federal register

THURSDAY, MARCH 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 50

Pages 6977–7102

PART I

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HIGHLIGHTS OF THIS ISSUE

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Rules Going Into Effect Today

federal register

Area Code 202 Phone 962–8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4196

National Defense Transportation Day and National Transportation Week, 1973

By the President of the United States of America

A Proclamation

Transportation has always been a central factor in the growth of our country. Our ability to meet economic needs, overcome geographic barriers, and respond rapidly to emergencies—foreign or domestic—rests largely on a modern and efficient transportation system.

From our earliest days, the Federal government has worked in partnership with the private sector to achieve better transportation systems. That partnership continues today—but the challenges it faces are changing. The need today is for initiatives which can help us to reconcile our transportation needs with our energy resources, to encourage mobility without impairing safety and security, to upgrade our transportation capabilities without damaging the environment.

Because of the great importance of transportation to our daily lives and in tribute to the men and women who move goods and people throughout America, the Congress by a joint resolution approved May 16, 1957, requested the President to proclaim annually the third Friday in May of each year as National Defense Transportation Day and by a joint resolution approved May 14, 1962, requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 18, 1973, as National Defense Transportation Day, and the week beginning May 13, 1973, as National Transportation Week.

I ask the people of our Nation to join with the Department of Transportation and with appropriate State and local agencies in reaffirming our commitment to a progressive and balanced transportation system for America.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5092 Filed 3-13-73;12:38 pm]

PROCLAMATION 4197

National Farm Safety Week

By the President of the United States of America

A Proclamation

The unfailing supply of food and fiber provided by the Nation's largest industry, agriculture, has been a foundation of American prosperity since our country's beginnings. Abundance on the farm, in turn, has been stimulated by constant technological progress. But the blessings of technology have sometimes been mixed, as each advance has also brought a new potential for injury.

Each year, many thousands of farm and ranch residents are killed or seriously injured in work, home, recreation and highway mishaps. For the most part, these accidents could be prevented if basic safety precautions were observed.

The dollar cost of rural accidents is high, but there is no higher price than the human suffering. This waste of precious human and economic resources must be reduced and can be reduced. The same energies and talents which have made agriculture so highly productive should also be turned to the task of making it safer.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1973, as National Farm Safety Week. I urge all persons engaged in farming and ranching to consider ways in which they can promote safer practices in work, home, and recreational activities, and can exercise greater caution when traveling on public roads. Further, I call upon community leaders, private organizations, and the communications media to assist in providing safety information so that we can be as effective in promoting safety on the farm as we have been in promoting abundance on the farm.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc. 73-5091 Filed 3-13-73;12:38 pm]

Rules and Regulations

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 292]

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

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 16–March 22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.592 Navel Orange Regulation 292.

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

(2) The need for this section limiting the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained active this week, with prices slightly higher than a week ago. Prices f.o.b. averaged $3.67 a carton on a reported sales volume of 1,030 carlots last week, compared with an averaged f.o.b. price for $3.62 per carton and sales of 998 carlots a week earlier. Track and rolling supplies at 255 cars were down 163 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.

(b) *Order.* (1) The respective quantities of Navel cranges grown in Arizona and designated part of California which may be handled during the period March 16, 1973, through March 22, 1973, are hereby fixed as follows:

(i) District 1: 875,000 cartons;

(ii) District 2: 325,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5170 Filed 3-14-73;11:18 am]

[Valencia Orange Reg. 421]

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

Limitation of Handling

This section fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 16–March 22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.721 Valencia Orange Regulation 421.

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

(2) The need for this section limiting the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the

quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order.

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impractible and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 16, 1973, through March 22, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 225,000 cartons.

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

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

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-5183 Filed 3-14-73;11:54 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	5½	Feb. 28, 1973
New York	5½	Feb. 26, 1973
Philadelphia	5½	Do.
Cleveland	5½	Feb. 27, 1973
Richmond	5½	Do.
Atlanta	5½	Do.
Chicago	5½	Do.
St. Louis	5½	Feb. 26, 1973
Minneapolis	5½	Feb. 27, 1973
Kansas City	5½	Feb. 26, 1973
Dallas	5½	Feb. 27, 1973
San Francisco	5½	Mar. 2, 1973

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6	Feb. 28, 1973
New York	6	Feb. 26, 1973
Philadelphia	6	Do.
Cleveland	6	Feb. 27, 1973
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Feb. 26, 1973
Minneapolis	6	Feb. 27, 1973
Kansas City	6	Feb. 26, 1973
Dallas	6	Feb. 27, 1973
San Francisco	6	Mar. 2, 1973

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston [1]	7½	Feb. 28, 1973
New York	7½	Feb. 26, 1973
Philadelphia	7½	Do.
Cleveland	7½	Feb. 27, 1973
Richmond [1]	7½	Do.
Atlanta [1]	7½	Do.
Chicago [1]	7½	Do.
St. Louis [1]	7½	Feb. 26, 1973
Minneapolis [1]	7½	Feb. 27, 1973
Kansas City [1]	7½	Feb. 26, 1973
Dallas [1]	7½	Feb. 27, 1973
San Francisco	7½	Mar. 2, 1973

[1] A rate of 5½ percent was approved (effective on the indicated dates) on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4838 Filed 3-14-73;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

State Bank Applications for Waiver of 6-Month Notice Requirement

The purpose of this amendment is to grant to the Federal Reserve banks discretionary authority to deny applications by State banks for waiver of the requirement for 6 months' notice of intention to withdraw from Federal Reserve membership. Under the provisions of the 10th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 328), the Board in its discretion may waive such notice in individual cases. In the past, such waiver applications have been, for the most part, routinely approved by the Federal Reserve banks acting under delegated authority. It is contemplated that the Reserve banks will henceforth review each application in the light of its particular circumstances, and that such applications will be approved only in exceptional circumstances.

1. To accomplish this delegation, § 265.2(f)(3) is amended to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

* * * * *

(f) Each Federal Reserve bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under paragraph (f)(25) of this section as to its officers:

* * * * *

(3) Under the provisions of the 10th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 328), to approve or deny applications by State banks for waiver of the required 6 months' notice of intention to withdraw from Federal Reserve membership.

* * * * *

2. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rule contained therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective with respect to applications received by the Reserve banks on and after March 12, 1973.

By order of the Board of Governors, March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4957 Filed 3-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-SW-64; Amdt. 39-1606]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Aero Commander Models

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring replacement of fuel tank filler cap assemblies on Aero Commander Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes was published in 37 FR 22390.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

AERO COMMANDER: Applies to all Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 series airplanes certificated in all categories.

Compliance: Required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent siphoning of fuel from the fuel tanks and thereby contribute to fuel exhaustion with resultant stoppage of both engines, accomplish the following:

a. On Models 520 and 560, Serial Nos. 1 through 230, replace the standard fuel cap assemblies with nonsiphoning fuel cap assemblies, Aero Commander Kit No. 87A-1.

b. On the following models, replace the standard fuel cap assemblies with nonsiphoning fuel cap assemblies, Aero Commander Kit No. 87A-2 (optional fuel caps already installed by use of Aero Commander Kit No. 87 are acceptable):

(1) Models 500, 500A, 500B, 500U, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL(P), and 720, Serial Nos. 231 through 1854.

(2) Model 680FL, Serial Nos. 1261 through 1738.

c. The compliance time for this AD may be adjusted up to a maximum of 50 hours to coincide with the aircraft's annual or 100 hour scheduled inspection.

Aero Commander Custom Kit No. 87A contains the hardware and instructions necessary to accomplish this modification. Equivalent replacement parts approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Tex., may be used.

This amendment becomes effective March 19, 1973.

