorandum and order of the Atomic Energy Commission determined that a public hearing would be held and that both petitioners were admitted as parties to the proceeding.

A notice dated January 22, 1973 and published in the FEDERAL REGISTER on February 1, 1973 (38 FR 3107), announced the appointment of an atomic safety and licensing board in this proceeding consisting of Dr. Clark Goodman, Dr. Frederick P. Cowan, and Sidney G. Kingsley, chairman, with Frederick J. Shon as a technically qualified alternate and Daniel M. Head as alternate chairman, and also announced that a hearing would be held, at a time and place to be set by the atomic safety and licensing board, to consider the applications.

Please take notice that a prehearing conference, constituting both the special prehearing conference pursuant to § 2.751a of the Commission's rules of practice (Volume 10, Code of Federal Regulations, Part 2) and the prehearing conference pursuant to § 2.752 of the rules of practice, will be held at 9 a.m., local time on February 28, 1973, at Circuit Courtroom, Limestone County Courthouse, Athens, Ala., to consider:

(1) Oral argument on the following subjects:

(a) Applicable State and Federal water quality standards;

(b) The effect on the responsibility and authority of the Atomic Energy Commission and of this atomic safety and licensing board of (i) the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, 86 Stat. 816, and in particular of Sections 511(c) and 401(a) of that statute; (ii) the Memorandum of Understanding of January 1973 between the Atomic Energy Commission and the Environmental Protection Agency (37 FR 2713, January 29, 1973); and (iii) the interim policy statement published as Appendix A of that memorandum of understanding (37 FR 2679, January 29, 1973);

(c) The responsibility and authority of the Atomic Energy Commission and of this board in view of the status of the applicant as an agency of the U.S. Government designated as the "lead agency" for the purposes of the National Environmental Policy Act of 1969;

(d) The effect, upon the authority and responsibility of the Atomic Energy Commission and of this board, of the stipulation between the petitioner State of Alabama and the applicant Tennessee Valley Authority concerning a condition for insertion in the operating license, and of the withdrawal by the petitioner State of Alabama of its request for hearing and petition to intervene; including the consequences under the National Environmental Policy Act, the Federal Water Pollution Control Act Amendments of 1972, the regulations of the Commission, and other pertinent authority.

(2) Identification, simplification, and clarification of the issues;

(3) The need for discovery, if any, and the time required therefor;

(4) Stipulations, and admissions of fact and of the contents and authenticity of documents in order to avoid unnecessary proof;

(5) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(6) Procedures, including rules of evidence, to be followed in the presentation of evidence at the evidentiary hearing;

(7) Establishment of a schedule for further action, including a hearing schedule; and

(8) Such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend the prehearing conference and any later prehearing conferences, as well as the evidentiary hearing to be held at a later date to be fixed by the atomic safety and licensing board.

The prehearing conference will be limited to the purposes specified, in preparation for the later evidentiary hearing. No evidence will be received at the prehearing conference, and there will not be an opportunity at the prehearing conference to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled upon by the atomic safety and licensing board at or before the evidentiary hearing to be held later.

It is ordered:

(a) Counsel shall conduct informal conferences including telephone conferences, to the extent that they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

(b) Memoranda of law on the subjects identified in paragraph (1) of this notice and order shall be filed by the parties not later than February 23, 1973.

Dated this 8th day of February 1973, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman

[FR Doc.73-2880 Filed 2-13-73;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications, and Packaging; Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification, and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 35 FR 13457, August 25, 1970, and in 36 FR 4563, March 9, 1971 (referred to herein as the notice).

1. The penultimate sentence of paragraph 3 of the notice is deleted and the following sentences inserted in lieu thereof: "The charge per kilogram unit of separative work is $38.50. This charge, and successor charges determined in accordance with this sentence, shall be increased by 1 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on January 1, 1974."

2. Table 1 of the notice is revised to read as follows:

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES

Assay (weight percent U^{235})	Schedule of base charges (dollar per kilogram U as UF_6)	Standard table of enriching services	
		Feed component (normal kilograms U feed per kilogram U product)	Separative work component (kilogram SWU per kilogram U product)
0.20	3.00	0	0
0.25	3.00	0.098	−0.100
0.30	3.00	0.196	−0.158
0.35	3.00	0.294	−0.89
0.38	3.00	0.352	−0.197
0.40	3.00	0.391	−0.198
0.42	3.00	0.431	−0.197
0.44	3.56	0.470	−0.194
0.46	4.66	0.509	−0.189
0.48	5.85	0.548	−0.182
0.50	7.11	0.587	−0.173
0.52	8.41	0.626	−0.163
0.54	9.79	0.665	−0.151
0.56	11.26	0.705	−0.137
0.58	12.72	0.744	−0.123
0.60	14.25	0.783	−0.107
0.65	18.28	0.881	−0.062
0.70	22.48	0.978	−0.012
0.711	23.46	1.000	0.000
0.75	26.94	1.076	0.044
0.80	31.55	1.174	0.104
0.85	36.31	1.272	0.168
0.90	41.23	1.370	0.236
0.95	46.26	1.468	0.307
1.00	51.37	1.566	0.380
1.10	61.91	1.761	0.535
1.20	72.78	1.957	0.698
1.30	83.93	2.153	0.868
1.40	95.32	2.348	1.045
1.50	106.92	2.544	1.227
1.60	118.68	2.740	1.413
1.70	130.57	2.935	1.603
1.80	142.64	3.131	1.797
1.90	154.82	3.327	1.994
2.00	167.12	3.523	2.194
2.20	192.00	3.914	2.602
2.40	217.19	4.305	3.018
2.60	242.67	4.697	3.441
2.80	268.40	5.088	3.871
3.00	294.32	5.479	4.306
3.20	320.45	5.871	4.746
3.40	346.76	6.262	5.191
3.60	373.17	6.654	5.638
3.80	399.74	7.045	6.090
4.00	426.39	7.436	6.544
4.50	493.48	8.415	7.690
5.00	561.12	9.393	8.851
5.50	629.17	10.372	10.022
6.00	697.59	11.350	11.203
7.00	835.28	13.307	13.587
8.00	973.90	15.264	15.995
9.00	1113.25	17.221	18.422
10.00	1253.14	19.178	20.863
12.00	1534.35	23.092	25.782
14.00	1816.94	27.006	30.737
16.00	2100.56	30.920	35.719
18.00	2385.08	34.834	40.724
20.00	2670.29	38.748	45.747
25.00	3385.77	48.532	58.369
30.00	4104.08	58.317	71.064
35.00	4824.59	68.102	83.816
40.00	5546.92	77.886	96.616
50.00	6996.56	97.456	122.344
60.00	8452.45	117.025	148.235
70.00	9915.15	136.595	174.302
80.00	11386.90	156.164	200.605
85.00	12128.01	165.949	213.892
90.00	12875.35	175.734	227.341
92.00	13177.19	179.648	232.796
93.00	13329.13	181.605	235.550
94.00	13481.99	183.562	238.328
96.00	13824.60	187.476	244.842
98.00	14884.29	191.389	269.982

All values are computed on the basis of taking normal uranium having an assay of 0.711 weight percent U^{235}, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 weight percent U^{235}.

The base charges, kilograms of feed, and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed in the above schedules. The schedule of base charges column of this table is determined by summing the product of the number opposite the desired assay in the Feed Component column by $23.46 and the product of the number opposite the desired assay in the Separative Work Component column by $38.50, except that any resulting base charge less than $3 is increased to $3. On January 1 and July 1 of each year beginning with January 1, 1974, the Schedule of Base Charges shall be automatically redetermined by replacing the number $38.50 in the above computation with the new charge per kilogram unit of separative work determined in accordance with paragraph 3 of this notice.

Uranium having an assay (weight percent U^{235}) below 0.711 will normally be accepted by the AEC as feed material for the performance of enriching services only if such uranium was previously distributed by the AEC or has been derived solely from uranium previously distributed by the AEC.

The base charge for depleted uranium requested without a specification as to assay is $2.50 per kilogram U. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 weight percent U^{235} of which large amounts are available.

The inclusion in the Schedule of Base Charges of specific assays above 93.00 weight percent U^{235} is for the purpose of interpolation and for establishment of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

Effective date. This notice shall become effective on August 14, 1973.

Dated at Washington, D.C., this 8th day of February 1973.

By the Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-2879 Filed 2-13-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 17245]

ABC AIR FREIGHT, INC. ET AL.

Notice of Reassignment of Hearing

In Re: ABC Air Freight, Inc., Flying Tiger Line, Shulman, Inc., and WTC Air Freight enforcement proceeding.

Notice is hereby given that the above matter, heretofore assigned for hearing before Administrative Law Judge Thomas P. Sheehan, is reassigned for hearing on March 13, 1973, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 8, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-2947 Filed 2-13-73;8:45 am]

[Dockets 24963, 24964]

ALLEGHENY AIRLINES, INC.

Order Denying Motion for An Order To Show Cause and Setting Application for Hearing

On November 28, 1972, Allegheny Airlines, Inc., filed an application (Docket 24963) for an amendment of its certificate of public convenience and necessity for Route 97, so as to delete Poughkeepsie, N.Y., as an intermediate point on segment 22. Concurrently therewith, the carrier filed a motion (Docket 24964) requesting the issuance of an order to show cause why the Poughkeepsie deletion application should not be granted, together with an application for renewal of its suspension authority at Poughkeepsie beyond the January 27, 1973, expiration date for a period expiring 60 days after final Board action on the deletion application.[1] The carrier has also invoked the provisions of 5 U.S.C. 558(c) so as to extend such suspension authority until action by the Board on the renewal application.

Answers in opposition to Allegheny's application have been filed by the Broome County Airport, the Dutchess County Department of Aviation, and the New York State Department of Transportation. While these parties do not object to the continued suspension of service, they urge that Allegheny continue to retain certificate authority and the responsibility to provide service if replacement service falls below a satisfactory level. In addition, an answer in support of the application and motion of Allegheny was filed by Command.

Upon consideration of the pleadings and all relevant facts, we have decided to deny Allegheny's motion for a show cause order and to set for hearing Allegheny's application to delete Poughkeepsie from its certificate for route 97. We have concluded that under all the circumstances it is appropriate to consider, on an evidentiary record, the conflicting contentions of the parties.

Accordingly, it is ordered that:

1. The motion of Allegheny Airlines, Inc. for the issuance of a show cause order in Docket 24964, be and it hereby is denied;

2. The application of Allegheny Airlines, Inc. in Docket 24963, be and it hereby is set for hearing before an Administrative Law Judge at a time and place to be hereafter designated; and

3. This order shall be served on the Mayor, city of Poughkeepsie; the Mayor, city of Binghamton; Governor, State of New York; New York State Department of Transportation; Airport Manager, Dutchess County Airport; Airport Manager, Broome County Airport; Dutchess County Department of Aviation; U.S. Postal Service; Allegheny Airlines, Inc.; Command Airways, Inc.; Colgan Airways, Inc.; and the Air Line Pilots Association, International.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-2945 Filed 2-13-73;8:45 am]

[1] The Board originally authorized Mohawk Airlines (now Allegheny) to suspend service at Poughkeepsie for a period of 3 years, subject to a condition that Command Airways operate at least three Poughkeepsie-Binghamton round trips 5 days a week (Order 70-1-130, Jan. 27, 1970). This requirement was subsequently reduced to two round trips by Order 70-12-159, Dec. 31, 1970.

[Docket 24701]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Continental Air Lines, Inc. (Continental), filed a petition requesting that the Board direct interested persons to show cause why its concurrently filed application to amend its certificate for route 29 to remove or modify eight conditions[1] contained therein should not be granted.

Answers in opposition to removal or modification of some or all of the subject conditions were filed by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), Frontier Airlines, Inc. (Frontier), Hughes Airwest (Airwest), Texas International Airlines, Inc. (Texas International), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western). Continental filed a reply to these answers, together with a motion for leave to file its reply. Thereafter Airwest filed a reply to Continental's reply together with a contingent motion for leave to file its reply.[2]

Answers in support of Continental's show cause request were filed by Kansas City, Mo., and the Greater Kansas City Chamber of Commerce, the cities and chambers of commerce of Midland, and Odessa, Tex., the city of Phoenix, Ariz., the Tucson Airport Authority and the city and the board of commerce and industry of Wichita Falls.[3] The El Paso[4] and Houston parties[5] filed answers in partial and contingent opposition to Continental's petition.

We find no need to set forth and discuss each of the proposals and arguments raised by Continental in support of its petition and the myriad counterproposals and counterarguments raised by the carriers and cities in opposition to all or part of Continental's petition. Upon careful consideration of all the pleadings and the relevant facts we have decided to deny Continental's petition

[1] Conditions 3, 5, 6, 9, 11, 12, 14, and 15.

[2] We will grant the motions of Continental and Airwest to file replies.

[3] Attached to Wichita Falls' answer was a motion for leave to file its answer late. We will grant the motion.

[4] The city of El Paso, the El Paso airport board and the chamber of commerce of El Paso.

[5] The City of Houston and the Houston Chamber of Commerce.

with regard to conditions 5, 9, 11, and 14 and to partially grant Continental's request with respect to conditions 3, 6, 12, and 15.[5a]

Preliminarily, we believe that it is desirable to reiterate our policy with regard to the circumstances in which the show cause procedure may be employed to request relief from certificate restrictions of the type in issue herein. In our view, the show cause procedure is appropriate as a means of evaluating the need for relief from restrictions which impede efficient and economic operations only in cases which do not raise controversial and complex questions of fact, law, or policy and in which grant of the requested relief will have no more than a minimal impact on competing certificated carriers. The show cause procedure should not be used by carriers as a proving ground for applications involving expanded route authority which contain obvious competitive implications. Our recent actions with regard to the removal and modification of unnecessary restrictions from Northwest Airlines' certificate for route 3 (Orders 72–4–143, Apr. 27, 1972, and 72–8–125, Aug. 29, 1972), and the modifications made to Airwest's certificate for route 76 (Order 72–4–140, Apr. 26, 1972) are apposite in this regard.[6]

Applying these general guidelines to the instant case we have decided that consideration of conditions 5, 9, 11, and 14 should not be undertaken without examination of the potential competitive impact which might result from such action in a full evidentiary hearing.

We tentatively conclude, however, that removal of condition 15 and modification of conditions 3, 6, and 12 as proposed below is in the public interest and is required by the public convenience and necessity. In support of our tentative conclusion, we tentatively find that our proposals below will afford Continental increased operating and scheduling flexibility, enabling the carrier to provide new and improved service in many markets, without having any measurable adverse impact on any carrier. In addition, such action is consistent with our policy regarding the removal or modification of operating restrictions which no longer serve useful purposes and which are otherwise wasteful and undesirable.

Condition 15,[6a] which we propose to eliminate in its entirety, presently prohibits the provision of air transportation between Albuquerque, N. Mex., and Phoenix, Ariz., and between Albuquerque, N. Mex., and Tucson, Ariz. TWA and Frontier provide service in the Albuquerque-Phoenix market, while only Frontier serves the Albuquerque-Tucson market. Removal of condition 15 will allow Continental to provide one-stop Albuquerque-Phoenix/Tucson service via El Paso, but in conjunction with our denial of Continental's request regarding condition 11, such flights will be required to continue on to Austin or Houston.[7] Our action with regard to condition 15 in connection with our action with respect to condition 11 appears to be consistent with Frontier's counterproposal at page 10 of its answer.[8]

Condition 3[9] presently requires one intermediate stop on flights between El Paso, on the one hand, and Oklahoma City, or Tulsa, on the other hand. We propose to remove condition 3 entirely and at the same time impose two-stop restrictions on flights in the following six markets:

Oklahoma City-Phoenix; Tucson; Los Angeles; Tulsa-Phoenix; Tucson; Los Angeles.

We tentatively find that this proposal will protect American's present interests in the Oklahoma-Arizona-California markets, and TWA's interests in the Los Angeles-Oklahoma City/Tulsa markets, while according Continental additional flexibility in the local El Paso-Tulsa/Oklahoma City markets, in which American provides no service, and enabling Continental to improve service in markets beyond El Paso, Oklahoma City, and Tulsa.