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

Issued in Fort Worth, Tex., on March 2, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-4990 Filed 3-14-73;8:45 am]

[Airspace Docket No. 72-NW-25]

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

Designation of VOR Federal Airway

On December 8, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 26125) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would designate a new VOR Federal airway between Burley, Idaho, and Yellowstone, Mont., via Idaho Falls, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections to the proposed action were received. However, further review of the proposal by the FAA has indicated the advisability of terminating the proposed airway at the St. Anthony, Idaho, intersection on V-298 rather than extending the airway all the way to Yellowstone as proposed in the notice. This action is being taken because the Yellowstone radio beacon is owned by the State of Montana and is operated only from May through September each year. A portion of the proposed airway would have been based upon use of the Yellowstone radio beacon. The airway as designated herein does not require use of the Yellowstone radio beacon.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) the following is added:

V-365 from Burley, Idaho, via INT Burley 042° and Idaho Falls, Idaho, 248° radials; Idaho Falls; to INT Idaho Falls 030° and Dubois, Idaho, 099° radials.

(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 March 9, 1973.

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

[FR Doc.73-4992 Filed 3-14-73;8:45 am]

[Airspace Docket No. 72-NE-25]

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

Alteration of Control Zone and Transition Area

On page 4709 of the FEDERAL REGISTER dated February 21, 1973 (38 FR 4709), the Federal Aviation Administration issued an amendment effective 0901 G.m.t., April 26, 1973, which altered the Presque Isle, Maine, control zone and transition area.

It has been determined that it is now possible to implement the new standard instrument approach procedure by March 29, 1973, instead of the later date which was set forth in the initial amendment.

Since thirty (30) days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In view of the foregoing, the effective date for the proposed regulations is amended to read 0901 G.m.t., March 29, 1973, in lieu of 0901 G.m.t., April 26, 1973.

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

Issued in Burlington, Mass., on March 6, 1973.

W. E. CROSBY,
Deputy Director, New England Region.

[FR Doc.73-4991 Filed 3-14-73;8:45 am]

[Airspace Docket No. 73-GL-10]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Jet Route Numbered Identifier

The purpose of this amendment to Part 75 of the Federal Aviation regulations is to change the numbered identifier of J99, which is designated from Atlanta, Ga., to Northbrook, Ill., to J73. This change will eliminate confusion sometimes caused by a similar sounding jet route in the Chicago area.

Since this amendment is minor in nature with no substantive change in regulations and one in which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

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

In the heading Jet Route No. 99, delete "Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.)." and substitute therefor "Jet Route No. 73 (Atlanta, Ga., to Northbrook, Ill.)."

(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 March 7, 1973.

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

[FR Doc.73-4993 Filed 3-14-73;8:45 am]

[Airspace Docket No. 73-SO-7]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Waypoint Name

The purpose of this amendment to Part 75 of the Federal Aviation regulations is to change the name of Waypoint, Callahan, Fla., on J838R, to Barford, Fla. The locally familiar name of Callahan will be assigned to identify an instrument landing system which will be commissioned soon to serve the Jacksonville, Fla., International Airport.

Since this amendment is minor in nature with no substantive change in regulations, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t. May 24, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700) is amended as follows:

In J838R delete waypoint "Callahan, FL., 30°45'09" N., 82°05'08" W. Savannah, GA." and substitute therefor "Barford, Fla., 30°45'09" N., 82°05'08" W. Savannah, Ga."

(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 March 7, 1973.

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

[FR Doc.73-4994 Filed 3-14-73;8:45 am]

[Docket No. 12630; Amdt. 855]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective April 26, 1973.

Albert Lea, Minn.—Albert Lea Municipal Airport, VOR Runway 16, Amdt. 2.
Bennettsville, S.C.—Bennettsville Airport, VOR/DME-A, Original.
Bloomington, Ill.—Bloomington-Normal Airport, VOR Runway 21, Amdt. 10.
Brookings, S. Dak.—Brookings Municipal Airport, VOR Runway 12, Amdt. 2.
Brookings, S. Dak.—Brookings Municipal Airport, VOR Runway 30, Amdt. 1.
College Station, Tex.—Easterwood Field, VOR Runway 10, Amdt. 10.
College Station, Tex.—Easterwood Field, VOR Runway 28, Amdt. 2.
Great Falls, Mont.—Great Falls International Airport, VOR Runway 3, Amdt. 11.
Great Falls, Mont.—Great Falls International Airport, VOR/DME Runway 21, Amdt. 3.
Kailua-Kona, Hawaii—Ke-ahole Airport, VORTAC Runway 17, Amdt. 1.
Kailua-Kona, Hawaii—Ke-ahole Airport, VORTAC Runway 35, Amdt. 1.
Lanai City, Hawaii—Lanai Airport, VOR-A, Amdt. 1.
Miami, Fla.—Miami International Airport, VOR Runway 12, Amdt. 18.
Miami, Fla.—Miami International Airport, VOR Runway 30, Amdt. 1.
Minneapolis, Minn.—Flying Cloud Airport, VOR Runway 9L, Amdt. 6.
Minneapolis, Minn.—Flying Cloud Airport, VOR Runway 36, Amdt. 2.
Shelby, N.C.—Shelby Municipal Airport, VOR/DME Runway 4, Amdt. 3.
Victoria, Tex.—Victoria County-Foster Airport, VOR Runway 12L, Amdt. 5.
Walla Walla, Wash.—Walla Walla City-County Airport, VOR-A, Amdt. 2, Canceled.
Yakima, Wash.—Yakima Air Terminal Airport, VOR-A, Amdt. 2.
Yakima, Wash.—Yakima Air Terminal Airport, VOR/DME Runway 27, Amdt. 2.

* * * effective April 19, 1973.

Glen Falls, N.Y.—Warren County Airport, VOR/DME Runway 1, Amdt. 2.

* * * effective April 12, 1973.

Davenport, Iowa—Davenport Municipal Airport., VOR Runway 2, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective April 26, 1973.

College Station, Tex.—Easterwood Field, LOC(BC) Runway 16, Amdt. 1.
Kailua-Kona, Hawaii—Ke-ahole Airport., LOC(BC) Runway 35, Original.
Los Angeles, Calif.—Los Angeles International Airport, LOC Runway 6R, Original, Canceled.
Miami, Fla.—Miami International Airport, LOC(BC) Runway 9R, Amdt. 7.
Miami, Fla.—Miami International Airport, Parallel LOC(BC) Runway 9R, Amdt. 1, Canceled.
Miami, Fla.—Miami International Airport, LOC(BC) Runway 27R, Amdt. 8, Canceled.
Miami, Fla.—Miami International Airport, Parallel LOC(BC) Runway 27R, Amdt. 3, Canceled.
Yakima, Wash.—Yakima Air Terminal, LOC/DME(BC) Runway 9, Amdt. 3.

* * * effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, LOC Runway 10, Amdt. 2, Canceled.

* * * effective March 29, 1973.

Watertown, S. Dak.—Watertown Municipal Airport, LOC/DME(BC) Runway 17, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective April 26, 1973.

Athens, Ga.—Athens Municipal Airport, NDB Runway 2, Original.
Athens, Ga.—Athens Municipal Airport, NDB Runway 27, Original.
Charles City, Iowa—Charles City Municipal Airport, NDB Runway 12, Amdt. 4.
College Station, Tex.—Easterwood Field, NDB Runway 34, Amdt. 1.
Columbus, Ind.—Bakalar Municipal Airport, NDB Runway 22, Amdt. 2.
Great Falls, Mont.—Great Falls International Airport, NDB Runway 34, Amdt. 12.

Majuro Atoll, Marshall Islands—Marshall Islands International Airport, NDB Runway 25, Original.
Miami, Fla.—Miami International Airport, NDB Runway 9L, Amdt. 10.
Miami, Fla.—Miami International Airport, NDB Runway 27L, Amdt. 9.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 10, Amdt. 2.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 18, Amdt. 5.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 28, Amdt. 2.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 36, Amdt. 3.
Somerset, Ky.—Somerset-Pulaski County Airport, NDB Runway 4, Amdt. 4.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB-1 Runway 20, Original, Canceled.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB-2 Runway 20, Original, Canceled.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB Runway 20, Original.
Yap, Caroline Islands—Yap Airport, NDB Runway 7, Original.

* * * effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, NDB Runway 10, Amdt. 2.

* * * effective March 22, 1973.

Lebanon, Mo.—Floyd W. Jones Lebanon Airport, NDB Runway 36, Original.

* * * effective March 5, 1973.

West Bend, Wis.—West Bend Municipal Airport, NDB Runway 31, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective April 26, 1973.

College Station, Tex.—Easterwood Field, ILS Runway 34, Amdt. 1.
Great Falls, Mont.—Great Falls International Airport, ILS Runway 34, Amdt. 16.
Kailua-Kona, Hawaii—Ke-ahole Airport, ILS/DME Runway 17, Original.
Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 6R, Original.
Melbourne, Fla.—Cape Kennedy Regional Airport, ILS Runway 9, Amdt. 1.
Miami, Fla.—Miami International Airport, ILS Runway 9L, Amdt. 14.
Miami, Fla.—Miami International Airport, ILS Runway 27L, Amdt. 13.
Miami, Fla.—Miami International Airport, Parallel ILS Runway 27L, Amdt. 4, Canceled.
Miami, Fla.—Miami International Airport, ILS Runway 27R, Original.
Yakima, Wash.—Yakima Air Terminal, ILS Runway 27, Amdt. 19.

* * * effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, ILS Runway 10, Original.

* * * effective March 29, 1973.

Crescent City, Calif.—Jack McNamara Field, ILS/DME Runway 11, Original.
Watertown, S. Dak.—Watertown Municipal Airport, ILS/DME Runway 35, Original.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective April 26, 1973.

Great Falls, Mont.—Great Falls International Airport, Radar-1, Amdt. 4.
Miami, Fla.—Miami International Airport, Radar-1, Amdt. 13.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective April 26, 1973.

Columbus, Ind.—Bakalar Municipal Airport, RNAV Runway 22, Original.
Elgin, Ill.—Elgin Airport, RNAV Runway 18, Original.
Elgin, Ill.—Elgin Airport, RNAV Runway 36, Original.
Miami, Fla.—Miami International Airport, RNAV Runway 9L, Amdt. 2.
North Little Rock, Ark.—North Little Rock Municipal Airport, RNAV-A, Original.

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

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

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

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

[FR Doc.73-4989 Filed 3-14-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8861o]

PART 13—PROHIBITED TRADE PRACTICES

Credit Card Services Corporation and John P. Ferry

Correction

In FR Doc. 73-3519, appearing at page 5157 for the issue of Monday, February 26, 1973, the docket number should read as set out above.

PART 425—USE OF NEGATIVE OPTION PLANS BY SELLERS IN COMMERCE

Regulations Pertaining to the Use of Negative Option Plans

Correction

In FR Doc. 73-3278, appearing at page 4896 for the issue of Thursday, Feb. 22, 1973, the following changes should be made:

1. In the 13th and 14th lines of the note in § 425.1(b)(5) the word which now reads "announce" should read "announcement".

2. The third line of the third column on page 4897 now reading "original subscription arrangement sub-" should read "business in 1925 as a mail-order sub-".

3. In the fifth line of the first column on page 4898, there should be a footnote reference "8" at the end of the line.

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 73-73]

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Foreign Locomotives and Equipment in International Traffic

Part 123 of the Customs Regulations incorporates former § 5.12, Customs Regulations of 1943, in present §§ 123.12 and 123.13. Section 5.12 set forth the restrictions on the domestic use of foreign railroad cars and the procedures applicable to foreign repairs to "domestic" cars. Footnote 11 to § 5.12 defined "domestic" and "foreign" railroad equipment. However, when § 5.12 and its related footnote 11 were revised and incorporated into Part 123, the definition of "domestic" equipment was, by oversight, retained in § 123.13 with the words "For the purpose of this section," but the definition was not extended to § 123.12. Questions have therefore been raised regarding the appropriate treatment, on entry, of foreign locomotives and equipment in international traffic. These amendments to §§ 123.12 and 123.13, Customs Regulations, merely clarify that the status of those articles, for entry purposes, has not changed.

The amendment to § 123.12 adds a paragraph (d) setting forth the definition of domestic locomotives and railroad equipment, and adds the clarifying sentence: "Other locomotives and railroad equipment shall be considered 'foreign'." In § 123.13 the statement of the definition is deleted, and it is then incorporated by reference.

Accordingly, §§ 123.12 and 123.13 of the Customs Regulations are amended as follows:

§ 123.12 Entry of foreign locomotives and equipment in international traffic.

* * * * *

(d) *Domestic and foreign locomotives and other railroad equipment defined.* For the purpose of this section and section 123.13, locomotives or other railroad equipment manufactured in, or regularly imported into, the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States. Other locomotives and railroad equipment shall be considered "foreign".

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 123.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.

A report of the first arrival in the United States of a domestic locomotive or other railroad equipment after repairs have been made in a foreign country other than those required to restore it to the condition in which it last left the United States ("running repairs"), shall be made promptly, in writing, to the Customs officer at the port of reentry. The report shall state the time and place of arrival, and the nature and value of the repairs. Each such locomotive or other piece of railroad equipment when withdrawn from interna-

tional traffic shall be subject to duty upon the value of the repairs (other than "running repairs"), made abroad at the rate at which the repaired article would be dutiable if imported. For the appropriate determination as to whether the locomotive or other railroad equipment should be considered "domestic" or "foreign", see § 123.12(d).

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202, (Gen. Hdnte. 11), 1322; R.S. 251, sec. 624, 46 Stat. 759, 77A Stat. 14; 19 U.S.C. 66, 1202, (Gen. Hdnte. 11), 1624)

These amendments merely confirm a preexisting exemption for certain foreign locomotives, railroad equipment, and repairs to those articles. Therefore, notice and public procedure thereon is unnecessary under 5 U.S.C. 553(b), and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective March 15, 1973.

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

Approved: March 6, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5047 Filed 3-14-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Pope	Russellville, City of.				July 17, 1970. Emergency. Dec. 31, 1970. Regular. Apr. 15, 1973. Suspension.
Florida	Pinellas	Unincorporated areas.				June 17, 1970. Emergency. June 18, 1971. Regular. Sept. 15, 1972. Suspension. Nov. 3, 1972. Reinstated. Apr. 15, 1973. Suspension.
New Jersey	Ocean	Lavallette, Borough of.				Sept. 11, 1970. Emergency. June 11, 1971. Regular. Apr. 15, 1973. Suspension.
Ohio	Cuyahoga	Garfield Heights, City of.				Sept. 18, 1970. Emergency. July 9, 1971. Regular. Apr. 15, 1973. Suspension.
Texas	Guadalupe	Seguin, City of				Oct. 9, 1970. Emergency. June 18, 1971. Regular. Apr. 15, 1973. Suspension.
Do	Jefferson	Grifling Park, Town of.				July 17, 1970. Emergency. Nov. 13, 1970. Regular. Apr. 15, 1973. Suspension.
Do	Matagorda	Palacios, City of				Aug. 7, 1970. Emergency. Nov. 13, 1970. Regular. Apr. 15, 1973. Suspension.
Do	Victoria	Victoria, City of				May 22, 1970. Emergency. July 23, 1971. Regular. Apr. 15, 1973. Suspension.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
West Virginia	Logan	Chapmanville, Town of				Jan. 29, 1971, Emergency. Aug. 27, 1971, Regular. Apr. 15, 1973, Suspension.
Do.	do.	Man, Town of				Jan. 29, 1971, Emergency. Sept. 10, 1971, Regular. Apr. 15, 1973, Suspension.
Do.	do.	Mitchell Heights, Town of				Jan. 29, 1971, Emergency. Aug. 13, 1971, Regular. Apr. 15, 1973, Suspension.

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

Issued: March 12, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5080 Filed 3-14-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

PART 11—RESPIRATORY PROTECTIVE DEVICES, TESTS FOR PERMISSIBILITY; FEES

MISCELLANEOUS AMENDMENTS

On March 25, 1972, the Department of Health, Education, and Welfare and the Department of the Interior jointly adopted regulations which provided for the testing of all respirators by the Bureau of Mines and the issuance of joint approvals of all respirators whether such an approval was authorized by the Bureau of Mines alone, the Bureau and the Institute jointly, or by the Institute alone (30 CFR Part 11, 37 FR 6244).

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments to Part 11 which relate solely to agency management. Specifically, the amendments reflect a Memorandum of Understanding dated May 30, 1972, between the U.S. Bureau of Mines, Department of the Interior and the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare whereby the site for testing of respiratory protective devices (other than the testing of electrical devices for intrinsic safety) was transferred from the Bureau's laboratory in Pittsburgh to the Institute's laboratory at Morgantown, W. Va.