Condition 6[10] of Continental's route 29 requires the carrier to originate or terminate all flights between Kansas City and Tulsa at Albuquerque or El Paso. The carriers which will be principally affected by removal of this condition are Frontier and Braniff. Braniff opposes removal of this condition without a hearing while Frontier insists that if the condition is removed a long-haul restriction be imposed requiring service to a point west of Lawton on flights between Kansas City and Oklahoma City or Lawton.[11] We propose to liberalize the present long-haul requirement of this condition so as to require that all flights between Kansas City and Tulsa serve a point west of Lawton.[12] Condition 6 as modified will give Continental additional flexibility to route aircraft to additional beyond points (other than Albuquerque and El Paso) while protecting the interests of Braniff in the local Kansas City-Tulsa market and of Frontier in the Kansas City-Oklahoma City/Lawton markets. While we recognize that Continental's primary purpose in seeking removal of Condition 6 is to receive turnaround authority in the Tulsa-Kansas City market, we would not be disposed to consider a grant of such authority without an evidentiary hearing.[13]

Finally, Condition 12[14] prohibits Continental from operating flights which originate at one point in Texas and terminate at another point in Texas. In its reply, Continental modified its original request to eliminate the condition in its entirety and now requests unrestricted authority only in the Houston-San Antonio and Houston-El Paso markets. This proposal appears to satisfy the objections raised by TXI opposing removal of Condition 12.[15] Accordingly, we

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[5a] The references to condition numbers are as set out in Continental's certificate issued pursuant to Order 70–9–39.

[6] See also Order 73–1–47, Jan. 15, 1973, involving the realignment of Texas International's route system.

[6a] Condition 15 reads as follows:

"(15) The holder shall not engage in air transportation (a) between Albuquerque, N. Mex., and Phoenix, Ariz. or (b) between Albuquerque, N. Mex. and Tucson, Ariz."

[7] Flights on segment 8 serving Phoenix or Tucson going off-segment to Albuquerque are not removed from the proscription of condition 11 requiring such flights to serve Austin or Houston.

[8] TWA, the only other carrier having an interest in the Albuquerque-Phoenix/Tucson markets raised no specific objection to Continental's request to eliminate condition 15.

[9] Condition 3 reads as follows:

"(3) On flights serving El Paso, Tex., on the one hand, and Oklahoma City and/or Tulsa, Okla., on the other hand, the holder shall stop at one intermediate point other than Oklahoma City bteween said points."

[10] Condition 6 reads as follows:

"(6) All flights between the terminals on segment 5 scheduled by the holder shall originate or terminate at Albuquerque, N. Mex. or El Paso, Tex."

[11] Continental indicated that it would accept Frontier's proposed long-haul restriction (Application, p. 19).

[12] Our proposed condition will read as follows:

"All flights between the terminals on segment 5 scheduled by the holder shall originate or terminate at a point west of Lawton."

[13] The El Paso parties object to any action regarding Condition 6 which will have the effect of encouraging a reduction in El Paso service. Our action regarding Conditions 3 and 6, considered together, should not result in any deterioration of Continental's service to El Paso.

[14] Condition 12 reads as follows:

"(12) The holder shall not schedule flights over segment 8 which originate at one point in Texas and terminate at any other point in Texas."

[15] Appendix A to Texas International's answer indicates that the carrier would have no objection to modification of Condition 12 as proposed by Continental in its reply. We also reject Delta's argument that it is entitled to a comparative hearing under the Ashbacker doctrine on its Texas-West application in Docket 24776, filed September 21, 1972, or that grant of improved intra-Texas authority to Continental will jeopardize that application. In the first place, Delta is not now authorized to serve either of the markets in question (the carrier does not serve El Paso or San Antonio at all) and its application therefore presents the question of whether an additional carrier is required in either market. Continental, on the contrary, now provides nonstop service on a long-haul basis in both markets (it carries about half the single-carrier traffic in the San Antonio market and virtually all the single-carrier traffic in the El Paso market) and seeks only improved authority. See, e.g., Order E–25188, May 24, 1967. In addition, Delta's request in Docket 24766 is not limited to local Houston-El Paso/San Antonio authority but contemplates, primarily, new authority between points in Texas (Houston, San Antonio, El Paso) and points in Arizona (Tucson, Phoenix), including amendment of condition (15) of Delta's certificate for Route 24 so as to permit the carrier to operate through flights to points on its system east of Houston. In our judgment, the limited improvement of Continental's authority in the local Houston-El Paso/San Antonio markets proposed herein will not preclude, as an economic matter, grant of Delta's request.

tentatively propose to amend Condition 12 to read as follows:

(12) The holder shall not schedule flights over segment 8 which originate at one point in Texas and terminate at any other point in Texas, *Provided, however,* That this restriction shall not apply to flights between Houston and San Antonio or El Paso.

Lastly, we tentatively find that Continental is a citizen of the United States within the meaning of the Act and is fit, willing, and able to perform properly the transportation herein proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct these objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Within 20 days of service of this order we expect Continental to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.25(a)(2) of the Board's Regulations.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Continental's certificate for Route 29 so as to delete Conditions 3 and 15, renumbering the remaining conditions accordingly, add the following condition:

"The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:
Los Angeles, Calif.–Oklahoma City, Okla.–Tulsa, Okla.
Phoenix, Ariz.–Oklahoma City, Okla.–Tulsa, Okla.
Tucson, Ariz.–Oklahoma City, Okla.–Tulsa, Okla.";

and modify the existing Conditions 6 and 12 to read as follows:

(6) "All flights between the terminals on segment 5 scheduled by the holder shall originate or terminate at a point west of Lawton."

(12) "The holder shall not schedule flights over segment 8 which originate at one point in Texas and terminate at any other point in Texas, *Provided, however,* That this condition shall not apply to flights between Houston, Tex., and San Antonio, or El Paso, Tex."

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve in accordance with Rule 1407(a) of the Board's rules of practice a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motions of Continental and Hughes Airwest for leave to file replies and the motion of Wichita Falls for leave to file its answer late be and they hereby are granted;

6. Except to the extent granted herein the motion of Continental Air Lines in Docket 24701 be and it hereby is denied; and

7. A copy of this order shall be served upon the cities of Albuquerque, N. Mex., Amarillo, Tex., Austin, Tex., Chicago, Ill., Colorado Springs, Colo., Dallas, Tex., Denver, Colo., El Paso, Tex., Fort Sills, Okla., Forth Worth, Tex., Houston, Tex., Kansas City, Mo., Lawton, Okla., Los Angeles, Calif., Lubbock, Tex., Midland, Tex., New Orleans, La., Oakland, Calif., Odessa, Tex., Oklahoma City, Okla., Phoenix, Ariz., Portland, Oreg., San Antonio, Tex., San Francisco, Calif., Seattle, Wash., Tucson, Ariz., Tulsa, Okla., Wichita, Kans., Wichita Falls, Tex.; American Airlines, Braniff Airways, Delta Air Lines, Eastern Air Lines, Frontier Airlines, Hughes Airwest, National Airlines, Trans World Airlines, Texas International Airlines, Ozark Air Lines, Western Air Lines; and the Aeronautics Departments or Commissions for the States of Arizona, Colorado, California, Illinois, Missouri, Kansas, Oklahoma, New Mexico, Texas, Oregon, Washington, and Louisiana.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-2946 Filed 2-13-73;8:45 am]

[Docket 24779]

INTERSTATE AND INTRASTATE FARES IN CALIFORNIA AND TEXAS MARKETS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 17, 1973, at 10 a.m., local time, in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Robert M. Johnson.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before March 20, 1973, and the other parties on or before April 3, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 9, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-2948 Filed 2-13-73;8:45 am]

[Docket 24488; Order 73-2-71]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

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 Traffic Conference of the International Air Transport Association (IATA). The agreement consists of numerous resolutions which together comprise the new Caribbean area fare agreement [1] adopted for effectiveness through March 31, 1974. Most of the resolutions are intended for effect on May 1, 1973, though some are intended for April 1, 1973, effectiveness.

The agreement proposes increases in normal first-class and economy fares, and would recast the entire promotional fare structure within the Caribbean area. Normal economy fares would be increased by approximately 5 percent, and economy-class excursion fares would be increased by amounts ranging from 1 percent to 5.3 percent in the peak season.[2] First-class excursion fares and group inclusive-tour (GIT) fares would be eliminated except for Venezuela and the Netherlands Antilles. GIT fares for Mexico would also be maintained. The agreement proposes two new promotional fares—an advance-purchase travel group fare and an individual inclusive-tour fare (IIT).

The new advance purchase travel group fares are proposed at levels approximating the present incentive/own use group fares. The new fares would be available only during the off-peak season (May 1 through December 15) to groups of at least 40 persons, and

[1] Table of present and proposed fares filed as part of the original document.

[2] The resolution governing economy-class excursion fares would also be amended to impose a general limitation on stopovers to a total of two.

would permit no stopovers. Travel would be restricted to midweek departures (Tuesday through Friday from the last U.S. point),[3] and would be subject to a minimum/maximum stay of 7/30 days. The carriers would require application from the group organizer, with a 25-percent nonrefundable deposit from each passenger, at least 90 days in advance with full payment required at least 60 days prior to departure.

In general, the new IIT fares are proposed for levels about midway between the excursion fare and advance-purchase group fare during the off-peak season (May 15–December 15); peak-season travel (January 6–March 31) would be priced approximately 10 percent higher.[4] The fares would be subject to a minimum/maximum stay requirement of 7/10 days and would allow one stopover. Mandatory purchase of ground arrangements would be subject to a minimum of $50 for the first 7 days, and $5 per day thereafter.

The agreement would also extend GIT fares between the United States and Mexico to year-round application, and would make both upward and downward adjustments in levels.

In passing upon this agreement, which includes both increases and decreases in fares, the Board is required by section 412 of the Act to find that the agreement is not adverse to the public interest nor in violation of the Act. In this connection, the purpose of this order is to direct the affected U.S. carrier members of IATA to submit full economic justification, and any other material they each may desire to submit, in support of the agreement to which they are parties.

In view of the need for prompt disposition of the agreement, the above justification material will be submitted by February 16, 1973. Comments and objections by interested persons with respect to the agreement shall also be submitted by that date. Answers shall be filed by February 26, 1973.

Accordingly, *it is ordered that:*

1. All U.S. air carrier members of the International Air Transport Association shall file on or before February 16, 1973, full documentation and economic justification for increases in fares effected by new or amended provisions of resolutions embodied in the subject agreement, for effect on or before May 1, 1973, in air transportation to/from the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

2. Comments and objections from interested persons and parties shall be submitted on or before February 16, 1973;

3. Replies to justifications received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted no later than February 26, 1973; and

4. This order will be served upon all U.S. certificated route and supplemental carriers. Additional service will be made on other persons who have submitted comments in the above-captioned matter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-2950 Filed 2-13-73;8:45 am]

[3] Tuesday and Wednesday only for the period July 1–Aug. 31.

[4] Peak-season travel would be permitted only on weekdays (Tuesday through Friday); the period July 1–Aug. 31 would also be subject to this restriction.

[Docket 24697]

TRANS WORD AIRLINES, INC., AND FLYING MERCURY, INC., ENFORCEMENT PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 3, 1973, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Thomas P. Sheehan.

Dated at Washington, D.C., February 6, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-2949 Filed 2-13-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AND APPAREL CATEGORIES

Correlation With Tariff Schedules of U.S. Annotated

FEBRUARY 12, 1973.

On April 29, 1972, there was published in the FEDERAL REGISTER (37 FR 8802) a list of the Tariff Schedules of the U.S. Annotated numbers arranged by the cotton, wool, and manmade fiber categories used by the United States in administering the textile trade agreements program. On January 1, 1973, certain Tariff Schedules of the U.S. Annotated numbers were changed which affected certain cotton, wool, and manmade fiber categories. Accordingly, there is published below an amendment, which is to be effective on February 14, 1973, to the aforesaid list that was published on April 29, 1972.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance

Textile category	TSUSA No.	Description
• • •	• • •	• • •
26	Delete "346.3520" and insert in lieu thereof "346.3525" and "346.3530"	Delete "Velvet, Plush and Velour" and insert in lieu thereof "Velvets, plushes and velours: "Velvets woven under 48" in width, with cut warp pile, weighing less than 8 ozs. per sq. yd. "Other".
• • •	• • •	• • •
27	Delete "346.3540" and insert in lieu thereof "346.3545" and "346.3550"	Delete "Velvet, Plush and Velour" and insert in lieu thereof "Velvets, plushes and velours: "Velvets, woven under 48" in width, with cut warp pile, weighing less than 8 ozs. per sq. yd. "Other".
• • •	• • •	• • •
212	Delete "346.6040" and insert in lieu thereof "346.6045" and "346.6050"	Delete "Velvets" and insert in lieu thereof "Velvets: Woven, under 48" in width, with cut warp pile, weighing less than 8 ozs. per sq. yd. "Other".

[FR Doc.73-3058 Filed 2-13-73;10:40 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 8:30 a.m., February 26, 1973, in Room 3305, Waterside Mall, 401 M Street SW., Washington, DC.

This is the regular monthly meeting of the committee. The agenda includes the Staff Director's report, discussion of pesticide health effects programs, environmental aspects of lead, pesticide accident surveillance, consideration of nitrogen, consideration of herbicides, member items of interest and reports and comments by program liaison representatives.

The meeting is open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Winfred F. Malone, Staff Science Advisor, Hazardous Materials Advisory Committee (202) 963-5117.

ROBERT W. FRI,
Acting Administrator.

FEBRUARY 8, 1973.

[FR Doc.73-2921 Filed 2-13-73;8:45 am]

PAX COMPANY ARSENIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463 notice is hereby given that a meeting of the PAX Company Arsenic Advisory Committee has been scheduled for February 22 and 23, 1973. The meeting will convene at 9 a.m. on February 22, in Room 3908, Waterside Mall, 401 M Street SW., Washington, DC.

This is the first meeting of this committee. The agenda includes comments by the agency, consideration of the charge, discussion of the scientific issues involved, and committee deliberation.

The meeting will be open to the public. Any individual wishing to participate and present relevant material to the committee should contact Mr. Clayton Bushong, Executive Secretary, PAX Company Arsenic Advisory Committee (202) 447-7823.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

FEBRUARY 7, 1973.

[FR Doc.73-2920 Filed 2-13-73;8:45 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1348) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-Methyl-*cis*-crotonamide in or on the raw agricultural commodities peanut hay and hulls at 0.5 part per million and peanuts at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic-emission detector.

Dated: February 8, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-2919 Filed 2-13-73;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 17-34 has been entered into by the member lines of the Far East Conference (No. 17, as amended) for the purpose of (1) extending the authority of the conference to cover cargo within U.S. continental limits moving directly, by transshipment, or intermodally from or via U.S. Atlantic and Gulf ports, and via inland carriers of any mode as initial carriers, from any U.S. inland point, including points at U.S. Pacific Coast ports with loading aboard ocean vessels at U.S. Atlantic and Gulf ports to Japan, Okinawa, Korea, Taiwan, Siberia, Manchuria, China, Hong Kong, the Philippines, Viet Nam, Cambodia, and Laos; and to inland points in the Far Eastern countries mentioned; (2) permitting the member lines to enter into transshipment or intermodal arrangements with inland carriers of any mode whether by water, land or air and with duly approved conferences, bureaus or associations of such carriers, with respect to cargo movements either within the United States or the Far Eastern areas mentioned, and to agree among themselves and with such inland carriers regarding uniform bills of lading forms for intermodal traffic; (3) authorizing the member lines individually to establish and publish through or combination rates to apply on cargo moving under transshipment or intermodal arrangements with carriers of other modes, until such time as through or joint rates are adopted and published by the conference; and (4) incorporating specific language providing that any resolution relating to the establishment, revision, change, termination or opening of any tariff rate other than a port-to-port rate, or of any rule or regulation applying to such rate, shall require the affirmative vote of not less than two-thirds of the membership for adoption.

Dated: February 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2929 Filed 2-13-73;8:45 am]

MATSON TERMINALS, INC., AND MATSON NAVIGATION CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David F. Anderson, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2737, between Matson Navigation Co. (Matson), and its wholly-owned subsidiary, Matson Terminals, Inc. (Terminals), is a memorandum of understanding wherein Terminals will provide, at cost, full terminal and/or stevedoring services for Matson at the ports of Los Angeles and Oakland, Calif.; Portland, Oreg.; and Honolulu, Hawaii. Compensation will be at rates agreed to by the parties and filed with the Federal Maritime Commission.