Under various statutory provisions the Bureau has sole authority to approve respirators used in metal and nonmetallic mines, the Bureau and the Institute are authorized jointly to approve respirators for use in coal mines, and the Institute has authority for all other respirator approvals. Since it is almost impossible to predict when a respirator will be used exclusively in a specific occupation, all respirator approvals will continue to be issued jointly by the Bureau and the Institute based on tests conducted by the Institute at its laboratory in Morgantown.

A copy of the May 30 Memorandum of Understanding is available for inspection at the Bureau of Mines, Room 4512, 18th and C Streets NW., Washington, D.C. 20240, and the National Institute for Occupational Safety and Health, Room 10A–19, 5600 Fishers Lane, Rockville, MD 20852.

In view of the foregoing, Part 11 is amended as set forth below, and the amendments are effective on March 15, 1973.

Dated: February 15, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Dated: February 6, 1973.

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

1. The authorty for the issuance of Part 11 is amended to read as follows:

AUTHORITY: Secs. 202(h), 204, and 508, 83 Stat. 763, 764 and 803; 30 U.S.C. 842(h), 844 and 957; secs. 2, 3, and 5, 36 Stat. 370, as amended 37 Stat. 681; 30 U.S.C. 3, 5, and 7; sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

§ 11.2 [Amended]

2. In paragraphs (a) and (b) of § 11.2, the phrase "hazardous mine atomspheres" is changed to read "hazardous atmospheres".

§ 11.3 [Amended]

3. In § 11.3, the paragraph designated as (hh) is redesignated as (ii) and a new paragraph (hh) is inserted to read as follows:

(hh) "Testing and Certification Laboratory" means the Testing and Certification Laboratory, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W V 26505.

4. Section 11.4 is revised to read as follows:

§ 11.4 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the technical publications to which reference is made in this Part 11, and which have been prepared by organizations other than the Bureau or the Institute, are hereby incorporated by reference and made a part hereof. The incorporated technical publications are available for examination at Approval and Testing, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and at the Testing and Certification Laboratory. In addition, copies of the American National Standards Institute Standard Z88.2–1969, "Practices for Respiratory Protection," are available for examination in every Coal Mine Health and Safety District and Subdistrict Office.

§§ 11.1, 11.12, 11.20–11.22, 11.35, 11.50, 11.53, 11.61, 11.63, 11.64, 11.66, 11.85–14, 11.98, 11.102–3, 11.135, 11.162–3, 11.183–3 [Amended]

5. In the sections and paragraphs specified below, the word "Bureau" is deleted wherever it appears and the word "Institute" is substituted therefor.

Sec.	Sec.
11.1 (b) and (d)	11.63 (a) and (d)
11.12 (a), (d), and (e)	11.64 (b) and (c)
11.20	11.66(b)
11.21	11.85–14(c)
11.22 (c), (d), and (e)	11.98(c)
11.35 (d) and (e)	11.102–3(b)
11.50	11.135(f)
11.53(b)	11.162–3(b)
11.61(a)	11.183–3(b)

6. Section 11.10 is revised to read as follows:

§ 11.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of the types of respirators classified in Subpart F of this part shall be undertaken by the Institute only pursuant to written applica-

tions which meet the minimum requirements set forth in this Subpart B.

(b) Applications shall be submitted to the Testing and Certification Laboratory, and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart C of this part payable to the order of the National Institute for Occupational Safety and Health.

(c) Except as provided in § 11.64 and in paragraph (e) of this section, the examination, inspection, and testing of all respirators shall be conducted by the Testing and Certification Laboratory.

(d) Applicants, manufacturers, or their representatives may visit or communicate with the Testing and Certification Laboratory in order to discuss the requirements for approval of any respirator or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

(e) Inspection, examination, and testing of electrical components of respirators that are required to be permissible shall be tested in accordance with Part 18 of this chapter, and such components shall be submitted to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§§ 11.12, 11.36 [Amended]

7. In §§ 11.12(b) and 11.36, the words "Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213" are deleted wherever they appear and the words "Testing and Certification Laboratory" are substituted therefor.

8. In § 11.12 the section heading is changed to read "Delivery of respirators and components by applicant; requirements."

§ 11.22 [Amended]

9. In § 11.22 the first sentence of paragraph (b) is revised to read as follows:

The Bureau and the Institute reserve the right to conduct any examination, inspection or test they deem necessary to determine the quality and effectiveness of any listed or unlisted respirator assembly or respirator component or subassembly, and to assess the cost of such examinations, inspections, or tests against the applicant prior to the issuance of any approval for such assembly, component, or subassembly.

§ 11.30 [Amended]

10. In the second sentence of § 11.30 (c), the word "Bureau" is deleted and the word "Institute" is substituted therefor.

§ 11.31 [Amended]

11. In § 11.31(e) the words "or the Institute" are inserted immediately following the word "Bureau".

§ 11.33 [Amended]

12. In § 11.33 the following changes are made:

In paragraph (b) the word "Bureau" in the sixth line is deleted and the word "Institute" is substituted therefor, and a sentence is added at the end of the paragraph to read: "The approval number assigned by the Institute shall be designated by the prefix TC and a serial number."

In paragraph (c) the phrase "and the Institute" is added immediately following the word "Bureau".

§ 11.34 [Amended]

13. Section 11.34 is amended by deleting the phrase "violation of section 109 (e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(e))".

§ 11.64 [Amended]

14. The heading is § 11.64 is changed to read "Pretesting by applicant; approval of test methods" and paragraph (d) is amended to read as follows:

(d) No approval will be issued until the Institute has validated the applicant's test results.

§ 11.85–14 [Amended]

15. In paragraph (b) of § 11.85–14 the word "Bureau" is deleted.

§ 11.90 [Amended]

16. Paragraph (c) of § 11.90 is amended to read as follows:

Gas masks for respiratory protection against gases and vapors other than those specified in paragraph (b) of this section, may be approved upon submittal of an application in writing for approval to the Testing and Certification Laboratory listing the gas or vapor and suggested maximum use concentration for the specific type of gas mask. The Institute and the Bureau will consider the application and accept or reject it on the basis of effect on the wearer's health and safety and any field experience in use of gas masks for such exposures. If the application is accepted, the Institute will test such masks in accordance with the requirements of this subpart.

§ 11.150 [Amended]

17. In the first sentence of the Note to section 11.150, the word "Bureau" is deleted and the word "Institute" is substituted therefor.

(Secs. 202(h), 204, 508, 83 Stat. 763, 764, 803; 30 U.S.C. 842(h), 844, 957; secs. 2, 3, 5, 36 Stat. 370, as amended 37 Stat. 681; 30 U.S.C. 3, 5, 7; sec 8(g), 84 Stat. 1600; 29 U.S.C. 657(g))

[FR Doc.73-4948 Filed 3-15-73;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER D—SECURITY

PART 159—INFORMATION SECURITY PROGRAM REGULATION

Mandatory Classification Review

The following amendments to Part 159 have been approved, effective on the dates shown: Section 159.303 *Material covered*, clarifies the scope and description of DoD classified information and material to which the mandatory classification review applies; § 159.303–2 *Submission of requests for review*, identifies with greater particularity the DoD element or office to which, or the DoD official to whom, requests for mandatory classification review should be submitted; § 159.306–3 *Declassification of encrypted messages*, establishes DoD policy on declassification of encrypted messages encrypted from February 1, 1946 through May 31, 1960, and states established DoD policy on declassification of messages encrypted prior to February 1, 1946 and subsequent to May 31, 1960.

The amended sections of Part 159 read as follows:

§ 159.303 Material covered.

(a) All classified information and material originated on or after June 1, 1972 which is exempted under § 159.303–1 above from the General Declassification Schedule, and all classified information and material which is "excluded" from the General Declassification Schedule under § 159.301–1(b), shall, upon request, be subject to mandatory classification review by the originating DoD component at any time after the expiration of 10 years from date of origin.

(b) Effective date is February 16, 1973.

§ 159.303–2 Submission of requests for review.

(a) Requests described in § 159.303 shall be submitted in accordance with the following:

(1) Requests originating within DoD shall in all cases be submitted directly to the DoD element which originated the material involved for action as indicated in § 159.204. Such cases are not referred to the Departmental Classification Review Committees (§ 159.1301–1, § 159.1302–1).

(2) Requests originating in other agencies of the Executive Branch should be submitted directly to the DoD element which originated the material. If the originating element is not known or cannot be located, the request may be submitted as indicated in paragraph (a)(3) of this section.

(3) For most expeditious action, requests from outside the executive branch should be submitted directly to the DoD element which originated the material. If the originating element is not known or cannot be located, the requester may submit the request to any of the following:

(i) The facilities established in the Office, Secretary of Defense, the military departments and the Defense Agencies under DoD Directive 5400.7 (Part 286), to receive requests for records under the Freedom of Information Act. These facilities are identified in appropriate sections of Title 32 of the Code of Federal Regulations for each DoD component.

(ii) The head of the DoD component which is most concerned with the subject matter of the material requested.

(iii) Chief, Records Management Branch, Office, Deputy Assistant Secretary of Defense (Administration), (Comptroller), Department of Defense, Washington, D.C. 20301.

(b) Effective date is February 16, 1973.

§ 159.306–3 Declassification of encrypted messages.

(a) Declassification of encrypted messages will be accomplished in accordance with the following policy:

(1) *Messages encrypted prior to February 1, 1946.* Declassification of messages in this category has been and will continue to be based solely on the informational content of the messages.

(2) *Messages encrypted during the period February 1 through May 31, 1960.* The requirement that messages in this category (so-called category "B" messages) be paraphrased and the date-time group physically removed prior to declassification is canceled. Effective immediately, declassification of such messages will be based solely on the informational content of the messages.

(3) *Messages encrypted subsequent to May 31, 1960.* Communications Centers have received instructions via KAG–1 and Department and Agency implementing documents to perform necessary cryptographic editing on these messages prior to release from the Communications Center. Declassification of messages in this category by holders outside Communications Centers is based solely on the informational content of the messages. Further cryptographic editing is not required.

(b) Effective date is February 2, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Branch, OASD (Comptroller).

[FR Doc.73-5015 Filed 3-14-73;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 806a—RELEASING INFORMATION FROM AND PROVIDING ACCESS TO MILITARY PERSONNEL RECORDS

Consolidated Base Personnel Office Level

This revision authorizes release of routine information at the Consolidated Base Personnel Office level. Procedures are established for release/withholding of information by Consolidated Base Personnel Offices servicing tenant members, and reply to burdensome requests. Lists additional references to other publications pertaining to release of information affecting Air Force personnel. Restrictions on release of lists or compilations of personnel data and personal data without member's written consent. Air Force directives referenced throughout this part have been corrected to reflect the correct nomenclatures.

Part 806a, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 806a.0 is revised to read as follows:

§ 806a.0 Purpose.

(a) This part outlines procedures for releasing information from, and providing access to, the military personnel records of present and former members of the Air Force, in accordance with title 5, United States Code, section 552. It applies to all custodians of military personnel records as well as to custodians of personnel data contained or developed within the personnel data systems.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 806a.1 is amended by revising paragraph (b) to read as follows:

§ 806a.1 Policy.

(a) * * *

(b) This basic policy is subject to the exception that normally records containing information from military personnel records or personnel data systems are not required to be made routinely available to the public. Such information may be released when the disclosure would not result in a clearly unwarranted invasion of the personal privacy of the individual who is the subject of the record or release has been authorized in writing by the member.

* * * * *

3. Section 806a.2 is revised to read as follows:

§ 806a.2 Authority.

(a) *Authorization to disclose information.* The following disclosure authorities are responsible for the disclosure of information from or access to military personnel records:

(1) Chiefs of Offices at directorate or higher level within Headquarters, USAF, including but not below chiefs of offices designated as custodians of records or documentary material thereat.

(2) Commanders and their representatives at major command or comparable level, including but no lower than installation, wing or comparable commanders and the Consolidated Base Personnel Office (CBPO) chiefs. Release of information and documentary material at CBPO level must be of a routine nature and in accordance with this part.

EXAMPLES: Officer effectiveness reports (OER), airman performance reports (APR), training reports, locator data, photographs, unclassified publications, etc., not designated "For Official Use Only."

(3) Anyone having the authority to disclose information or provide access thereto, is called a disclosure authority.

(b) *Authority to withhold information.* (1) Only a disclosure authority at a major command or comparable level, or at directorate or higher level within Headquarters USAF is authorized to refuse to make available military personnel records or information therefrom to the public. This authority may not be delegated except to the principal deputy, vice commander, or chief of staff at the level indicated in this subparagraph.

(2) Commands of CBPO's servicing tenant members will withhold release of information according to this part; however, requests for information that appear unique to a tenant member's command of assignment will be forwarded to that command for action.

4. Section 806a.3 is amended: By deleting subparagraph (1) of paragraph (a) and redesignating subparagraphs (2) and (3) of paragraph (a) as (1) and (2), respectively; and, by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 806a.3 Responsibility.

* * * * *

(c) * * *

(3) When the information exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

* * * * *

5. Section 860a.4 is revised to read as follows:

§ 806a.4 Release of information.

To insure a uniform policy on release of information from military personnel records, the custodian:

(a) Refers to § 806a.6 for guidance.

(b) Refers to Part 813 or Part 812 of this chapter for the prescribed schedule of fees to be charged for copying, certifying and searching records.

(c) Refers to one of the following publications for policies pertaining to release of specific items of information from military personnel records if the request involves information not identified in § 806a.6, or is a combination of listed and unlisted data.

(1) Information or copies of military personnel records to Members of Congress or congressional committees—AFR 11–7.

(2) Information to the General Accounting Office or concerning General Accounting audit of program information—AFR 11–8.

(3) Central base locator data—AFR 11–24.

(4) Unusual, controversial, or doubtful requests, refer to Part 806 or USAFMPC/DPMDR, Randolph Air Force Base, Tex. 78148.

(5) Marking, protecting, and handling "For Official Use Only" information—AFR 12–31.

(6) A member, former member, or authorized representative (AFM 35–14, formerly AFM's 35–9 and 35–12) who desires to:

NOTE: If an OSI investigative report or similar report of any other investigative agency has been misfiled within the military personnel record, withdraw and dispose of in accordance with AFR 124–4 and AFR 205–1.

(i) Review subject records in person, refer the individual to the appropriate records custodian/office for scheduling of an appointment.

(ii) Verify his military service through correspondence or request for copies of his records.

(7) Paternity complaint—Part 841 of this chapter.

(8) Information from military personnel records for litigation—Part 840 of this chapter.

(9) Unclassified record of a trial by Court-Martial—AFR 111–2.

(10) Office of Special Investigation (OSI) reports or similar reports of other governmental investigative agencies—AFR 124–4.

(11) Medical records—AFM 168–4. (Refer to appropriate director of medical services.)

(12) Commercial opinion, advertising campaign, or statistical survey sponsored or supported by the Air Force, refer to the authority specified by the Air Force. (If not sponsored or supported by the Air Force, refuse according to § 806a.3(d) and AFR 171–2.)

(13) Department of the Air Force information proposed for public release by the Air Force or its personnel, and writing for publication by Air Force personnel—AFR 190–12.

(14) Classified information—AFR 205–1.

(15) For release of information to any organization listed on the current DD Form 98, "Armed Forces Security Questionnaire," or to a country listed in § 806a.6, AFR 205–32, or if the inquiry is suspected of being requested for use in a smear campaign or for other ulterior motives, refer to HQ USAF/OSI, Forrestal Building, Washington, D.C. 20330.

(16) Personal solicitation, including commercial and insurance—AFR 211–16.

(17) Any foreign national (including a grave adoption committee) caring for the grave of a deceased Air Force member interred in an oversea military cemetery, refer to USAFMPC/DPMDR, Randolph Air Force Base, Tex. 78148.

(18) Casualties, missing or captured personnel, refer to USAFMPC/DPMSC, Randolph Air Force Base, Tex. 78148.