Dated: February 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2930 Filed 2-13-73;8:45 am]

MEYER LINE-ARALINE OF FINNLINES, LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 6,

1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Meyer Line-Araline of FinnLines, Ltd., Polish Ocean Line and North Atlantic Continental Freight Conference.

[Modification of Agreement No. 9552]

Notice of agreement filed by:

Sanford C. Miller, Esq., Haight, Gardner, Poor & Havens, One State Street Plaza, New York, NY 10004.

Agreement No. 9552–2 amends the organic agreement among the above named parties (1) to prohibit the introduction of any dual rate or similar contract system into the trade except by mutual consent, (2) to provide for the study of reasonable and fair rates, terms and conditions for the use and inland movement of containers, related equipment and accessorial services and (3) to provide that the conference lines will afford the independent lines equal access to their container interchange arrangements and assure them and their customers to the extent legally possible, of the benefits of any arrangements with inland carriers based on the volume of freight.

Dated: February 9, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–2931 Filed 2–13–73;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Conference Counsel, North Atlantic Baltic Freight Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 7670–9 modifies the basic agreement of the above-named conference to exempt Norwegian American Line, with respect to its Scandinavian services, from the provision which prohibits a member and its agent from representing any nonconference carrier operating in the same trade.

Dated: February 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–2927 Filed 2–13–73;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., Trans-Pacific Freight Conference, 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 14–37, entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong), amends Article 5 of the approved conference agreement by (1) providing that decisions under the agreement, other than changes in the agreement itself, are to be determined by a two-thirds majority of all votes actually cast, instead of by the affirmative vote of all parties present and entitled to vote; and (2) adding a new paragraph incorporating language governing abstentions under the conference voting procedure.

Dated: February 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–2928 Filed 2–13–73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission certificates of financial responsibility (oil pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01059---	London & Overseas Freighters, Ltd.: London Bombardier.
01244---	Mytilus A. S.: Cerno.
01533---	Henry Nielsen OY/AB: Monsun.
01861---	BP Tanker Company Limited: British Test.
01935---	Partnership between steamship company Svendborg Ltd., Steamship Company of 1912, Ltd.: Herta Maersk.
02306---	Erling H. Samuelsens Rederi A/S: Jeanine.
02341---	Koninklijke Nederlandsche Stoomboot Maatschappij N.V.: Amersfoort.
02734---	"Italia" Societa per Azioni Di Navigazione: Da Noli. Da Verrazano. Da Recco. Mazzini. Crispi. D'Azeglio.
02832---	Compania Trasatlantica Espanola S.A.: Belen.
02863---	Naviera Aznar, S.A.: Monte Almanzor.
03018---	Federal Barge Lines, Inc.: FT3.
03430---	Hoko Suisan K.K.: Tsuda–Maru.

Certificate No.	Owner/Operator and Vessels
03594---	Bordagain Shipping Company Limited:
	Bordatxoa.
04087---	Merichem Company:
	ETT-121.
04539---	Mr. Kusugoro Yamamoto:
	Senshumaru No. 21.
04661---	Norsk Bjergningskomapagni A/S:
	Aiolos.
04773---	Paducah Marine Ways, Incorporated:
	ST-12.
	ST-16.
05098---	Esso Tankers Inc.:
	Esso Saint John.
05581---	Latvian Shipping Company:
	Abrene.
	Adler.
	Aynazhi.
	Altay.
	Aluksne.
	Appe.
	Apsheronsk.
	Ardatov.
	Artem.
	Auseklis.
	Autse.
	Balaklava.
	Balvy.
	Baldone.
	Balta.
	Bauska.
	Valmiera.
	Ventspils.
	Gurzuf.
	Elgava.
	Yelsk.
	Yelnja.
	Yessentuki.
	Imant Sudmalis.
	Kaunas.
	Kokand.
	Kursk.
	Liepaja.
	Limbazhi.
	Narva.
	Ogre.
	Petr Stuchka.
	Pljavinjas.
	Prejli.
	Rava Russkaja.
	Riga.
	Talsy.
	Tukums.
	Tsesis.
	Abava.
	Eizhens Bergs.
	Konstantin Tciolkovskiy.
06753---	Veb Deutfracht Internationale Befrachtung und Reederei:
	Thale.
	Riesa.
	Calbe.
	Groditz.
06248---	Commercial Corporation "Sovrybflot":
	Flotinspektsiya-04.
06305---	E. T. Barber dba Neches Shell Co., Inc.:
	NS 550.
06493---	Lockheed Shipbuilding and Construction Company:
	Sugar Islander.
06836---	Societe Francaise D'Armement de Navires Transporteurs de Gaz:
	Cap Martin.
	Cap D'Antibes.
06837---	Armement Louis Martin C.T.T.:
	Biafra.
06838---	Compagnie Franco Camerounaise S.A.R.L. de Navigation:
	Mungo.
	Manoka.
	Bamenda.
06839---	Armement Nicoriadot-Martin:
	Djungo.
06876---	Compania Agropecuaria y Maritima Santa Rosa Ltda.:
	Covadonga.
	Cuidad de Turbo.
	Reforma.
07032---	Heinsmith Bulk-Shipping Schmidt & Co., KG.:
	Andromeda.
07326---	Universal Marines Lines Inc., S.A.:
	Winson.
	Camellia.
07376---	Tri-State Marine Service Company:
	Tri-Fueler.
07377---	Societe Maritime Nationale (S.A.):
	Ile Saint Louis.
07389---	Esso S.A.P.A.:
	Petromar Cordoba.
	Petromar Bahia Blanca.
	Petromar Compana.
	Petromar Rio Negro.
	Esso Chaco.
	Petromar Mendoza.
07426---	Breda Shipping Co., Ltd.:
	Breda.
07441---	International Offshore Operators, Inc.:
	Eastern Advocate.
	Eastern Worker.
	Eastern Provider.
07558---	Sildarvinnslan H.F.:
	Bjartur.
07562---	Bergur Huginn H.F.:
	Vestmannaey.
07563---	Miofell H.F.:
	Pall Palsson.
07576---	Riverbank Transportation Corporation:
	Ore Trader.
07582---	MSSS Co., S.A.:
	Sea Bird No. 5.
07587---	Great Kern Shipping Corporation:
	Carbo Cougar.
07594---	Viamares Armadora S.A.:
	Loyal Colocotronis.
07595---	Naves Sudamericana Naviera S.A.:
	Artemis Colocotronis.
07598---	Vroon Shipping (Liberia) Ltd.:
	Iberian Express.
07611---	William Brandt's (Liberia) Co. Ltd.:
	Samos Glory.
07612---	San-Yo Senpaku K. K.:
	Bintang.
07613---	Koei Kisen K. K.:
	Kogen Maru.
07614---	Evalend Shipping Co. S.A. (Panama) R.P.:
	Lendoudis Evangelos.
07615---	F. Lli Cefalu':
	Gabriella C.
07619---	Naviera Ramirez Escudero, S.A.:
	Cigoitia.
07621---	Mr. Heizaburo Matsuo:
	Narihira Maru No. 1.
07622---	Holly Transport (Panama) S.A.:
	Grand Holly.
07625---	Contantine S. Efthymiadis:
	Efthycosta One.
07626---	Labrador Current Shipping Corp., Monrovia:
	Labrador Current.
07627---	Kochi Prefectural Government:
	Tosakaien Maru.
07628---	Hokuei Gyogyo Kabushiki Kaisha:
	Kotoshiro Maru No. 7.
07658---	Paal Wilson & Co. A/S:
	Lindo.
07659---	George D. Worsley:
	E. Z. Worsley.
07671---	Ticonian Trading Corp.:
	Liberty Manufactuer.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2924 Filed 2-13-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessel
01103---	Poseidon Schiffahrt G.M.B.H.:
	Transmichigan.
01602---	Efstathios Compania Naviera S.A.:
	Efstathios.
01638---	Sademar Veneziana di Armamento S.P.A.:
	Petrolsade.
01641---	The Bank Line Limited:
	Firbank.
01684---	Compania Anonima Naviera Orinoco "C.A.N.O." Caracas-Venezuela:
	Roraima.
	Parima.
01717---	Billners Rederiaktiebolag:
	Agneta Billner.
01766---	Euroshipping Corporation of Monrovia:
	Ioannis.
01816---	The Bowater Steamship Co. Ltd.:
	Phyllis Bowater.
01834---	Liberian Lily Transport, Inc.:
	Universal Lily.
01848---	Ares Shipping Corporation:
	Ariadne.
01905---	Ben Line Steamers Limited:
	Benvenue.
01910---	Deutsvhe Dampfschf Ges. "Hansa":
	Frauenfels.
02198---	Peninsular & Oriental Steam Navigation Co.:
	Trevalgan.
02246---	Blue Star Line Ltd.:
	Australia Star.
	Uruguay Star.
	Buenos Aires Star.
	Canberra Star.
	Colorado Star.
02247---	Union International Company Limited:
	Argentina Star.
	Brasil Star.
02429---	G & C Towing, Inc.:
	Harry Z.
02658---	Partenreederei MS Clio Korrespondentreeder Hans Kruger GMBH:
	CLIO.
02672---	"Iris" Schiffahrtsgesellschaft Schmidt & Co. K.G.:
	Iris.
02889---	Showa Kaiun Kaisha:
	Shosei Maru.
02920---	Atlantic Shipping Inc.:
	Concordia Ariana.
02956---	Ashland Oil, Inc.:
	A.P.C. 2617.
02958---	Kawasaki Kisen K.K.:
	Kunikawa Maru.
02979---	The J.J. Porter Co. Ltd.:
	Prince Edward Island.
02980---	Rederi A/S Mimer and A/S Norfart:
	Anella.
02982---	The Shipping Corporation of India Ltd.:
	State of Bombay.
02987---	Transargo Compania Martima S.A. Panama:
	Despina N.
02988---	Somia Compania Maritima S.A. Panama:
	Sandra N.

Certificate No.	Owner/Operator and Vessels
02991---	Angy Shipping Company S.A. Panama: Angelica.
03019---	Gulf-Canal Lines, Inc.: Caplener.
03067---	Vickers Towing Co. Inc.: David Vickers.
03129---	Orion Navigation Corp.: Avra.
03150---	Miramar CIA. Naviera: Kyvernitis.
03157---	Scorpio Navigation Corp.: Lyria.
03415---	Chiyoda Kisen K.K.: Miku Ni Maru.
03492---	Sawayama Kisen K.K.: Nagasaki Maru. Bombay Maru.
03494---	Shinko Kisen K.K.: Shintai Maru.
03677---	G. & N. Angelakis-D. & S. Grigoriou-I. Maltezos: Panaghia.
03714---	Pennzoil United, Inc.: Duval 1. Duval 2. Duval 3.
03728---	Ocean Drilling & Exploration Co.: Ocean Victory.
03804---	Marcorreo Compania Naviera S.A. Panama: Militos.
03899---	Pearlstone Shipping Corporation, Monrovia: Pearlstone.
03916---	Mobil Oil Francaise: D'Artagnan.
03923---	Shinwa Kaiun Kaisha, Ltd.: Yozan Maru.
03946---	World Combination Carriers Ltd.: World Union.
03987---	Hans-Edwin Reith (H. E. Reith): Edwin Reith.
04077---	Fritzen Schifesagentur und Bereederungs-GMBH: Port Maria. Port Antonio.
04411---	The Ulster Steamship Company Ltd.: Torr Head.
04420---	Navigazione Alta Italia S.P.A.: Monbaldo. Mondoro.
04642---	South African Marine Corporation Limited: S.A. Transporter.
04877---	Florian Carriers S.A.: Regent Marigold.
04941---	Olau-Line Ltd.: Olau-Pil.
05090---	Esso Petroleum Company Ltd.: Esso Portsmouth.
05097---	Esso Transport Company, Inc.: Esso Scranton. Esso Santos.
05145---	Asgard Skibsrederi A/S: Preciosa.
05526---	Eastern Shipping Lines, Inc.: Virgo II.
05537---	Empresa Navegacion Mambisa: Bahia de Matanzas. Bahia de Nipe. 26 de Julio. Clodomira. Bahia de Tanamo. Bahia de Siguanea.
06124---	Fukuryu Gyogyo Kabushiki Kaisha: Fukuryumaru No. 31.
06273---	Dowa & Co. Ltd.: Silver Longevity. Mexican Gulf.
06494---	Great West Towing & Salvage Ltd.: Great West No. 3.
06607---	Consolidation Marine Corporation: Regent Fleur. Begonia. Regent Cosmos.
06662---	Reederei Claus Peter Offen KG: Nabstein.
06686---	Forest Shipping Corporation: Forest Lake.
06783---	Jacob Compania Naviera S.A.: Barbadinos.
06799---	Compagnie Generale Transbaltique: Claude Debussy.
06903---	Sun Shipbuilding and Dry Dock Company: Fortaleza.
07038---	Halcyon Carriers, S.A.: Halcyon Sun.
07139---	Transworld Enterprises Inc.: Navitrader.
07467---	Dae Wang Fisheries Co., Ltd.: Dae Wang No. 201.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2925 Filed 2-13-73;8:45 am]

BALTIC SHIPPING CO.

Notice of Issuance of Certificate [Performance]

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission, general order 20, as amended (46 CFR Part 540):

The Baltic Shipping Company, Mezhevoj Can. 5, Leningrad, USSR.

Dated: February 8, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2926 Filed 2-13-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP72-150; RP72-155]

EL PASO NATURAL GAS CO.

Order Accepting and Allowing Restructured Rates To Become Effective Subject to Hearing and Refund; Correction

JANUARY 24, 1973.

In the order accepting and allowing restructured rates to become effective subject to hearing and refund, issued December 29, 1972 and published in the FEDERAL REGISTER January 8, 1973 (38 FR 1089):

In the ordering clause: Change "El Paso's Substitute Tenth Revised Sheet No. 10 of its FPC Gas Tariff, First Revised Volume No. 3 * * *" to "El Paso's Ninth Revised Sheet No. 3B of its FPC Gas Tariff, Original Volume No. 1 * * *."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2874 Filed 2-13-73;8:45 am]

[Docket No. G-3072, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order; Correction

JANUARY 24, 1973.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, making successor co-respondent, and accepting, redesignating, and canceling FPC gas rate schedule in part, issued January 8, 1973, and published in the FEDERAL REGISTER January 17, 1973 (38 FR 1687):

Change paragraph (E) to read as follows: (E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71-663	[6] 22.0	14.65
	[7] 24.5	14.65

[6] Initial rate for sales under the basic contract.
[7] Initial rate for sales dedicated by Supplement No. 3 to Phillips Petroleum Co. FPC Gas Rate Schedule No. 485.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2875 Filed 2-13-73;8:45 am]

[Docket No. R-398; Order 415-C]

JERSEY CENTRAL POWER AND LIGHT CO. ET AL.

Order Denying Petition for Rehearing

FEBRUARY 7, 1973.

On October 30, 1972, as a result of the *Greene County* decision,[1] we issued a notice of our intention to amend our regulations governing implementation of the National Environmental Policy Act of 1969 (NEPA).[2]

In response, 29 comments were filed, all of which were carefully considered prior to the adoption to our revised NEPA procedures, Order No. 415-C, on December 18, 1972.[3]

On January 17, 1973, Petitioners (Jersey Central Power and Light Co., Metropolitan Edison Co., Monongahela Power Co., the Montana Power Co., New England Power Co., Pennsylvania Electric Co., Pennsylvania Power and Light Co., the Potomac Edison Co., and West Penn Power Co.) filed a joint application for rehearing and reconsideration of Order No. 415-C.

Petitioners first allege that the regulations promulgated by the Commission do not comply with the mandate of Greene County. They further contend that the authority delegated to staff by the regulations is both excessive and unwarranted. Petitioners request that the Commission on rehearing revise its regulations to cure these alleged defects. For the reasons stated herein, the application for rehearing is denied.

[1] Greene County Planning Board v. F.P.C., 455 F. 2d 412 (CA2, 1972) cert. denied FPC v. Greene County Planning Board, No. 71-1597. (------ U.S. ------) Oct. 10, 1972.
[2] 37 FR 23360, Nov. 2, 1972.
[3] 37 FR 28412, Dec. 23, 1972.