(19) Warning. (i) Do not provide identity of selection board members, under any circumstances.

(ii) Releasing rosters or similar multilistings of names to nongovernmental requesters with or without additional data is prohibited.

(20) Service member under 21 years of age in serious trouble. Release of information to immediate family member of all circumstances, incident(s) and proposed action to be taken on a service member under 21 years of age in serious trouble may be furnished without consent of the service member—rule 18, § 806a.6 and AFR 110–1.

§ 806a.5 [Amended]

6. Section 806a.5 is amended by changing the reference to "paragraph (b) of § 806a.4" to read "paragraph (c) of § 806a.4".

7. Section 806a.6 is amended by revising column A of rule 14 to read as follows; and by changing, under rule 16, column A the reference "§ 806a.4(d).)" to read "§ 806a.3(d).)"; and by adding a new rule 18 to read as follows:

§ 806a.6 Guidance Table—Release of Information.

* * *	* * *	* * *	* * *	* * *	* * *
14	Any source, including credit agencies, requesting the current military address of an Air Force member or home address of a former member (§ 806a.4(b) and (c)).	No	Yes		
* * *	* * *	* * *	* * *	* * *	* *
18	The most immediate family member (spouse, father, mother, guardian, paternal parent/grand parent or next of kin) of a service member under 21 years of age in serious trouble.	No	Yes	Yes	Yes.
* * *	* * *	* * *	* * *	* * *	* * *

8. A new § 806a.7 is added to read as follows:

§ 806a.7 Preservation of personal privacy of Air Force members.

The following conditions take precedence over other provisions of this part.

(a) Unauthorized release to private organizations or individuals of personal information from personnel, medical, or similar files without the written consent of the individual concerned will be considered a clearly unwarranted invasion of his personal privacy within the meaning of section 552(b)(6) of title 5, United States Code. The written consent of the individuals concerned normally must be obtained prior to any such release of personal information to a nongovernment agency.

(b) Members of the Armed Forces and civilian employees may not release nor otherwise provide the following kinds of information to nongovernment organizations or individuals, whether commercial, nonprofit, or other, without previously obtaining the written consent of the individuals concerned.

(1) Lists or compilations containing the names and addresses of Air Force servicemen, servicewomen, former servicemen or former servicewomen;

(2) Data from medical records, except as prescribed in AFM 168–4;

(3) Aptitude test scores;

(4) Identification of the individual member's occupational specialty for other than authorized publicity; and

(5) Similar information of a personal nature.

(c) Development of procedures to obtain authorized releases should be limited by the costs and resources involved in establishing and executing them, weighted against the anticipated benefits to the members or former members of the Armed Forces, or to the national interest. Benefits may include such actions as assistance to separating service members in accomplishing the transition to civilian life; other promotion of the welfare of Department of Defense military or civilian personnel; scholarly research and other effects by nongovernmental agencies to further the national interest.

(5 U.S.C. 552 and 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5016 Filed 3-14-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

Redesignation of Existing Regulations

Correction

In FR Doc. 73-3703 appearing at page 5851 of the issue of Monday, March 5, 1973, § 291.3 *Applicability and scope* was inadvertently omitted. This § 291.3 reads as follows:

§ 291.3 Applicability and scope.

(a) The regulations in §§ 291.2 through 291.8 prescribe the proper use, management, government, and protection of, and maintenance of good order in, the sites and areas to which they apply on lands of the United States within the National Forest System.

(b) The regulations in §§ 291.2 through 291.8 apply to all persons entering, using, or visiting developed recreation sites or posted areas of concentrated public recreation use. A map delineating the boundaries of the areas of concentrated public recreation use shall be posted by the Forest Supervisor at each such area in such a manner as will reasonably bring them to the attention of the public.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 122—ADDRESSES

Postage to Overlap Mailing Labels on Parcels

Part 122 is amended to add a new paragraph providing that postage on parcels be affixed so as to overlap mailing labels. This new provision is intended to prevent thieves from diverting parcels by attaching new address labels.

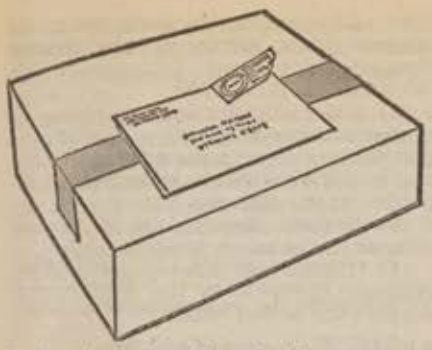
These procedures took effect on January 3, 1973.

Accordingly, § 122.2 is amended by the addition of paragraph (d) to read as follows:

§ 122.2 Arrangement of address.

* * * * *

(d) Parcels which bear address labels shall have the regular or postage meter stamps affixed by accepting postal employees so that the stamps overlap the upper right corner, as shown in the following illustration.



Postmasters should seek the cooperation of business mailers by asking them to affix postage in this manner. Parcels bearing address labels covering any portion of the postage or showing other significant evidence of overlabeling shall be withheld from dispatch or delivery and must be immediately reported to the nearest postal inspector or postal inspector in charge.

(39 U.S.C. 401, 404)

ROGER P. CRAIG,
Deputy General Counsel.

MARCH 8, 1973.

[FR Doc.73-4895 Filed 3-14-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

By notice of proposed rule making (Docket 32; Notice 72-3) in the FEDERAL REGISTER of November 30, 1972 (37 FR 25401), the Department of Transportation proposed establishment of a program for the issuance of Cargo Security Advisory Standards. The Department would serve as a clearinghouse and coordinator of the knowledge that exists within the public, industry, and Government of the best methods available to combat cargo theft. In specific areas related to the security of cargo from theft, after consultation with the public, industry, and Government, the Department would issue advisory standards. The standards would not be mandatory but would be an authoritative aid to all parts of the transportation system, including shippers and consignees, in the prevention of theft and pilferage of cargo. Nothing in the standards would replace or modify any statutory requirements or any regulatory authority vested in any Federal, State, or local governmental body. Procedures relating to packaging, storage, accountability, communications, and vehicle control were deemed at that time appropriate subjects for the issuance of advisory standards. Public comment was invited on proposed procedures under which the advisory standards would be promulgated.

After consideration of the comments received, it has been decided not to make any changes of substance between the regulations as proposed and as adopted. A discussion of the substantive comments and the Department's responses thereto follows:

1. A number of commentators requested that the procedural regulations be amended to provide that parties so requesting be given copies of each advisory standard at the time that it is published in the FEDERAL REGISTER. The limited resources of the Department do not permit the expenditure of time and money which would be required were this request adopted. Congress created the FEDERAL REGISTER to obviate personally serving documents on all interested persons, and such persons should consult the FEDERAL REGISTER regularly.

2. A number of commentators requested that the procedural regulations be amended to state that they do not grant authority administratively to change the standards from advisory to mandatory. Language to this effect is unnecessary because—

a. The regulations (§ 85.1) already make clear that the standards are advisory only.

b. The Department of Transportation lacks authority to prescribe mandatory standards; the grant of such authority requires an Act of Congress and cannot be accomplished administratively.

3. The New York Terminal Conference, consisting of most companies operating marine terminals in the Port of Greater New York and vicinity, commented that there is a proliferation of regulatory agencies involved in cargo security programs. Consequently the industry has experienced difficulties understanding and coordinating the efforts of each. Addition of another agency will inevitably lead to overlapping and duplication of functions, thereby diluting the benefit of existing programs. Similar views were expressed by the Far East Conference, consisting of common carriers by water in foreign commerce from and to the United States.

It is the view of the Department that the advisory standards will complement rather than dilute existing programs. Before promulgation, they will be coordinated sufficiently to preclude conflicting with procedures required by other regulatory agencies.

4. Consolidated Freightways, claiming to be the largest trucking company in the United States, commented that the advisory standards would not recognize the geographical variance in the problems of protecting cargo; that those carriers having inadequate physical and procedural security are in the minority; and that emphasis should be placed on apprehension rather than prevention.