Petitioners correctly note that our regulations provide for the revision of a staff draft statement as necessary after it has been circulated for comment and as part of its finalization prior to hearing. They also recognize that, after hearing, the regulations require the initial and reply briefs of all parties, the initial decision of the presiding administrative law judge, and the final order of the Commission, to "specifically analyze and evaluate the [environmental] evidence" in the proceeding.[4]

However, Petitioners claim that this is not sufficient. They contend that to the extent the hearing develops new information or contradicts staff's statement, the presiding judge or the Commission must amend the staff statement.

Greene County interprets section 102 (2) (c) of NEPA as a mandate to consider environmental values "at every distinct and comprehensive stage of the [agency's] process."[5] It further holds that the Commission staff must prepare its own impact statement and circulate it for comment before a hearing is held. It says that written testimony of Commission staff at the hearing cannot substitute for "a single coherent and comprehensive environmental analysis, which is itself subject to scrutiny during the agency review processes."[6] The court also found that the hearings on an application "constitute an existing agency review process."[7]

In Order No. 415–C, the Commission has adopted procedures which comply in every particular with the mandate of Greene County. Our procedures require affirmative independent action on the part of the staff to collect and analyze comprehensive environmental data in advance of the evidentiary hearing. The staff must then prepare and circulate for comment a draft environmental impact statement. Upon receipt of comments, the staff will revise as necessary and finalize its environmental statement which will be placed in evidence in the proceeding subject to cross-examination.

After hearings have been completed, the initial and reply briefs of all parties to the proceeding must analyze and evaluate the environmental evidence. The initial decision of the presiding law judge and the final order of the Commission must evaluate the environmental evidence.

As required in Greene County, these procedures provide for an independent environmental investigation, a comprehensive analysis of environmental matters, a meaningful consideration of environmental issues involved, and a consideration of environmental values at every distinctive and comprehensive stage of the decisionmaking process.

Should the presiding administrative law judge disagree with the final statement presented by staff, his initial decision will so indicate. In its final order, the Commission will also make its determination on the adequacy and accuracy of the final statement. Any differences, modifications, deletions, additions or revisions will be clearly indicated in the Commission's decision. There is nothing in NEPA or Greene County to indicate that this procedure falls short of compliance. The staff final statement is the "single coherent and comprehensive environmental analysis" called for in Greene County.[8] This statement and the views of all parties concerning it are "subject to scrutiny during the agency review processes" as specifically required by Greene County.[9] The presiding judge and the Commission will have all this information before them in the posthearing review process. The environmental basis of the decision reached will be cast in terms of and referenced to the final impact statement. Certainly, Petitioners cannot intend that at each decisional level of the Commission the impact statement will be amended to reflect the judgment of the reviewing official and then, because it is a changed document, be resubmitted for circulation and comment and retesting in the adversary framework of a hearing. We see nothing in Greene County or in NEPA which requires such circular, drawnout procedures. NEPA, as construed in Greene County, requires the Commission, through our staff, to prepare a draft environmental impact statement, circulate it for comment to all parties and responsible agencies, finalize the statement and subject it to the adversary proceeding of cross-examination before allowing it to proceed through the remaining review process. Order No. 415–C so provides. We are satisfied it meets the requirements of NEPA.

In addition, the Petitioners criticize Order No. 415–C because it authorizes the staff to require applicants to correct deficiencies in environmental reports without setting time limits for staff review and standards against which the adequacy of such reports can be measured. These criticisms are without merit.

Strict limitations on the time available to staff to review the adequacy of environmental reports are inappropriate, at least until further experience with NEPA reviews has been gained. It is our policy that these reviews should proceed as promptly as our resources permit and staff has been so informed in Order No. 415–C. We reiterate our commitment to that policy.

As for the standards governing the adequacy of environmental reports, § 2.80 enumerates in broad terms the essential elements of a detailed environmental statement. Reports by applicants should, of course, be addressed to these same considerations. In addition, we are considering the possibility of providing more detailed guidelines to aid in the preparation of environmental reports. For the moment, however, the content and scope of environmental statements prepared by this and other Federal agencies together with the traditional environmental consideration evaluated in our proceedings provide an adequate framework to guide applicants in the preparation of their reports. The peripheral considerations that may not be immediately self-evident are, in fact, additional justification for our disinclination to require staff review of these reports within a rigid time frame. By avoiding rigid time restrictions and authorizing staff to require additional data from applicants, we believe the scope of information needed in an environmental report will be more clearly specified for the benefit of all concerned and perhaps permit greater specificity in our rules at some further date.

The Commission finds:

No grounds have been raised in the petition for rehearing that warrant or require an amendment or modification of Order No. 415–C.

The Commission orders:

The application for rehearing is denied.

By the Commission.

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

[FR Doc.73-2873 Filed 2-13-73;8:45 am]

[4] Order No. 415–C, §§ 2.81/2.82(e).
[5] Greene County at 420.
[6] Id.
[7] Id. at 422.
[8] Id. at 420.
[9] Id. at 421.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LITERATURE ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on February 16, 1973, 9:30 a.m. on February 17, 1973, and 9:30 a.m. on February 18, 1973 in Berkely, Calif.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20560, or call Area Code 202—382–2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-2923 Filed 2-13-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 9, 1973 through February 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2915 Filed 2-13-73;8:45 am]

[File 7-4335]

FRIGITRONICS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1973.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Frigitronics, Inc---------- File No. 7-4335

Upon receipt of a request, on or before February 24, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 73-2917 Filed 2-13-73;8:45 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

FEBRUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 10, 1073, through February 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2916 Filed 2-13-73;8:45 am]

[File 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

FEBRUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 10, 1973, through February 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2914 Filed 2-13-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

FEBRUARY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national secuities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 8, 1973 through February 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2884 Filed 2-13-73;8:45 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

FEBRUARY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from February 8, 1973, through February 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2886 Filed 2-13-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 8, 1973, through February 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-2885 Filed 2-13-73;8:45 am]

TARIFF COMMISSION

[332-72]

MUSHROOMS

Notice of Investigation and Public Hearing

In response to a request dated January 30, 1973, by the President of the United States, the U.S. Tariff Commission has instituted an investigation of the competitive conditions in the United States between domestically produced and imported fresh and processed mushrooms. The full text of the request is as follows:

DEAR MRS. BEDELL: I hereby request the Tariff Commission, under section 332 of the Tariff Act of 1930, to conduct an investigation of the competitive conditions in the United States between domestically produced and imported fresh and processed mushrooms.

This request results from a petition of the Mushroom Processors Association for initiation of negotiations with certain foreign governments under section 204 of the Agricultural Act of 1956, as amended, to limit the export of canned mushrooms to the United States. After reviewing the association's petition and available information from executive agencies, I do not believe the facts available are sufficient for making a decision at this time. I am therefore requesting a comprehensive report from the Commission to provide the necessary background on this matter.

In examining the conditions of competition between domestic and imported mushrooms, the Commission should report on trends in production, consumption, prices, employment, imports, the profit and loss experience of domestic producers, and plans of foreign suppliers for increased marketing in the United States.

I would also appreciate receiving any conclusions the Commission may reach, following its investigation, as to whether the domestic mushroom industries are suffering from or threatened with injury from imports and, if so, whether the extent of any injury or threat thereof has been sufficient to warrant serious consideration of some form of relief.

The Commission's report should be submitted as soon as possible but no later than May 1, 1973 so that proper attention can be given to the association's petition before the next marketing year begins in the fall of 1973.

I have asked the Director of the Council on International Economic Policy to maintain a close surveillance of the mushroom processing industry and to forward his recommendation in the event the industry's situation requires action before the Commission's report is available.

Sincerely,

RICHARD NIXON.

A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on March 20, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, March 15, 1973.

Issued: February 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-2965 Filed 2-13-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ALL ITEMS CONSUMER PRICE INDEX

United States City Average

Pursuant to section 104(a)(4) of the Federal Election Campaign Act of 1971, Public Law 92-225, 86 Stat. 3, 47 U.S.C. 803, the Secretary of Labor has certified to the Comptroller General, and publishes in this notice in the FEDERAL REGISTER, the fact that the United States city average of the All Items Consumer Price Index (1967=100) increased 7.7 percent from its 1970 annual average of 116.3 to its 1972 annual average of 125.3.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-2957 Filed 2-13-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 9, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 16, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-89037 (Deviation No. 10), CONTINENTAL PACIFIC LINES, 1501 South Central Avenue, Los Angeles, CA 90021, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Dunningan Junction, Calif., over Interstate Highway 5 to Woodland, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and (2) from Woodland, Calif., over U.S. Highway 99W to junction unnumbered highway, thence over unnumbered highway to Davis, Calif., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2935 Filed 2-13-73;8:45 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 9, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 16, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-26739 (Deviation No. 36), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, MO 64502, filed January 24, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 52 and

Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 35 (also known as the Kansas Turnpike), (2) from junction U.S. Highway 52 and Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 70, thence over Interstate Highway 70 (also known as the Kansas Turnpike) to junction U.S. Highway 75, (3) from junction U.S. Highway 52 and Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 70, thence over Interstate Highway 70 (also known as Kansas Turnpike) to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 35 (also known as Kansas Turnpike), (4) from junction U.S. Highway 52 and Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 70 (also known as the Kansas Turnpike).

Thence over Interstate Highway 70 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 35 (also known as the Kansas Turnpike), and (5) from junction U.S. Highway 52 and Interstate Highway 55 over Interstate Highway 55 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 70 (also known as the Kansas Turnpike), thence over Interstate Highway 70 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Kansas Highway 4, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline-Rock Island, Ill.

Thence across the Mississippi River to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to Maryville, Mo., and (2) from Maryville, Mo., over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka, Kans., thence over the Kansas Turnpike to junction U.S. Highway 50, thence over U.S. Highway 50 to Newton, Kans., thence over U.S. Highway 81 to Wichita, Kans., and return over the same routes.

No. MC–33641 (Deviation No. 40), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Francisco, Calif,. over Interstate Highway 80 (U.S. Highway 40) to Oasis, Nev., thence over Nevada Highway 30 to the Nevada-Utah State line, thence over Utah Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Interstate Highway 80N near Snowville, Utah, thence over Interstate Highway 80N (U.S. Highway 30S) to junction Interstate Highway 15 (U.S. Highway 191), near Tremonton, Utah, thence over Interstate Highway 15 (U.S. Highway 30S) to Ogden, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Ogden, Utah, and return over the same route.

No. MC–33641 (Deviation No. 41), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over U.S. Highway 66 to Barstow, Calif., thence over U.S. Highway 91 to junction U.S. Highway 93 near Glendale, Nev., thence over U.S. Highway 93 to junction Interstate Highway 80 (U.S. Highway 40) at Wells, Nev., thence over Interstate Highway 80 to Oasis, Nev., thence over Nevada Highway 30 to the Nevada-Utah State line, thence over Utah Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Interstate Highway 80N near Snowville, Utah, thence over Interstate Highway 80N (U.S. Highway 30S) to junction Interstate Highway 15 (U.S. Highway 191) near Tremonton, Utah, thence over Interstate Highway 15 (U.S. Highway 30S) to Ogden, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to Barstow, Calif., thence over U.S. Highway 91 to Ogden, Utah, and return over the same route.

No. MC–33641 (Deviation No. 42), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sacramento, Calif., over Interstate Highway 80 (U.S. Highway 40) to Oasis, Nev., thence over Nevada Highway 30 to the Nevada-Utah State line, thence over Utah Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Interstate Highway 80N near Snowville, Utah, thence over Interstate Highway 80N (U.S. Highway 30S) to junction Interstate Highway 15 (U.S. Highway 191) near Tremonton, Utah, thence over Interstate Highway 15 (U.S. Highway 30S) to Ogden, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Sacramento, Calif., over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Ogden, Utah, and return over the same route.

No. MC–33641 (Deviation No. 43), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Jose, Calif., over California Highway 17 to Oakland, Calif., thence over Interstate Highway 80 (U.S. Highway 40) to Oasis, Nev., thence over Nevada Highway 30 to the Nevada-Utah State line, thence over Utah Highway 30 to Junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Interstate Highway 80N near Snowville, Utah, thence over Interstate Highway 80N (U.S. Highway 30S) to junction Interstate Highway 15 (U.S. Highway 191), Tremonton, Utah, thence over Interstate Highway 15 (U.S. Highway 30S) to Ogden, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From San Jose, Calif., over California Highway 17 to Oakland, Calif., thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Ogden, Utah, and return over the same route.

No. MC–33641 (Deviation No. 44), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed February 1, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*,

with certain exceptions, over a deviation route as follows: From Fresno, Calif., over U.S. Highway 99 to Sacramento, Calif., thence over Interstate Highway 80 (U.S. Highway 40) to Oasis, Nev., thence over Nevada Highway 30 to the Nevada-Utah State line, thence over Utah Highway 30 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction Interstate Highway 80N near Snowville, Utah, thence over Interstate Highway 80N (U.S. Highway 30S) to junction Interstate Highway 15 (U.S. Highway 191) near Tremonton, Utah, thence over Interstate Highway 15 (U.S. Highway 30S) to Ogden, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fresno, Calif., over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Ogden, Utah, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2936 Filed 2-13-73;8:45 am]

[Notice 12]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 9, 1973.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 108297 (Sub-No. 21) (Republication), filed June 23, 1971, published in the FEDERAL REGISTER issue of August 19, 1971, and republished this issue. Applicant: FOX TRANSPORT SYSTEM, a corporation, 21 South Fifth Street, Philadelphia, PA 19106. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. A report and order of the Commission, Review Board No. 4, dated January 10, 1973, and served February 1, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles) from Fort Washington, Pa., to Exmore, Va.; and (2) *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other points within the territory bounded by a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., thence south of Cape May, N.J., thence along the north and east shore line of the Delaware Bay and the Delaware River to Pennsville, N.J., thence across the Delaware River to New Castle, Del., thence west to the Delaware-Maryland State line at a point west of Glasgow, Del., thence north along the Delaware-Maryland State line to point of intersection with the Pennsylvania-Maryland State line, thence west along the Pennsylvania-Maryland State line to the east bank of the Susquehanna River, thence north and west along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porter's Lake to Delaware Water Gap, Pa.,

Thence along the west bank of the Delaware River to Easton, Pa., thence across the Delaware River to Phillipsburg, the point of beginning, including the points named, restricted in (2) above, against service at Hershey, Elizabethtown, Mount Joy, Lititz, and Milton, Pa., and points in their respective commercial zones; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119547 (Sub-No. 26) (Republication), filed August 18, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, and republished this issue. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. An order of the Commission, Operating Rights Board, dated January 11, 1973, and served February 1, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *Clay products*, from New Lexington, Ohio, to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and points in that part of Minnesota on and west of a line extending along the Mississippi River to its junction with western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (2) *clay quarry tile and clay roofing tile*, from New Lexington, Ohio, to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia, and points in that part of New York on, north and east of a line beginning at Oswego, N.Y., and extending along U.S. Highway 104 to Maple View, N.Y., thence southward along U.S. Highway 11 to the New York-Pennsylvania State line (except New York, N.Y.), and restricted in (1) and (2) above to the transportation of traffic originating at New Lexington, Ohio; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner it has been so prejudiced.