First, the language of the advisory standards will indicate that considerable latitude is expected in their application based on all factors affecting the security of cargo in any location. Second, the majority of theft-related losses by carriers is being reported in the "shortage" category, indicating a significant lack of effective accountability procedures among carriers. Finally, while the Department recognizes the importance of apprehension of criminals, it also strongly believes that theft prevention should receive prominent attention.

5. The Association of American Railroads raised eight points. Those points and the Department's responses are as follows:

a. AAR takes issues with the charge, if such was intended, that the railroads are unconcerned about the problem of cargo security.

"Some carriers, shippers, and consignees have acted to protect the goods in their care; many others, however, are still careless or unconcerned." This statement from the NPRM, quoted by AAR in its comments, does not charge all railroads with unconcern; neither does it exclude all.

b. The figures in the table included in the notice of proposed rule making (NPRM) grossly overstate railroad industry losses.

Whether the figures in the table in the NPRM are completely accurate is irrelevant, since AAR agrees with the Department that, in AAR's language, "* * * cargo security for the railroads is a serious problem."

c. and d. Advisory standards are likely to be misleading to the uninformed; a substantial segment of the shipping and receiving public would regard the standards as mandatory, leading to disputes, controversy, and, perhaps, ill will. Practical, if not legal, relationships could be affected. Further, AAR strongly urges that advisory standards not be published in the Code of Federal Regulations because such a format gives them an aura of apparent compulsiveness that would tend to deceive.

At every opportunity the Department will emphasize the advisory nature of the standards. The language of each standard will make it clear to the reasonable reader that the standard is not mandatory and that considerable latitude in application is anticipated.

e. There is neither need nor justification for advisory standards; the cargo security problem would not be alleviated by their issuance.

The Department disagrees that the cargo security problem will not be alleviated by the issuance of Cargo Security Advisory Standards; rather, the Department believes that publication of sound, professional, informational material cannot but further the objective of increasing the security of cargo.

f. The subjects listed in the NPRM for consideration as advisory standards (procedures relating to packaging, storage, accountability, communications, and vehicle control) are all matters better left to the carriers and the users of their services to work out, taking into account individual circumstances, resources, priorities, cost effectiveness, projected results, and modal aspects. They are matters for managerial judgment and decision, not for governmental fiat.

Considering that any compliance with the advisory standards must be voluntary, managerial judgment and decision will be exercised in every application of

them. It is expected that an organization applying an advisory standard will consider such of those factors enunciated by AAR as are appropriate to its circumstances.

g. The NPRM complains of widespread disparities in the cargo security efforts of the transportation industry. This assumes the virtue of uniformity which AAR feels is not necessarily desirable and may actually be undesirable.

As used in the NPRM, the term "widespread disparities" was meant to apply to the degree of application of preventive measures by the industry, rather than to the methods of application. The Department does not support uniformity of methodology, but does believe that a given level of threat should be met by all concerned with a corresponding level of preventive security.

h. The procedural regulations should be amended to provide reasonable standards to guide exercise of the discretion to be conferred upon the Department's Director of Transportation Security, who will issue the advisory standards. The Director should establish, as a condition to its issuance, that an advisory standard is cost effective (positive cost/benefit ratio), considering the inherent differences among the various modes of transportation and the geographical areas within which their operations are conducted.

In its comments AAR has set forth most, if not all, of the various factors which may affect the practical application of advisory standards. For those very reasons, no statistical cost/benefit analysis can be broadly applied to a single preventive measure recommended by the Department. The Department will issue only those advisory standards which, in its best judgment, are prudent and reasonable.

Since this amendment relates to Departmental procedures, it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended, effective March 12, 1973, by adding a new Part 85, as follows:

Subpart A—General

Sec.
85.1 Applicability.
85.3 Initiation of advisory standard setting.
85.5 Participation by interested persons.
85.7 Docket.

Subpart B—Petitions for Advisory Standard Setting

85.11 Filing of petitions.
85.13 Processing of petitions.

Subpart C—Procedures

85.21 General.
85.23 Contents of notices.
85.25 Petitions for extension of time to comment.
85.27 Consideration of comments received.
85.29 Additional advisory standard setting proceedings.
85.31 Hearings.
85.33 Adoption of final advisory standards.

AUTHORITY: Section 9(e)(1), 80 Stat. 944; 49 U.S.C. 1657(e)(1).

Subpart A—General

§ 85.1 Applicability.

(a) This part prescribes the procedures for the development and promulgation of Cargo Security Advisory Standards. These advisory standards are suggested procedures and policies intended to assist all parts of the transportation industry in reducing the incidence of loss and theft of cargo entrusted to their care. The advisory standards are not mandatory, and nothing in them replaces or modifies any statutory requirement or any regulatory authority vested in any Federal, State, or local governmental body.

(b) As used herein—

"Advisory standard" means a Cargo Security Advisory Standard issued under this part;

"Director" means the Director of Transportation Security, Office of the Secretary, U.S. Department of Transportation.

"Secretary" means the Secretary of Transportation.

§ 85.3 Initiation of advisory standard setting.

The Director, for the Secretary, may initiate advisory standard setting on his own motion. He may also, in his discretion, consider the recommendations of other agencies of the United States, of State and local government, of any part of the transportation industry, and of any other interested person.

§ 85.5 Participation by interested persons.

Any person may participate in advisory standard setting proceedings by submitting written information or views. The Director may also allow any person to participate in additional advisory standard setting proceedings, such as informal appearances or hearings, held with respect to any advisory standard.

§ 85.7 Docket.

(a) Records of the Office of the Secretary concerning advisory standard setting actions, including notices of proposed advisory standard setting, comments received in response to those notices, petitions for advisory standard setting, petitions for rehearing or reconsideration, denials of petitions for advisory standard setting, and final advisory standards are maintained in current docket form in the Office of the General Counsel of the Department of Transportation.

(b) Any person may examine any docketed material at that Office and may obtain a copy of any docketed material upon payment of the prescribed fee.

Subpart B—Petitions for Advisory Standard Setting

§ 85.11 Filing of petitions.

(a) Any person may petition the Director to issue, amend, or repeal an advisory standard.

(b) Each petition filed under this section must—

(1) Be submitted in duplicate to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590;

(2) Set forth the text or substance of the advisory standard or amendment proposed, or specify the advisory standard that the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner to support the action sought.

§ 85.13 Processing of petitions.

(a) *General.* No proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Director determines that the petition contains adequate justification, he initiates advisory standard setting action under Subpart C of this part.

(c) *Denials.* If the Director determines that the petition does not justify initiating advisory standard setting, he denies the petition.

(d) *Notification.* Whenever the Director determines that a petition should be granted or denied, he and the Office of the General Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Director issues it to the petitioner.

Subpart C—Procedures

§ 85.21 General.

(a) A notice of proposed advisory standard setting is issued and interested persons are invited to participate in the advisory standard setting proceedings with respect to each advisory standard.

(b) In his discretion, the Director may invite interested persons to participate in the advisory standard setting proceedings described in § 85.29.

§ 85.23 Contents of notices.

(a) Each notice of proposed advisory standard setting is published in the FEDERAL REGISTER.

(b) Each notice includes—

(1) A statement of the time, place, and nature of the proposed advisory standard setting proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved or the substance or terms of the proposed advisory standard;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceedings.

§ 85.25 Petitions for extension of time to comment.

(a) Any person may petition the Director for an extension of time to submit comments in response to a notice of proposed advisory standard setting. The petition must be submitted in duplicate not later than 10 days before expiration

of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Director grants the petition only if the petitioner shows a substantive interest in the proposed advisory standard and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 85.27 Consideration of comments received.

All timely comments are considered before final action is taken on an advisory standard setting proposal. Late filed comments may be considered so far as possible without incurring additional expense or delay.

§ 85.29 Additional advisory standard setting proceedings.

The Director may initiate any further advisory standard setting proceedings that he finds necessary or desirable. The Director may also invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceedings.

§ 85.31 Hearings.

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. As a fact-finding proceeding, each hearing is nonadversary and there are not any formal pleadings or adverse parties. The record in a proceeding may include matters other than those presented at the hearing. An advisory standard issued will be based exclusively on the record in the proceeding.

(b) The Director designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 85.33 Adoption of final advisory standards.