No. MC 136384 (Sub-No. 1) (Republication), filed January 31, 1972, published in the FEDERAL REGISTER issue of February 25, 1972, and republished this issue. Applicant: PALMER MOTOR EXPRESS, INC., Post Office Box 103, Savannah, GA 31402. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road Northeast, Atlanta, GA 30326. An order of the Commission, Operating Rights Board, dated January 23, 1973, and served January 31, 1973, finds that applicant holds certificate No. MC-136384 issued January 22, 1973, which authorizes the transportation of *General commodities*, with the usual exceptions, between Metter, Ga., and Savannah, Ga., that the right to serve Savannah, Ga., would include the right

[1] 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 on the human environment resulting from approval of its application.

to serve its commercial zone which extends into South Carolina, and that upon receipt of a written request for concurrent restriction of certificate No. MC-136384 excluding service to those points of the Savannah, Ga., commercial zone lying in South Carolina, and upon full compliance with the requirements of sections 215, 217, and 221(c) of the Act and the rules and regulations of the Commission thereunder, a Certificate of Registration shall be issued to applicant, as evidence of a right to engage in operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, solely within the State of Georgia, pursuant to Certificate of Public Convenience and Necessity No. 4423, dated November 21, 1972, and issued by the Georgia Public Service Commission, authorizing the transportation of *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading) between Savannah, Ga., and Metter, Ga., via Pembroke, Daisy, Claxton, Collins, and Cobbtown, Ga., Interstate Highway 16, State Highway 30 (U.S. 280), State Highway 292 and State Highway 121, serving all intermediate points. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate of Registration in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC 13806 (Sub-No. 4) (Notice of Filing of Petition for Modification of a Certificate), filed January 19, 1973. Petitioner: VIRGINIA HAULING CO., a corporation, Post Office Box 9525, Lakeside Station, Richmond, VA 23228. Petitioner's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Petitioner presently holds a motor common carrier certificate in No. MC 13806 (Sub-No. 4) issued March 14, 1956, authorizing, in part, operations over irregular routes of: *Heavy machinery and equipment,* and *building materials,* in truckload lots, between points in Virginia, excepting those located in Northumberland, Lancaster, Westmoreland, and Richmond Counties, Va., and that part of King George County, Va., on and east of U.S. Highway 301, on the one hand, and, on the other, Washington, D.C., and points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. By the instant petition, petitioner seeks to modify the commodity description in this part of the certificate to read as follows: *"Commodities,* the transportation of which because of size or weight, requires the use of special equipment or special handling, *self-propelled articles,* each weighing 15,000 pounds or more, *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities which are transported on trailers) and *building materials,"* between those points named above. Also, the petitioner indicates that the "truckload lot" restriction is no longer applicable in view of the Commission's decision in Removal of Truckload Lot Restrictions, 106 M.C.C. 455. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 50544 (Sub-No. 52) (Notice of Filing of Petition To Renew a Certificate To Transport Explosives), filed January 2, 1973. Petitioner: THE TEXAS AND PACIFIC MOTOR TRANSPORT CO., a corporation, 210 North 13th Street, St. Louis, MO 63103. Petitioner's representative: Robert S. Davis (same address as applicant). The petitioner's previous authority herein expired June 15, 1970, and by the instant petition the petitioner seeks to renew that authority to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), serving the site of the West Yantis Gas Processing Plant of the Pan-American Petroleum Corp., located near Yantis, Tex., as an off-route point in connection with carrier's regular route operations between Wills Point and Gladewater, Tex. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 89723 (Sub-No. 4) (Notice of Filing of Petition to Modify a Certificate), filed January 15, 1973. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis, MO 63103. Petitioner's representatives: M. M. Hennelly, R. H. Stahleber and R. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63013. Petitioner presently holds a certificate in No. MC 89723 (Sub-No. 4) authorizing, in part, the transportation of *General commodities* (without exception), between points in Texas, over specified regular routes, with restrictions, including the following: "No shipment shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: San Antonio, Laredo, Fort Worth, Waco, Houston, and Hearne-Valley Junction (to be considered as a single key point), (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo, or between Houston and Dallas and beyond in interline service with the Texas and Pacific Motor Transport Co., or (c) southward through Odem, Tex., unless it shall have had a prior movement by rail, except REA Express traffic from Houston, Tex., to points between Odem and Brownsville, Tex., including Brownsville via Raymondville and Harlingen, Tex., (d) the Waco key point restriction shall not apply to shipments having an immediately prior or subsequent movement by rail, and (e) the Laredo key point restriction shall not apply to shipments moving to, from, or through San Antonio, Tex., provided it shall have had a prior movement by rail, except REA Express traffic, from San Antonio, Tex., to points between Laredo and Brownsville, Tex., including Brownsville, via McAllen and Harlingen, Tex." by the instant petition, petitioner seeks to modify the restriction in (d) above to read: "(d) the WACO and Hearne-Valley Junction key-point restriction shall not apply to shipments having an immediately prior or subsequent movement by rail,". Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 89723 (Sub-Nos. 38 and 46) (Notice of Filing of Petition To Renew Authority to Transport Explosives), filed January 2, 1973. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Petitioner's representative: Robert S. Davis (same address as applicant). Petitioner's authority to transport *classes A and B explosives* expired October 8, 1970, in MC-89723 (Sub-No. 38), and August 7, 1972, in MC-89723 (Sub-No. 46). By the instant petition, petitioner seeks to renew this authority: (1) In Sub-No. 38—to transport *classes A and B explosives,* over regular routes, between Hot Springs, Ark., and the Ouachita Job Corps Conservation Center near Royal, Ark., serving no intermediate points: From Hot Springs over U.S. Highway 270 to junction Forest Road No. 93, thence over Forest Road No. 93 to the Ouachita Job Corps Conservation Center near Royal, Ark., and return over the same route; and (2) In Sub-No 46—to transport *classes A and B explosives,* over regular routes, between Lyons, Kans., and Great Bend, Kans., as an alternate route for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Lyons over U.S. Highway 56 to Great Bend, and return over the same route, limited to a service which is auxiliary to or supplemental of rail service of the Missouri Pacific Railroad Co., and restricted against service to any point not a station of the rail lines of said railroad, and further restricted against the transportation of any shipments by carrier as a common carrier by motor vehicle between any of the points,

or through or to or from more than one of said points, designated in the restrictive conditions contained in carrier's presently-held certificate. Any interested person or persons desiring to participate may file and original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 124796 (Sub-No. 71) (Notice of Filing of Petition to Amend Commodity Description of a Permit), filed January 31, 1973. Petitioner: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91749. Petitioner's representative: William J. Monheim (same address as petitioner). Petitioner presently holds a permit in No. MC–124796 (Sub-No. 71) authorizing, as pertinent, the transportation, over irregular routes, of: *Automobile parts and accessories, automotive jacks, cranes* (not self-propelled), *hand tools, pneumatic tools, electric tools, advertising matter, premium racks,* and *display cases,* and *signs, metal castings, oil filters, air filters,* and *component parts,* from the plantsite and warehouse facilities utilized by Walker Manufacturing Co., Division of Tennaco, Inc., at or near Jonesboro, Ark., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities described herein, and further restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment, under a continuing contract, or contracts, with Walker Manufacturing Co., Division of Tennaco, Inc., at Jonesboro, Ark. By the instant petition, petitioner seeks to add "storage or shipping racks or parts" to its commodity description listed above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 128543 (Sub-Nos. 2, 3, and 4) (Notice of Filing of Petition To Modify Commodity Descriptions in Permits) filed January 31, 1973. Petitioner: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Petitioner's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Petitioner presently holds permits in No. MC–128543 (Sub-Nos. 2, 3, and 4), authorizing transportation, by motor vehicle, over irregular routes, as follows: (1) In Sub-No. 2, *Iron and steel pipe and pipe fittings, shapes, and forms,* from the plantsite and warehouse facilities of Allied Tube and Conduit Corp., at Harvey and Blue Island, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin, (a) and *Iron and steel pipe and pipe fittings,* from points in Ohio to the facilities named in (1) above; (2) in Sub-No. 3, *Iron and steel pipe and pipe fittings, shapes, forms, and strips,* from the plantsite at Philadelphia, Pa., and the warehouse facilities at Camden, N.J., of Allied Tube and Conduit Corp., to points in 21 Eastern States and the District of Columbia, (a) and *Iron and steel pipe and pipe fittings, and steel,* from points in Maryland, Ohio, Pennsylvania, and West Virginia, to the warehouse facilities at Camden, N.J., of Allied Tube and Conduit Corp.; and (3) in Sub-No. 4, the same commodities and origins as in (1) above, to points in Montana, Wyoming, Colorado, Idaho, Washington, Oregon, California, Nevada, Arizona, Utah, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, and the District of Columbia, (a) and *Iron and steel pipe and pipe fittings, steel, wire fencing, wire, zinc, and lead,* from points in Oklahoma, Texas, Colorado, West Virginia, Pennsylvania, and Maryland, to the facilities named in (1) above, with the operations in (1), (2), and (3) above performed under a continuing contract, or contracts, with Allied Tube and Conduit Corp., of Harvey, Ill. By the instant petition, petitioner seeks to modify the commodity descriptions in all of the above permits to read as follows: In (1) and (3), *Pipe and pipe fittings, shapes, forms, and wire;* in (1)(a), *Pipe and pipe fittings;* in (2), *Pipe and pipe fittings, shapes, forms, strips, and wire;* in 2(a), *Pipe and pipe fittings, steel, and wire;* and in (3)(a), *Pipe and pipe fittings, steel, wire fencing, wire zinc, and lead.* This commodity modification will allow the petitioner to transport: (1) All types of pipe rather than just iron and steel pipe; and (2) wire where it is not presently authorized. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before March 16, 1973.

No. MC 128375 (Sub-Nos. 1, 2, 4, 8, 10, 11, 20, 24, 25, 51, and 56) (Correction—of a Notice of Filing of Petition for Modification of Permits), filed January 2, 1973, and published in the FEDERAL REGISTER issue of January 24, 1973. Petitioner: CRETE CARRIER CORPORATION, 1444 Main, Post Office Box 249, Crete, NE 68333. Petitioner's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006.

NOTE: The purpose of this correction is to properly indicate both the correct filing date and the correct petitioner's representative which were inadvertently previously published in error.

No. MC 128813 (Sub-No. 6) (Notice of Filing of Petition for Modification of Permit), filed January 24, 1973. Petitioner: C. R. ENGLAND & SONS, INC., 975 West 21st South, Salt Lake City, UT 84119. Petitioner's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E. Street NW., Washington, DC 20004. Petitioner presently holds a motor contract carrier permit in No. MC 128813 (Sub-No. 6), issued September 12, 1972, authorizing operations over irregular routes of: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Ogden, Utah, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Philadelphia, Pa., with no transportation on return except as otherwise authorized, and under a continuing contract, or contracts, with Wilson Beef & Lamb Co. of Ogden, Utah, and subject to the provisions of section 210 of the Act. By the instant petition, petitioner seeks to expand the served territory by adding Denver, Colo., as an origin point and the States of California, Maryland, and Pennsylvania as destination points. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before March 16, 1973.

No. MC 135056 (Notice of Filing of Petition for Modification and Amendment of a Permit), filed January 15, 1973. Petitioner: MJR ENTERPRISES, a corporation, 20407 South Normandie, Torrance, CA 90502. Petitioner's representative: Murchison & Davis, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Petitioner presently holds a permit in No. MC 135056, issued September 9, 1971, and modified by Orders of the Commission dated May 25, 1972, and June 19, 1972, authorizing operations over irregular routes of: *Such merchandise* as is usually dealt in by chain retail and furniture stores, (1) between points in California; (2) between points in California, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (3) from Salt Lake City and Ogden, Utah, to points in Idaho, under a continuing contract, or contracts, with McMahan Furniture Co., of Los Angeles, Calif., and Consolidated Foods Corp., Gem Furniture Division, of North Hollywood (Los Angeles), Calif. By the instant petition, petitioner seeks to amend its authority in (2) above to read: "(2) between points in California, Oregon and Washington, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii)"; and to add the contracting shippers (1) Barker Manufacturing Co., of Portland, Oreg., (2) De Sota Inc. of Des Plaines, Ill., and (3) McFlem Furniture Manufacturing Co., of Los Angeles, Calif. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before March 16, 1973.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 74164 (Sub-No. 6), filed January 29, 1973. Applicant: WEST FARMS EXPRESS, INC., 1095 Close Avenue, Bronx, NY 10472. Applicant's representative: William Biederman, 280 Broadway, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., and points in Suffolk County, N.Y. NOTE: The instant application is a matter directly related to MC–F 11788 published in the FEDERAL REGISTER issue of February 7, 1973. Applicant states that the requested authority can be tacked with its existing authority at New York, N.Y. and operate between points in New Jersey on the one hand, and points in Suffolk County on the other. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121427 (Sub-No. 8), filed January 16, 1973. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Jackson, MS 39204. Applicant's representative: Harold D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (1) regular routes: Between Forest, Miss., and Jackson, Miss., from Forest over U.S. Highway 80, and return over the same route, serving all intermediate points; and (2) irregular routes: (a) Between Forest, Miss., and points within 25 miles of Forest, Miss.; and (b) between Meridian, Miss., and Forest, Miss. NOTE: The above-requested authority will be joined with and used in connection with applicant's other authority by tacking at common points such as Forest and Meridian, Miss. This application is a matter directly related to MC–F 11774, published in the FEDERAL REGISTER issue of January 19, 1973. If a hearing is deemed necessary, applicant requests it be held at Jaskson, Miss.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11544 (amendment). (I-V COACHES, INC.—Merger—WABASH-ARROW LINES, INC.), published in the June 1, 1972, issue of the FEDERAL REGISTER, on page 11009. By amendment filed January 31, 1973, applicants seek to amend application to show relationship between I-V COACHES, INC., WABASH-ARROW LINES, INC., INDIANAPOLIS-VINCENNES COACH COMPANY, INC., AND BLUEBIRD LINES, INC., and the dates such relationship was established.

No. MC–F–11721 (second correction). (A. RICHNER, INC., doing business as: RICHNER, INC.—Purchase—(1) DON WARD, INC., and (2) BOYD E. RICHNER, INC.), published in the December 28, 1972, issue of the FEDERAL REGISTER, on page 28675. Prior notice should be modified to read: *Sulfuric acid* (1) from Garfield, Utah, to Naturita, and Durango, Colo.

No. MC–F–11758 (correction). (SUN INVESTMENT, INC. — Purchase — DIECKBRADER EXPRESS, INC.), (MARTIN A. GREENBERGER, Operating Trustee), published in the January 10, 1973, issue of the FEDERAL REGISTER, on page 1243. Prior notice should have included: Robert Goering, 128 East 6th Street, Cincinnati, OH 45202, as attorney for trustee.

No. MC–11782. Authority sought for purchase by KREVDA BROS., EXPRESS, INC., 501 Broadway, Gas City, IN 46933, of a portion of the operating rights of LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 47302, and for acquisition by MICHAEL J. KREVDA, Rural Delivery 2, Shippenville, PA 16254, JOHN J. KREVDA, 529 South H Street, Gas City, IN 46933, and JOSEPH J. KREVDA, Rural Delivery 2, Marion, IN 46933, of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Glass containers and closures therefor*, as a *common carrier* over irregular routes, from the plantsite of Thatcher Glass Manufacturing Co., at Streator, Ill., to points in the Lower Peninsula of Michigan, with restrictions; *glass containers*, from the plantsite of Ball Bros. Co. at Mundelein, Ill., to points in Ohio, the Lower Peninsula of Michigan, those in Wisconsin on and south of U.S. Highway 18, and Watertown and Clyman, Wis., from the plantsite of Ball Bros. Co. at Mundelein, Ill., to Ashland, Maysville, Covington, Carrollton, Louisville, Owensboro, Henderson, and Paducah, Ky., Hannibal, St. Louis, Crystal City, Cape Girardeau, and Caruthersville, Mo., with restrictions. Vendee is authorized to operate as a *common carrier* in Indiana, Kentucky, Pennsylvania, Illinois, Michigan, Ohio, West Virginia, Missouri, New York, Maryland, Mississippi, Georgia, Texas, New Jersey, Connecticut, Massachusetts, District of Columbia, Nebraska, Virginia, Delaware, Iowa, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11783. Authority sought for merger by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050, of the operating rights and property of BONDED FREIGHTWAYS, INC., also of Lansdowne, PA 19050, and for acquisition by ROLLINS INTERNATIONAL, INC., Post Office Box 1791, Wilmington, DE 19899, of control of such rights and property through the transaction. Applicants' attorney: Harry C. Ames, Jr., Suite 805, 666 11th Street NW., Washington, DC 20001. Operating rights sought to be merged: *Gasoline and fuel oil*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Rensselaer, N.Y., to Greenfield and Pittsfield, Mass., from Syracuse, N.Y., to certain specified points in Pennsylvania; *petroleum and petroleum products*, in bulk, in tank trucks, between Johnson City, N.Y., on the one hand, and, on the other, Athens and New Milford, Pa.; *tuluol, xylol, and benzol*, in bulk, in tank trucks, from Troy, N.Y., to certain specified points in Massachusetts, and Rhode Island, traversing Connecticut for operating convenience only; *asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in Connecticut and Massachusetts, except points in Massachusetts within 50 miles of the New York-Massachusetts State line and points in Hartford and Litchfield Counties, Conn.; *liquid petroleum based asphalt*, in bulk, in tank vehicles, from Albany, N.Y., to points in New Hampshire and Vermont;

Dry calcium chloride, in bulk, from Syracuse, N.Y., to points in Ohio, from Solvay, N.Y., to points in Massachusetts and Vermont, between points in New York; from Schenectady, N.Y., to points in New Hampshire, Vermont, Maine, Connecticut, Massachusetts, and Rhode Island, with restriction; from Solvay, N.Y., to points in Connecticut, Rhode Island, and New Hampshire; *dry chemicals*, in bulk, in tank, or hopper-type vehicles, from Niagara Falls, N.Y., to points in New Jersey, Pennsylvania, and that part of Ohio on and north of U.S. Highway 322 extending from the Pennsylvania-Ohio State line to Cleveland, Ohio, and to New York, N.Y., except Queens County and except synthetic plastics to Kings County; *dry cement and mortar*, in bulk and in bags, from the plantsite of the Atlantic Cement Co., Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire; *dry cement and mortar*, in bulk, from the plant and storage site of the Atlantic Cement Co., Inc., at Boston, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, from the plantsite of the Atlantic Cement Co., Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire;

Bicarbonate of soda, dry, and *sodium carbonate*, monohydrated, dry, in bulk, in hopper and mechanical discharge type vehicles, from the plantsites of Church & Dwight Co., Inc., at Syracuse, N.Y., to

points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York (except points in Nassau, Suffolk, and Queens Counties, N.Y.), with restriction; *dry cement*, between points in Connecticut, between points in Massachusetts, between points in Maine, between points in New Hampshire, between points in Pennsylvania, between points in Rhode Island, between points in Vermont; with restrictions; *dry chemicals*, in bulk, in tank vehicles, from Buffalo and Niagara Falls, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; *limestone*, from the town of Dover, N.Y., to points in Connecticut, Pennsylvania, New York, and points in New Jersey except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., from the town of Dover (Dutchess County), N.Y., to points in Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine (except points in Aroostook County); *asphalt, asphalt emulsions, and asphalt cutbacks*, in bulk, in tank vehicles, from the village of Athens (Greene County), N.Y., to points in Berkshire County, Mass., and Litchfield County, Conn.; *liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline outlets on the Texas Eastern Transmission Corp. pipeline in New York and Pennsylvania, to points in Connecticut, Delaware, Maryland, Massachusetts (except Plymouth, Barnstable, and Bristol Counties), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont (except Essex County), Virginia, West Virginia, and the District of Columbia;

Sodium sulfite, sodium bisulfite, sodium hyposulfite, and *aluminum sulfate*, dry, in bulk, from Solvay, N.Y., to Claymont, Del., to Rochester, N.Y.; *soda ash*, dry, in bulk, from Solvay, N.Y., to Claymont, Del.; *urea and ammonium nitrate* (other than liquid), in bulk, from ports of entry on the United States-Canada boundary line located on the Niagara, Detroit, and St. Clair Rivers, to points in Illinois, Indiana, New Jersey, New York, Ohio, and Pennsylvania, with restriction; *liquid chemicals*, in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp. at Syracuse, N.Y., and points in Syracuse, N.Y., commercial zone, as defined by the Commission, to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut, except those in Connecticut within 100 miles of Columbus Circle, N.Y.; *liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp. at Syracuse, N.Y., and points in the Syracuse N.Y., commercial zone, as defined by the Commission, to points in Vermont; *dry silicate of soda*, in bulk, in tank or hopper-type vehicles, from Skaneateles Falls, N.Y., to Philadelphia, Pa.; from Skaneateles Falls, N.Y., to points in Connecticut, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York (except points in Nassau and Suffolk Counties), Ohio (except Euclid), and Pennsylvania, with restriction; from Skaneateles Falls, N.Y., to points in that part of Camden County, N.J., which are within the Philadelphia, Pa., commercial zone as defined by the Commission;

Dry sodium phosphates, in bulk, in tank hopper type vehicles, from Kearney, N.J., to Skaneateles Falls, N.Y.; from Morrisville, Pa., and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), to Skaneateles Falls, N.Y., with restriction; *dry cement*, in bulk, from points in Massachusetts, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, with restriction; *soda ash*, in bulk, from Solvay, N.Y., to Crestwood Industrial Park, at or near Mountaintop, Luzerne County, Pa., from Solvay, N.Y., to North Rochester, Mass.; *dry calcium chloride*, in bulk, in tank vehicles, from Solvay, N.Y., to Towanda, Pa.; *anhydrous ammonia, nitrogen solutions, and aqua amonia*, in bulk, in tank vehicles, from the plantsites of Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermon, Virginia, and West Virginia, and ports of entry on the United States-Canada boundary line located in New York, with restriction; *urea*, dry, in bulk, from the plantsites of Agway, Inc., at Olean, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with restrictions; and *dry chemicals* (except calcium chloride), in bulk, in tank or hopper vehicles, from Solvay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, with restrictions;

Dry chemicals, in bulk, from Solvay, N.Y., to points in Ohio and West Virginia; *commodities*, in bulk (except cement and liquefied petroleum gas), from the Flexi-Flo terminal of Penn Central Transportation Co. at Rochester, N.Y., to points in New York (except New York, N.Y., and points in Orange, Dutchess, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties), certain specified points in Pennsylvania, points in Berkshire County, Mass., points in Bennington, Rutland, and Addison Counties, Vt., and points in Litchfield, Fairfield, and New Haven Counties, Conn., from the Flexi-Flo terminal of Penn Central Transportation Co. at Beacon Park, Mass., to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont, with restriction. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a (b). NOTE: Pursuant to order dated April 7, 1970, in MC-F-10415, transferee acquired control of transferor.

No. MC-F-11784. Authority sought for purchase by HILLDRUP TRANSFER & STORAGE CO., INC., 510 Essex Street, Post Office Box 745, Fredericksburg, VA 22401, of a portion of the operating rights of ANCHOR VAN LINES, INC., Route No. 235, Lexington Park, MD 20653, and for acquisition by C. B. McDANIEL, and C. G. McDANIEL, both of Fredericksburg, Va. 22401, of control of such rights through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points within 20 miles of Washington, D.C., on the one hand, and, on the other, points in West Virginia, between points in St. Marys County, Md., on the one hand, and, on the other, points in South Carolina, Tennessee, and Florida; between Washington, D.C., on the one hand, and, on the other, points in South Carolina, Tennessee, and Florida, with restriction. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, New York, Delaware, New Jersey, Rhode Island, Georgia, North Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11785. Authority sought for purchase by NILSON VAN & STORAGE, 2965 Main Street, Columbia, SC 29201, of a portion of the operating rights of ANCHOR VAN LINES, INC., Route 235, Lexington Park, MD 20653, and for acquisition by HOWARD A. NILSON, and NORMA R. NILSON, both of 120 Lake Elizabeth Drive, Columbia, SC, of control of such rights through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points within 20 miles of Washington, D.C., on the one hand, and, on the other, points in Delaware, Pennsylvania, New York, New Jersey, and points in Maryland and Virginia beyond 75 miles of Washington, D.C., between points in St. Marys County, Md., on the one hand, and, on the other, points in Georgia and North Carolina; between Washington, D.C., on the one hand, and, on the other, points in Georgia and North Carolina, with restriction. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11789. Authority sought for purchase by OVERLAND WESTERN LIMITED, Post Office Box 460, Woodstock, ON Canada, of the operating rights and property of OVERLAND EXPRESS, INC., 150 Milens Road, Tonawanda, NY 14150, and for acquisition by

ROBERT D. GRANT, FRANK D. LACE, IAN S. WALDIE, and GEORGE T. HEINTZMAN, Trustees, c/o White Bristol, Beck, 330 University Avenue, Toronto, ON, of control of such rights through the purchase. Applicants' attorney: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, NY 14202. Operating rights sought to be transferred: *General commodities,* excepting among others, high explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Buffalo and Alden, N.Y., serving all intermediate points; *general commodities,* excepting among others, classes A and B explosives, and household goods, over irregular routes, between points in Erie County, N.Y., on the one hand, and, on the other, points in Erie and Niagara Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Canada, Michigan, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11790. Authority sought for purchase by MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, CT 06108, of the operating rights of LALLY TRUCKING CO., INC., 190 Morgan Street, Hartford, CT 06101, and for acquisition by JACOB MASHKIN, 2 Mountain Farms Road, West Hartford, CT 06117, of control of such rights through the purchase. Applicants' attorney. Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120876 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New York, New Jersey, New Hampshire, Maine, Pennsylvania, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–52938 (Sub-No. 9), is a matter directly related.

No. MC–F–11791. Authority sought for control by C. A. PETERSEN, doing business as PETERSEN TANK LINES, Route 1, Box 204, Clear Lake, WI 54005, of (A) S. F. DOUGLAS TRUCK LINE, INC., Post Box 2766, New Brighton, MN 55112, and (B) S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE, also of New Brighton, Minn. 55112, and for acquisition by C. A. PETERSEN, and LOIS PETERSEN, both of Clear Lake, Wis. 54005, and MICHAEL PETERSEN, Amery, Wis., of control of S. F. DOUGLAS TRUCK LINE, INC., and S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE, through the acquisition by C. A. PETERSEN, doing business as PETERSEN TANK LINES, INC. Applicants' attorney: Lloyd O. Bergman, 1330 Dain Tower, 527 Marquette Avenue, Minneapolis, MN 55402. Operation rights sought to be controlled: (A) *Liquid sugar and corn syrup mixtures,* in tank vehicles, and *sugar,* in bulk, as a *common carrier* over irregular routes, from Chaska, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin; *sugar,* in bulk, *liquid sugar, corn syrup, and mixtures of liquid sugar and corn syrup,* from Chaska and Crookston, Minn., to points in the upper peninsula of Michigan; (B) *general commodities,* excepting among others, class A and B explosives, household goods and commodities in bulk, over regular routes, between Fargo, N. Dak.., and St. Paul, Minn., serving the intermediate and off-route points of Minneapolis and South St. Paul, Minn., between Fertile, Minn., and Fargo, N. Dak., serving intermediate and off-route points within 25 miles of Fertile, on southbound traffic only; *sugar,* over irregular routes, from Moorhead, Minn., to Ortenville, Minn.; *dry animal feed, dry poultry feed, and sugar,* from Drayton, N. Dak., to points in Minnesota; *livestock,* between Fertile, Minn., and points within 25 miles of Fertile, on the one hand, and, on the other, West Fargo and Union Stockyards, Cass County, N. Dak. C. A. PETERSEN, doing business as PETERSEN TANK LINES, is authorized to operate as a *common carrier* in Minnesota and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–11792. Authority sought for purchase by HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, MA 02742, of a portion of the operating rights of H. L. WHITE MOVER, INC., 16 Church Street, Keene, NH 03431, and for acquisition by PHILIP, PHILIP L., AND BERNADETTE HEMINGWAY, all of New Bedford, Mass. 02742, of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities,* excepting among others, classes A and B explosives, household goods and commodities, as a *common carrier* over irregular routes, between points in that part of New Hampshire, Vermont, and Massachusetts within 25 miles of Keene, N.H., including Keene; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Windham, Windsor, and Orange Counties, Vt., Sullivan, Cheshire, and Grafton Counties, N.H., and Franklin and Worcester Counties, Mass. Vendee is authorized to operate as a *common carrier* in Connecticut, Maine, New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, New Hampshire, Vermont, South Carolina, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11793. Authority sought for purchase by MAYBELLE TRANSPORT COMPANY, Box 849, Lexington, NC 27292, of the operating rights of CONTRACT CARRIER, INC., Brittain Drive, Post Office Box 391, Newberry, SC 29108, and for acquisition by FLEET TRANSPORT COMPANY, INC., AND FLEET MANAGEMENT CO., both of 934 44th Avenue, North Nashville, TN 37209, and, in turn by CALVIN HOUGHLAND AND J. G. PAGE, Jr., also of 934 44th Avenue, North Nashville, TN 37209, of control of such rights through the purchase. Applicants' attorneys: Robert M. Sielaty, 1819 H Street NW., Washington, DC 20006, and William J. Waggoner, Suite 723, Law Building, Charlotte, N.C. Operating rights sought to be transferred: *Fiberboard boxes, pulpboard, wrappers, partitions, fillers, and scrap paper,* as a *contract carrier* over irregular routes, from the plantsite of Owens-Illinois, Inc., Forest Products Division, located near Newberry, S.C., to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia, from Salisbury, N.C., to the plantsite of Owens-Illinois, Inc., Forest Products Division, located near Newberry, S.C. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Alabama, Florida, Georgia, Kentucky, Maryland, Pennsylvania, Tennessee, West Virginia, Michigan, Mississippi, and the District of Columbia, and as a *contract carrier* in North Carolina, Georgia, South Carolina, Virginia, Tennessee, Alabama, Florida, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11794. Authority sought for purchase by TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, NJ 07005, of the operating rights of LOUISE MARANDINO AND JOHN AVELIN, doing business as MONTAUK FREIGHTWAYS, Northern Boulevard, and 127th Place, Corona, NY 11368, and for acquisition by TRUCKING ENTERPRISES, INC., 744 Broad Street, Newark, NJ 07102, and in turn by, JOSEPH E., JOSEPH A., and ALBERT M. SALDUTTI, all of 512 Myrtle Avenue, Boonton, NJ 07005, of control of such rights through the purchase. Applicants' attorney: William J. Augello, 120 Main Street, Huntington, NY 11743. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–58051 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: MC–34975 (Sub-No. 6), is a matter directly related.

NOTICE

BURLINGTON NORTHERN, INC., Mr. Lawrence D. Silvernale, 840 Central Building, Seattle, Wash. 98104, hereby gives notice that on the seventh day of November, 1972, it filed with the Interstate Commerce Commission an application for acquisition of trackage rights

and joint use of tracks and facilities of the Chicago and Milwaukee, St. Paul and Pacific Railroad Co. between Maple Valley and Tanner, Wash., a distance of 22.9 miles. This application has been assigned Finance Docket No. 27239. In the opinion of the Applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than March 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2937 Filed 2-13-73;8:45 am]

[Notice 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1973.

The following are notices of filing of applications[1] 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 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, on or before March 1, 1973. 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 531 (Sub-No. 283 TA), filed January 26, 1973. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14048, 4909 Griggs Road, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics and liquid synthetic resins*, in bulk, in tank vehicles, from Oxnard, Calif., to points in Illinois, Indiana, Kansas, Michigan, New Jersey, Ohio, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 30383 (Sub-No. 12 TA), filed January 26, 1973. Applicant: JOSEPH F. WHELAN CO. INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Zelby & Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap products, stearic acid, vegetable stearins, glycerine, oils, cooking gats, soap, soap powder, cleaning and washing compounds, lard substitutes, toilet preparations, empty containers, kegs and drums, advertising matter and premiums and groceries*, except commodities in bulk, for the account of Procter & Gamble Manufacturing Co., and Procter & Gamble Distributing Co., from Bayonne, N.J., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., for 150 days. Supporting shipper: The Procter & Gamble Co., Attn: Patric K. Barron, Traffic Department, Post Office Box No. 599, Cincinnati, OH 45201. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 103993 (Sub-No. 751 TA), filed January 29, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (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 Madison Parish, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Guerdon Industries, Madison Parish, La. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 109462 (Sub-No. 24 TA), filed January 24, 1973. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from points in New Mexico, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Duke City Lumber Co., Inc., Post Office Box 25807, Albuquerque, NM 87125; Power Lumber Sales, Post Office Box 5007, 3402 Baltimore, Lawton, OK 73501; R and T Lumber, Inc., Post Office Box 14008, Albuquerque, NM 87110; Sacramento Lumber Sales, Post Office Box 592, Alamogordo, NM 88310; Sagebrush Sales Co., Post Office Box 25021, Albuquerque, NM 87125. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 109482 (Sub-No. 13 TA), filed January 30, 1973. Applicant: BESTWAY FREIGHT LINES, INC., 500 South Western, Oklahoma City, OK 73126. Applicant's representative: P. J. Nix, 1820 Anson, Dallas, TX. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), (a) between Dallas, Tex., and Chickasha, Okla., serving all intermediate points in Oklahoma except Ryan and Terral, and serving the off-route points of Walters and Temple, Okla., from Dallas over State Highway 114 to its junction with U.S. Highway 81 at or near Rhome, Tex., thence over U.S. Highway 81 to Chickasha, Okla., and return over the same route; (b) between Chickasha, Okla., and Lindsay, Okla., serving all intermediate points; from Chickasha over Highway 81 to Marlow, thence over Highway 29 to Elmore City, thence over Highway 74 to Maysville, thence over Highway 19 to Lindsay thence return to Chickasha over Highway 19, serving all intermediate points including Agawam, Rush Springs, Marlow, Bray, Foster, Elmore City, Antioch, Maysville, and Lindsay; (c) between Duncan, Okla., and Ratliff City, Okla., serving all intermediate points and off-route points of Walters and Temple, Okla.; from Duncan over Highway 81 to Waurika, thence over Highways 70 and 76 to Healdton, thence over Highway 76 to Ratliff City, thence over Highway 7 to Duncan, Okla., serving all intermediate points including Comanche, Waurika, Ringling, Healdton, and Ratliff City, Okla., and the off-route points of Walters and Temple, Okla., for 180 days. NOTE: The service authorized herein may be tacked, joined and coordinated with carrier's existing certificates so as to provide service to all points presently authorized to be served and carrier shall be permitted to interline and interchange freight with connecting line carriers for handling under this certificate at appropriate common points. Supported by: There are approximately 87 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 37 TA), filed January 23, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Kingfisher and Mudkogee, Okla., to Leoti, Kans., for 180 days. Supporting shipper: Allied Chemical Corp. (Raymond R. Shea), Post Office Box 2120, Houston, TX 77001. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113382 (Sub-No. 16 TA), (amendment) filed November 3, 1972, published in the FEDERAL REGISTER December 2, 1973, amended and republished as amended this issue. Applicant: NELSEN BROS., INC., Post Office Box 613, Nebraska City, NE 68410. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, from St. Paul, and Minneapolis, Minn.; to Sioux Falls, S. Dak.; and Lincoln, Nebr.; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which, by reason of size or weight, require the use of special equipment), from Sioux Falls, S. Dak.; and Lincoln, Nebr.; to St. Paul, and Minneapolis, Minn.; for 180 days. Restriction: Restricted to traffic originating at and destined to the plantsites or warehouse facilities utilized by Hoerner Waldorf Corp., at St. Paul, and Minneapolis, Minn.; Lincoln, Nebr.; and Sioux Falls, S. Dak. Supporting shipper: R. C. Nelson, Transportation Manager, Container Division, Hoerner Waldorf Corp., 2250 Wabash Avenue, Box 3260, St. Paul, MN 55165. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508. NOTE: The purpose of this republication is to redescribe the authority sought.

No. MC 113666 (Sub-No. 71 TA), filed January 29, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the ports of entry on the international boundary between the United States and Canada located on the Niagara River to points in New York, Ohio, and Pennsylvania for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114965 (Sub-No. 48 TA), filed January 26, 1973. Applicant: CYRUS TRUCK LINES, INC., Post Office Box 327, Rural Free Delivery 1, Iola, KS 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, from all pipeline terminals and storage facilities in Kansas to points in Missouri, for 180 days. Supporting shippers: Shelly Oil Co., Tulsa, Okla.; Moderngas, Inc., Lawrence Kans. 66044. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

No. MC 117565 (Sub-No. 79 TA), filed January 29, 1973. Applicant: MOTOR SERVICE CO., INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in driveaway service, from the plantsite and warehouse facilities of the Hercules Manufacturing Co., Henderson, Ky.; to points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, and all States east thereof, for 180 days. Supporting shippers: Hercules Manufacturing Co., One North Main Street, Henderson, KY 42420. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marcini Boulevard, Columbus, OH 43215.

No. MC 119789 (Sub-No. 142 TA), filed January 24, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 Irving Boulevard), Dallas, TX 75222. Applicant's representative: James N. Weatherly (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* (other than frozen) *and dried citrus pulp*, from the plantsites and storage facilities of Texas Citrus Exchange in Cameron, and Hidalgo Counties, Tex.; to points in New Mexico, Arizona, California, Oregon, Washington, Nevada, Utah, Idaho, Colorado, Wyoming, and Montana, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Texas Citrus Exchange, Post Office Box 31, Harlingen, TX 78550. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 123233 (Sub-No. 41 TA), filed January 26, 1973. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Syracuse, N.Y., to the international boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., restricted to traffic moving in foreign commerce destined to Maitland, Ontario, Canada. Supporting shipper: Canadian Industries Ltd., Quebec Sales Office, Box 10, Montreal 101, Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 123392 (Sub-No. 47 TA), (Correction), filed December 27, 1972; published in the FEDERAL REGISTER, January 23, 1973, corrected and republished as corrected this issue. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive (Route 1, Box 444), Amarillo, TX 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, transporting: *Liquefied carbon dioxide*, in bulk, between points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, for 180 days. NOTE: Applicant does intend to tack with its MC-123392 Sub 39 TA, granted October 10, 1972, for authority to transport *liquefied carbon dioxide*, in bulk, between Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. Supporting shipper: J. C. Saele, National Equipment Manager, Carbon Dioxide Division, Liquid Carbonic Corp., 135 South La Salle Street, Chicago, IL 60603; AIRCO Industrial Gases, 575 Mountain Avenue, Murray Hill, NJ 07974. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, TX 79101. NOTE: The purpose of this republication is to redescribe the tacking information, and to add another supporting shipper.

No. MC 123392 (Sub-No. 49 TA), filed January 26, 1973. Applicant: JACK B. KELLEY, Inc., U.S. 66 West at Kelley Drive (Route 1, Box 444), Amarillo, TX 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in carrier-owned cryogenic trailers, from Scott City, Kans.; to Los Angeles, Calif., for 180 days. Supporting shipper: D. C. Torrey, Traffic Services Supervisor, Air Products and Chemicals, Inc., Trexlertown, Pa. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 124327 (Sub-No. 8 TA), filed January 22, 1973. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmer, TN

38375. Applicant's representative: R. Connor Wiggins, Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished piece goods* from Opelika, Ala.; Columbus, Atlanta, Roswell, Canton, Lindale, and Trion, Ga.; Graniteville, Ware Shoals, Wallace, Greenville, Spartanburg, and Rock Hill, S.C.; and Charlotte, Salisbury, Greensboro and Erwin, N.C., to Nashville, Tenn.; and (2) *General commodities* between Nashville, Tenn., on the one hand, and on the other, Pecos, Waco, and Dallas, Tex., for 180 days. NOTE: The proposed service to be rendered will be pursuant to a continuing contract or contracts with Genesco, Inc. Supporting shipper: Genesco, Inc., 111 Seventh Avenue North, Nashville, TN 37202. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 126154 (Sub-No. 7TA), filed January 26, 1973. Applicant: HERMAN SCHOMER, doing business as SCHOMER TRUCKING, 715 River Street, Iron Mountain, MI 49801. Applicant's representative: Herman Schomer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage products and return empty containers*, from Minneapolis-St. Paul, Minn., to points in Marquette County, Mich., for 180 days. Supporting shipper: Richard Ward, owner, Ward Beverage Co., 150 North Lake, Marquette, MI 49855. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 127577 (Sub-No. 3 TA), filed January 22, 1973. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal, PQ Canada. Applicant's representative: W. Norman Charles, 80th Street, Glens Falls, NY 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada at or near Champlain and Trout River, N.Y., to points in Essex, Saratoga, Warren, and Washington Counties, N.Y., for 180 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 127853 (Sub-No. 3 TA), filed January 26, 1973. Applicant: COMMERCE CONSULTANTS CORPORATION, 801 Charles Street, Gloucester, NJ 08030. Applicant's representative: Irwin B. Ettelman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the warehouse of John Jeffrey Corp. in Camden, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: John Jeffrey Corp., Post Office Box 1969, Camden, NJ 08101. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136437 (Sub-No. 3 TA), filed January 24, 1973. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 607 Hill Road, Aberdeen, WA 98550. Applicant's representative: P. Krimbel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and wine*, from points in California to points in Washington, west of the Cascade Mountain Range, for 180 days. Supporting shippers: Cammarano Bros., Inc., 215 West Seventh, Olympia, WA 98504; Crown Distributing Co., Post Office Box 690, 111 South Wooding, Aberdeen, WA 98520; Intercity Beverage Inc., 614 Myrtle Street, Hoquiam, WA 98550. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138204 (Sub-No. 1TA), filed January 23, 1973. Applicant: GAYLON BRYAN, doing business as BRYAN'S TRUCKING, Route 3, Hereford, Tex. 79045. Applicant's representative: Gaylon Bryan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Eddy County, N. Mex., to Hereford, Tex. *Feed and feed ingredients*, from Hereford, Tex., to points in New Mexico, except Curry, Eddy, Union, and Chaves Counties, for 180 days. Supporting shipper: Richard Ottesen, Plant Manager, Farr Better Feeds, Post Office Box 1857, Hereford, TX 79045. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 138324 (Sub-No. 1 TA), filed January 23, 1973. Applicant: QUEIROLI'S TRUCKING, 322 Mayfair Place, Chicago Heights, IL 60411. Applicant's representative: Alfred Queiroli (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric welded steel tubing and carbon steel strip and coil*, from Chicago Heights, Ill., to points in Illinois and specific points on Detroit, Kalamazoo, St. Joseph, Mich.; Milwaukee, Wis.; Peru, Michigan City, Ind.; South Bend, Elkhart and Pierceton, Ind.; Dayton and Toledo, Ohio; and Franklin, Ky., for 180 days. Supporting shipper: Aldo De Angelis, President, Vulcan Tub and Metals Co., 555 East 16th Street, Chicago Heights, IL. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138363, filed January 23, 1973. Applicant: COLLMAN EXPRESS, INC., 539 North 171st Street, Seattle, WA 98133. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Minneapolis-St. Paul, Minn., to points in Washington, for 180 days. Supporting shippers: Classic Distributing Co., 957 West Street, Chehalis, WA 98532; Independent Bottling Works, 410 South H Street, Aberdeen, WA 98520; Johnson Distributing Co., 609 Ninth Avenue, Hoquiam, WA 98550; Longview Ice & Cold Storage Co., 1116 12th Avenue, Longview, WA 98632; Northwest Distributing Co., 900 West Seventh Street, Vancouver, WA 98550; Odom Co., 1258 First Avenue South, Seattle, WA 98134; West Coast Distributing Co., 1258 First Avenue South, Seattle, WA 98134; Skagit Distributing Co., Inc., 735 Fairview, Burlington, WA 98233; Thurston Co. Beverage, Inc., 201 North Water, Olympia, WA 98501; Totem Beverage, Inc., 1520 Grady Way SW., Renton, WA 98055. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

MOTOR CARRIERS OF PASSENGERS

No. MC 138284 (Sub-No. 1 TA), filed January 24, 1973. Applicant: MUNICIPALITY OF METROPOLITAN SEATTLE, doing business as METRO, 221 West Harrison Street, Seattle, WA 98119. Applicant's representative: Michael Crutcher, 2000 IBM Building, Seattle, Wash. 98101. 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 Seattle, Wash., and Auburn, Wash., serving all intermediate points; from Seattle over U.S. Highway 99 to junction Washington Highway 147, and thence over Washington Highway 147 to Auburn, and return over the same route; between Seattle, Wash., and Everett, Wash., serving all intermediate points; from Seattle over U.S. Highway 39 to Everett, and return over the same route; between Seattle, Wash., and Everett, Wash., serving all intermediate points; from Seattle, Wash., Highway 522 to junction Washington Highway 527, and thence over Washington Highway 527 to Everett, and return over the same route; between junction U.S. Highway 99 and Washington Highway 147 and Tacoma, Wash., serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 147 for purposes of

joinder only; from junction U.S. Highway 99 and Washington Highway 147 over U.S. Highway 99 to Tacoma, and return over the same route; between Seattle, Wash., and Redmond, Wash., serving all intermediate points; from Seattle over U.S. Highway 10 to junction Washington Highway 901;

Thence over Washington Highway 901 via Bellevue and Kirkland, Wash., to Redmond, and return over the same route; between junction U.S. Highway 99 and Washington Highway 104 and Edmonds, Wash., serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 104 for purposes of joinder only; from Junction U.S. Highway 99 and Washington Highway 104 over Washington Highway 104 to Edmonds, and return over the same route; between Seattle, Wash., and Des Moines, Wash; serving all intermediate points; from Seattle over Washington Highway 509 to Des Moines, and return over the same route; between junction U.S. Highway 10 and Washington Highway 901 and North Bend, Wash., serving all intermediate points, and serving junction U.S. Highway 10 and Washington Highway 901 for purposes of joinder only; from junction U.S. Highway 10 and Washington Highway 901 over U.S. Highway 10 to North Bend, and return over the same route; between Seattle, Wash., and Renton, Wash., serving all intermediate points; from Seattle over Washington Highway 167 to Renton, and return over the same route; between junction U.S. Highway 99 and Richmond Beach Road, and Richmond Beach, Wash., serving no intermediate points; and from junction U.S. Highway 99 and Richmond Beach Road over Richmond Beach Road to Richmond Beach, and return over the same route, for 180 days. NOTE: Applicant does intend to interline with Greyhound Bus Lines at Seattle, Wash. Supporting shipper: Municipality of Metropolitan Seattle (Metro), 221 West Harrison, Seattle, WA 98119. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2938 Filed 2-13-73;8:45 am]

[Notice 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 8, 1973.

The following are notices of filing of applications[1] 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 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, on or before March 1, 1973. 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 103051 (Sub-No. 266 TA), filed January 24, 1973. Applicant: FLEET TRANSPORT COMPANY, 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: W. G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Mulberry, Fla., to points in Texas, for 180 days. Supporting shipper: Customs Chemicals, Inc., Mulberry, Fla. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 103993 (Sub-No. 752 TA), filed January 30, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (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 the plantsite of Housing by Vogue, Inc., at or near Pembroke, N.C., to points in the United States, east of the Mississippi River, Louisiana, and Minnesota, for 180 days. Supporting shipper: Housing by Vogue, Inc., Division of Mobile Home Industries, Inc., Pembroke, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106398 (Sub-No. 635 TA), filed January 29, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, designed to be equipped with hitchball or pintle hook connector, from the plantsite of Riblet Products, Inc., Whitehall, N.Y., to Kinderhook, N.Y., and Fair Haven, Vt., for 180 days. Supporting shipper: Duane E. Bennett, General Manager, Riblet Products, Inc., Post Office Box 277, Rural Route 4, Whitehall, NY 12887. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 106398 (Sub-No. 636 TA), filed January 29, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (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 movement, from the plantsite of Mesa Homes, Inc., Grand Junction, Colo., to points in Colorado, New Mexico, Utah, Wyoming, and Arizona, for 180 days. Supporting shipper: Mesa Homes, Inc., Ralph E. Boyer, Vice President, Post Office Box 2450, Grand Junction, CO 81501. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 110988 (Sub-No. 293 TA), filed January 23, 1973. Applicant: SCHNEIDER TANK LINES, INC., 2100 West Cecil Street, Neenah, WI 54905. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk from the plantsite of Cargill, Inc., at Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, and Ohio, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. (David J. Hurlbut) Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 113388 (Sub-No. 101 TA), filed January 26, 1973. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 618, Seaford, DE 19973. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Downingtown, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, for 180 days. Supporting shipper: Mr. Albin J. Budash, Manager, Transportation Cost Analyses, Campbell Soup Co., Campbell Place, Camden, N.J. 08101. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 115876 (Sub-No. 26 TA), filed January 29, 1973. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, MN 56560. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preformed milk and dairy products cartons;* and (2) *related materials and supplies* used in the manufacture and processing of the commodities named in (1) above, from Clinton, Iowa, to Minneapolis, Minn., for 180 days. Supporting shipper: Fairmont Foods Co., 3836 Washington Avenue North, Minneapolis, MN 55412. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 127824 (Sub-No. 3 TA), filed January 29, 1973. Applicant: RONE TRUCKING, INC., U.S. Highway 231-South, Morgantown, KY 42261. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and accessories*, from the plantsite of the Celotex Corp., at Port Clinton, Ohio, to points in Virginia, for 180 days. Supporting shipper: David H. Wetzel, Traffic manager, The Celotex Corp., 1500 North Dale Mabry Highway, Tampa, Fla. 66622. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 129870 (Sub-No. 11 TA), filed January 26, 1973. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, MA 01853. Applicant's representative: Herbert Alan Dubin, Federal Bar Building, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane* in bulk, from Everett, Mass., to Exeter, R.I., under continuing contract with Providence Gas Co., Providence, R.I., for 180 days. Supporting shipper: Providence Gas Co., 100 Weybosset Street, Providence, R.I. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Fifth Floor, Boston, MA 02114.

No. MC 136371 (Sub-No. 7 TA), filed January 24, 1973. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, NJ 07002. 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: *Such commodities* as are dealt in or used by discount or department stores, for the account of Unishops, Inc., between the facilities of Unishops, Inc., their divisions and subsidiaries, located in Jersey City and Bayonne, N.J., on the one hand, and, on the other, Montgomery, Ala., Vernon, Calif., Mishawaka, Ind., Shenendoah, Iowa, and Nebraska City, Nebr., for 180 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138357 TA, filed January 26, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 615 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and related component parts and accessories*, from Bristol, Ind., to Bloomsburg, Pa., Reidsville, N.C., Peachtree City, Ga., Ocala, Fla., Mansfield, Tex., Tulsa, Okla., McPherson, Kans., and Dayton, Ohio, for 180 days. Supporting shipper: Amac Aluminum Mill Products Co. Inc., State Route No. 18, Bristol, Ind. 46507. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 West Wayne Street, Room 204, Fort Wayne, IN 46802.

MOTOR CARRIER OF PASSENGERS

No. MC 13300 (Sub-No. 89 TA), filed January 29, 1973. Applicant: CAROLINA COACH COMPANY, Post Office Box 1591, 1201 South Blount Street, Raleigh, NC 27601. Applicant's representative: Aaron Cruise (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*, in the same vehicle with passengers, from junction U.S. Highway 13 and Interstate Highway 295, south of Wilmington, Del., to New York, N.Y., and return, serving no intermediate points; from junction U.S. Highway 13 and Interstate Highway 295 over Interstate Highway 295 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 495, and thence over Interstate Highway 495 and Lincoln Tunnel to New York, and return over the same route, for 180 days. NOTE: Applicant states it will tack with MC 13300 Sub 47, and interline at New York, N.Y. Supported by: There are approximately 42 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 20896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2939 Filed 2-13-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 9, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Michigan Docket No. C-239, Case No. 11, filed December 21, 1972. Applicant: INTER-CITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, MI 48212. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, serving the plantsite and facilities of Ford Motor Co. at Romeo, Mich. (Macomb County) as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Detroit, Mich.

NOTE: Applicant is agreeable to the imposition of the usual restrictions by the Interstate Commerce Commission as to handling of general commodities. Both intrastate and interstate authority sought.

HEARING: February 27, 1973, at the Law Building, 525 West Ottawa Street, Lansing, MI 48913, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Law Building, Fifth Floor, 525 West Ottawa Street, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C-321, Case No. 5, filed November 30, 1972. Applicant: PARKER MOTOR FREIGHT, INC., Petoskey, Mich. 49770. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, and serving all points in Kalkaska County, Mich., as off-route points in connection with authorized regular route operations. Both interstate and intrastate authority sought.

HEARING: February 28, 1973, at the Law Building, 525 West Ottawa Street, Lansing, MI 48913, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Law Building, Fifth Floor, 525 West Ottawa Street, Lansing, MI 48913, and

should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C–3579, Case No. 5, filed December 21, 1972. Applicant: MULVENA TRUCK LINE, INC., Post Office Box 395, 400 West Chisholm Street, Alpena, MI 49707. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, serving the plant-site and facilities of Ford Motor Co. at Romeo, Mich. (Macomb County), as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Detroit, Mich. NOTE: Applicant is agreeable to the imposition of the usual restrictions by the Interstate Commerce Commission as to handling of general commodities. Both intrastate and interstate authority sought.

HEARING: February 27, 1973, at the Law Building, 525 West Ottawa Street, Lansing, MI 48913, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Law Building, Fifth Floor, 525 West Ottawa Street, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

Utah Case No. 6666, filed November 2, 1972. Applicant: BERCO CORPORATION, 470 West Sixth South, Salt Lake City, UT. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new furniture, blanket-wrapped; and new furniture in crates, cartons, and packages*, when moving with new furniture, blanket-wrapped, in the same shipment, to the same consignee, between all points in the State of Utah. Both intrastate and interstate authority sought.

HEARING: March 6, 1973, at the Utah Public Service Commission, 330 East Fourth South Street, Salt Lake City, UT. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, 330 East Fourth South Street, Salt Lake City, UT 84111, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 7530 M, Route No. 134, dated January 23, 1973. Applicant: PRICE TRUCK LINE, INC., 619 East 10th Street, Wichita, KS. Applicant's representative: Paul V. Dugan, 1400 Vickers, KSB & T Building, Wichita, KS 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*: To, from, and between Wichita, Kans., on the one hand, and Coffeyville, Kans., and a 5-mile radius thereof, on the other hand, and the intermediate points of Dexter, Cedar Vale, Wauneta, Sedan, Peru, Niotaze, Caney, Tyro, Burden, Cambridge, Grenola, and Moline, Kans., and a 5-mile radius from each point thereof, and the off-route points of Atlanta, Latham, and Howard, Kans., and a 5-mile radius from each point thereof. From Winfield, Kans., on present authority and route east on U.S. Highway 160 to the junction of U.S. Highway 160 and Kansas Highway 15, thence east and south on Kansas Highway 15 to the junction of Kansas Highway 15 and U.S. Highway 166, thence east on U.S. Highway 166 to Coffeyville, Kans., and return over the same route; also, from Winfield, Kans., on present authority, and route east and north on U.S. Highway 160 to Moline, Kans., thence south on Kansas Highway 99 to Sedan, Kans., thence east on U.S. Highway 166 to Coffeyville, Kans., and return over the same route; also, for operating convenience only, from Augusta, Kans., on present authority and route east on Kansas Highway 96 to Severy, Kans., thence south on Kansas Highway 99 to Moline, Kans., serving no intermediate points; thence over route as set forth herein and return over the same route. Also, for operating convenience only, from Wichita, Kans., south on Interstate 35 to the junction of Interstate 35 and U.S. Highway 166, serving no intermediate points; thence east on U.S. Highway 166 over route as set forth herein, and return over the same route. Both intrastate and interstate authority sought.

HEARING: March 27, 1973, at the Fiesta Room, Mid-Town Holiday Inn, 1000 North Broadway, Wichita, KS. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, KS 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–9138, filed December 18, 1972. Applicant: J. R. PELLINGRA CONSTRUCTION CO., INC., 4579 Buckley Road, Liverpool, NY 13088. Applicant's representative: Gus Schmidt, Rural Free Delivery 1, Liverpool, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *heavy merchandise*, as defined in Title 16, 16 NYCRR 800.1, between Onondaga County, on the one hand, and, on the other, all points in New York. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53450 (amendment), filed January 18, 1973. Applicant: 20TH CENTURY TRUCKING CO., 35th and Broadway Streets, Los Angeles, Calif. Applicant's representative: Franklin L. Knox, Jr., 170 South Euclid Avenue, Pasadena, CA 91101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except livestock, fresh fruits and vegetables, property transferred by dump truck, household goods, and property transported in tank trucks and tank trailers) as authorized under its present operating rights. Beginning at junction Highway 5 and Highway 14 San Fernando North on Highway 5 to Soldad Canyon Road. East on Soldad Canyon Road to junction with Highway 14, Easterly on Highway 14 through Palmdale to Lancaster. Return same route to Junction Highway 138. Southerly and easterly on Highway 138 to and including Little Rock and Pearblossom. Return to junction of Highways 138 and 14, then southerly and westerly on Highway 14 to point of beginning (5 miles lateral of all highway and city limits). Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53785, filed January 15, 1973. Applicant: MARINO BROS. TRUCKING CO., 3516 Newton Road, Stockton, CA 95205. Applicant's representative: Marquam C. George, 401 South Hartz Avenue, Danville, CA 94526. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: (a) Between and including San Francisco and Sacramento and all points and places on and within 15 miles laterally of Interstate Highway 80. (b) Between and including Marysville-Yuba City and Fresno and all points and places on and within 30 miles laterally of U.S. Highway No. 99. (c) Between and including Sacramento and Fresno and all points and places on and within 10 miles laterally of Interstate Highway 5 and State Highway 180. (d) Between and including San Francisco and San Jose and all points and places on and within 10 miles laterally of U.S. Highway No. 101. (e) Between and including San Jose and Oakland and all points and places on and within 10 miles laterally of Interstate Highway 680. (f) Between and including Oakland and Manteca and all points and places on and within 15 miles laterally of Interstate Highway 580, Interstate Highway 205, and State Highway 120.

(G) Between Stockton and the intersection of State Highway 4 and Interstate Highway 80 and all points and places within 10 miles laterally of State Highway 4. For operating convenience only, all roads, streets, and highways connecting the above points, places, and routes. Subject to the restriction that no transportation shall be performed of the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in item No. 5 of minimum rate tariff No. 4–B. (b) Automobiles, trucks, and buses, viz, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances,

hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (c) Livestock, viz, bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (d) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2934 Filed 2-13-73;8:45 am]

[General Temporary Order No. 8; Ex Parte No. MC-64]

PENN CENTRAL TRANSPORTATION CO.

Temporary Authority To Transport Property or Passengers

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation by the Penn Central Transportation Co., occasioned by work stoppages, whereby other rail carriers are unable to transport property or passengers to or receive property or passengers from the Penn Central Transportation Co., the national transportation policy, the public interest, and among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to the aforementioned labor dispute involving the Penn Central Transportation Co., that other common carriers by railroad are unable to transport property and passengers tendered to them either to or from the points served by the Penn Central Transportation Co., and that an emergency exists affecting that section of the United States served by the Penn Central Transportation Co., which in turn if the dispute continues will affect other sections of the United States, and that immediate action on the part of the Commission is required to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense,

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional director, assistant regional director, or district supervisor of the Commission's Bureau of Operations are hereby granted temporary authority to transport property or passengers by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director, assistant regional director, or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier(s) service shall have been reinstituted, except as to property or passengers, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 8th day of February 1973.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2933 Filed 2-13-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 33]

PENN CENTRAL TRANSPORTATION CO.

Exemption from Mandatory Car Service Rules

It appearing, that because of a strike of its employees, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (PC), is unable to accept from connections the return of its system freight cars; that under existing rules and regulations such cars will remain idle until the PC is able to resume normal operations; that such cars are needed by other carriers for transporting traffic offered for shipment in excess of the available car supply; and that compliance with Car Service Rules 1 and 2 during the period the PC is unable to conduct normal operations would result in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, all freight cars listed in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as bearing reporting marks assigned to the PC, shall be exempt from the provisions of Car Service Rules 1 and 2.

Effective February 8, 1973.

Expires February 15, 1973.

Issued at Washington, D.C., February 8, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2941 Filed 2-13-73;8:45 am]

[Rev. S.O. 994; ICC Order 83]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, is unable to transport traffic over its line between Kirkwood, Delaware, and Mount Pleasant, Del., because of damage to its bridge over the Chesapeake and Delaware Canal.

It is ordered, That:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, being unable to transport traffic over its line between Kirkwood, Delaware, and Mount Pleasant, Del., because of damage to its bridge over the Chesapeake and Delaware Canal is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 9 a.m., February 6, 1973.

(g) Expiration date. This order shall expire at 11:59 p.m., February 28, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 6, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-2942 Filed 2-13-73;8:45 am]

[Rev. S.O. 994; ICC Order 84]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, is unable to transport traffic over its lines because of a strike of certain of its employees.

It is ordered, That:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, being unable to transport traffic over its lines because of a strike of certain of its employees, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., February 8, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 8, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-2943 Filed 2-13-73;8:45 am]

[Notice 209]

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 on or before March 6, 1973. 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-73950. By order of January 18, 1973, the Motor Carrier Board approved the transfer to Northland Moving and Storage, Inc., Troy, Mich., of the operating rights in certificate No. MC-21357 issued June 17, 1964, to Speedway Van Lines, Inc., Warren, Mich., authorizing the transportation of household goods, as defined by the Commission, radially, between points in Michigan within 125 miles of Detroit, Mich., including Detroit, Mich., points in Indiana, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, West Virginia, and Michigan ports of entry on the international boundary line between the United States and the Dominion of Canada. Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-73956. By order of January 18, 1973, the Motor Carrier Board approved the transfer to Ronald Fitzgerald, Sabin, Minn., of the operating rights in certificates Nos. MC-119761 and MC-119761 (Sub-No. 2) issued May 22, 1962, and May 21, 1965, respectively, to E. Verl Maxwell and Gordon D. Gifford, a partnership, doing business as G & M Carriers, Fargo, N. Dak., authorizing the transportation (1) over regular routes, of malt beverages, from Milwaukee and La Crosse, Wis., to Fargo, N. Dak., empty malt beverage containers, from Fargo, N. Dak., to Milwaukee and La Crosse, Wis., floor-sweeping compounds, from St. Paul, Minn., to Fargo, N. Dak., lubricating oils, from La Crosse, Wis., and Duluth, Minn., to Fargo, N. Dak., and sugar, from Duluth, Minn., to Grand Forks, N. Dak., and (2) over irregular routes, of malt beverages, from La Crosse, Wis., to Breckenridge and Detroit Lakes, Minn., from Milwaukee, Wis., to Detroit Lakes, Minn., and Wahpeton, N. Dak., from Sheboygan, Wis., to Fargo, N. Dak., and from Duluth, Minneapolis, and St. Paul, Minn., to Grand Forks, N. Dak. J. W. Hendrickson, 403 Black Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC-FC-73993. By order of February 6, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to North & South Lines, Inc., Harrisonburg, Va., of the operating rights in certificate No. MC-119643 (Sub-No. 7) issued February 14, 1972, to Russell Beverley Trucking Co., Inc., Richmond, Va., authorizing the transportation of frozen foods, from Crozet, Va., to points in Maryland, North Carolina, and the District of Columbia. Frank B. Hand, Jr., Post Office Box 446, Winchester, VA 22601, attorney for applicants.

No. MC–FC–74116. By order of January 18, 1973, the Motor Carrier Board approved the transfer of Nathan Morrell and Victor Morrell, a partnership, doing business as Miller & Morrell Trucking Co., 730 North Euclid Street, Suite 317, Anaheim, CA, of the operating rights in Certificate No. MC–33438 issued October 6, 1949, to Arnold Miller and Nathan Morrell, a partnership, doing business as Miller & Morrell Trucking Co., same address, Anaheim, Calif., authorizing the transportation of general commodities, with usual exceptions, between Los Angeles, Calif., and points in Los Angeles County, Calif., within 5 miles of the intersection of Indiana and Ninth Streets, Los Angeles, and Vernon, Huntington Park, and Compton, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif.

No. MC–FC–74119. By order of January 12, 1973, the Motor Carrier Board approved the transfer to James A. Meyers, doing business as Meyers Transfer, Blue Earth, Minn., of the operating rights in Certificate No. MC–16336 issued February 16, 1942, to Lewis G. Wilke, doing business as L. G. Wilke Dray Line, Blue Earth, Minn., authorizing the transportation of general commodities, with exceptions, between points within 35 miles of Blue Earth, Minn., including Blue Earth. Arvid Wendland, 216 North Main Street, Blue Earth, MN 56013, attorney for applicants.

No. MC–FC–74124. By order of January 19, 1973, the Motor Carrier Board approved the transfer to Thrasher Transportation Co., Inc., Birmingham, Ala., of the operating rights in Certificate No. MC–111317 issued May 9, 1972, to Fred Egly, doing business as Fred's Bus Line, Lawrenceburg, Tenn., authorizing the transportation of passengers and their baggage, over regular routes, between specified points in Alabama and Tennessee. J. Douglas Harris, 1110 Union Bank Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC–FC–74194. By order entered February 2, 1973, the Motor Carrier Board approved the transfer to Container Transfer Corp., Oswego, N.Y., of the operating rights set forth in Certificate No. MC–127057, issued April 12, 1967, to Motor Rail Transport, Inc., Syracuse, N.Y., authorizing the transportation of general commodities, with the usual exceptions, between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and those in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties), restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by rail. Norman M. Pinsky, 345 South Warren Street, Syracuse, NY 13202, attorney for applicants.

No. MC–FC–74185. By order of January 18, 1973, the Motor Carrier Board approved the transfer to R/T Trucking, Inc., Pittsburgh, Pa., of the operating rights in Permit No. MC–128413 (Sub-No. 4) issued December 10, 1971, to Season-All Transportation Co., Indiana, Pa., authorizing the transportation of various commodities from Philadelphia, Pa., to points in Allegheny County, Pa.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–2940 Filed 2–13–73;8:45 am]

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