Final advisory standards are prepared by the Director and the Office of the General Counsel. If the Director adopts an advisory standard, it is published in the FEDERAL REGISTER.

Issued in Washington, D.C. on March 7, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-4997 Filed 3-14-73;8:45 am]

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

[Dockets Nos. 71-23, 1-8; Notices 3, 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New and Retreaded Pneumatic Tires; Minimum Size for Permanent Labeling

This notice amends Motor Vehicle Safety Standards Nos. 109 and 117 (49 CFR 571.109) to reduce the minimum size of permanent safety labeling to 0.078 inch. Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," was amended November 4, 1972 (37 FR 23536), to specify both a location on the tire sidewall for safety labeling and a labeling size of not less than three thirty-seconds of an inch. Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," was amended March 23, 1972 (37 FR 5950), to specify permanent labeling of the same minimum size.

The Michelin Tire Co. has protested that the 3/32 inch minimum size is inconsistent with the existing practice of European tire manufacturers of labeling tires in letters having a size of 0.078 inches (2 mm.). It has pointed out that as, a consequence of the amendment European tire manufacturers will have to increase the size of all existing labeling. The NHTSA has concluded that the difference between letters 0.078 inches in size and those of 0.093 inches is not significant, and does not justify the resultant expense to manufacturers of modifying tire molds. By this notice the NHTSA therefore reduces the minimum size to 0.078 inches for labeling required by S4.3 of Standard No. 109.

Because the permanent labeling provisions of Standard No. 117 are intended to be ultimately met with new tire labeling, the size requirements for permanent labeling in that standard are also modified.

In light of the above, Motor Vehicle Safety Standard No. 109, 49 CFR 571.109, and Motor Vehicle Safety Standard No. 117, 49 CFR 571.117, are amended as follows:

1. Paragraph S4.3 of Standard No. 109, 49 CFR 571.109, is amended to read:

S4.3 *Labeling requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 0.078 inches high, the information shown below in (a) through (g) * * *.

* * * * *

2. Paragraph S6.3.2 of Standard No. 117, 49 CFR 571.117, is amended to read:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be permanently labeled in at least one location on the completed retreaded tire, in letters and not less than 0.078 inches high, that are molded into or onto the tire sidewall, with the following information:

* * * * *

Effective dates: July 1, 1973, for the amendment to S4.3 of 49 CFR 571.109; February 1, 1974, for the amendment to S6.3.2 of 49 CFR 571.117. These amendments relieve an unnecessary restriction without a significant effect on motor vehicle safety. Consequently, it is found for good cause that notice and public procedure thereon are unnecessary, and that an effective date less than 180 days from the day of issuance is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegations of authority at 49 CFR 1.51)

Issued on March 8, 1973.

JAMES E. WILSON,
Acting Administrator.

[FR Doc.73-4998 Filed 3-14-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1126]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

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

It appearing, that a portion of the tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) located in Columbus, Ohio, and used by the Baltimore and Ohio Railroad Co. (B&O) as a portion of its main-line trackage in Columbus is inoperative because of track conditions; that the B&O and the PC have agreed upon an alternate route via other PC tracks through Columbus to be used by the B&O; that operation by the B&O over the aforementioned PC tracks is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1126 Service Order No. 1126.

(a) *The Baltimore and Ohio Railroad Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.* The Baltimore and Ohio Railroad Co. (B&O) be, and it is hereby, authorized to operate over tracks of the Penn Central, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), between GN tower and a point just east of Fourth Street, on the so-called "Little Miami and PB&W Route" of the PC, a distance of approximately 2.19 miles, all located in Columbus, Ohio.

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

(c) *Rates applicable.* Inasmuch as this operation by the B&O over trucks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the B&O over these tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 9, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5043 Filed 3-14-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain Wildlife Refuges in California

The following special regulations are issued and are effective March 15, 1973.

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

General conditions: Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Colusa National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Delevan National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Modoc National Wildlife Refuge—(Headquarters: Sheldon-Hart-Modoc National Antelope Refuges, Post Office Box 111, Lakeview, OR 97630).

Special Conditions: (1) Fishing will be permitted in designated areas only during the migratory waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited except by special permit obtainable at refuge headquarters, Alturas, Calif.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

San Luis National Wildlife, 535 J Street, Los Banos, CA 93635.

Special Conditions: (1) Fishing permitted from sunrise to 1 hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, CA 92233.

Special Condition: (1) Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 8, 1973.

[FR Doc.73-5019 Filed 3-14-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Idaho

The following special regulations are issued and are effective on March 15, 1973.

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

General conditions: Fishing shall be in accordance with applicable State regulations except for special conditions listed.

All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651. Sport fishing is permitted on the entire refuge year-round except as stipulated under special conditions.

Special conditions: (1) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(2) Boats with motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 15 through September 30, 1973.

(3) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

Sport fishing is permitted on portions of Kootenai River, Deep Creek, and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year-round except as stipulated under special conditions.

Special conditions: (1) Shoreline fishing shall be permitted on the entire refuge year around.

(2) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island, April 1 through September 30, 1973, and from Smith Springs to the east end of the refuge October 1 through June 30, 1973, during daylight hours only.

(3) Boat crossing lanes at Smith and Gifford Springs' open year around.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 7, 1973.

[FR Doc.73-4999 Filed 3-14-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Oregon and California

The following special regulations are issued and are effective on March 15, 1973.

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

General conditions. Fishing shall be in accordance with applicable State regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

OREGON

Ankeny National Wildlife Refuge—(Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330).

Special conditions: (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

Hart Mountain National Antelope Refuge—(Headquarters: Sheldon-Hart Mountain National Antelope Refuges, Post Office Box 111, Lakeview, OR 97630).

Klamath Forest National Wildlife Refuge—(Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special condition: (1) Use of boats is not permitted.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions: (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

(2) The use of motors on boats is not permitted on Krumbo Reservoir.

Upper Klamath National Wildlife Refuge—(Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134).

Special condition: (1) Speedboats shall not exceed 10 miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions: (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

Cold Springs National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882).

Special conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for purpose of fishing.

McKay Creek National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882).

Special condition: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 8, 1973.

[FR Doc.73-5001 Filed 3-14-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Washington

The following special regulation is issued and is effective on March 15, 1973.

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

General conditions. Fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99323.

Special conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) The use of boats or floating devices of any description is prohibited.

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

Special conditions: (1) Mallard Lake, Migraine Lake, Seabrock Lake, Royal Lake, Crab Creek, Marsh Management Units I and III are open April 15 through August 15, 1973.

(2) The use of boats and the use of outboard motors are prohibited on lakes so posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 7, 1973.

[FR Doc.73-5000 Filed 3-14-73;8:45 am]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on March 15, 1973.

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 15, 1973, through September 15, 1973, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1973.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 6, 1973.

[FR Doc.73-5013 Filed 3-14-73;8:45 am]

Title 21—Food and Drugs

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

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation

In the FEDERAL REGISTER of July 12, 1972 (37 FR 13636), the Commissioner of Food and Drugs published proposed procedures for consideration of environmental impact factors pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852 et seq.; 42 U.S.C. 4321-4347).

During the 60-day comment period, 15 comments were received on the proposal; from the Environmental Protection Agency, one college of agriculture, three trade associations, and regulated industries. The principal points raised and the Commissioner's conclusions are as follows:

A. *Applicability.* Seven comments questioned whether routine actions of the Food and Drug Administration, such as approval of new drug applications, new animal drug applications, antibiotic drug monographs, food additive petitions and color additive petitions constitute major actions significantly affecting the quality of the human environment which would require issuance of environmental impact statements. Two comments doubted that destruction of condemned, enjoined, detained, or recalled articles would ever amount to a major agency action requiring an environmental impact statement. Five comments proposed establishing categories of animal drugs which would be excluded from environmental impact consideration. The Commissioner concludes that the National Environmental Policy Act applies to the categories of agency action in § 6.1(b) and that FDA shall therefore consider the need for preparing environmental impact statements for them. No environmental impact statement will be issued if the agency action is not major or it does not significantly affect the quality of the human environment.

B. *Environmental impact analysis reports.* Five comments stated that the FDA has no authority to require new drug applications, new animal drug applications, new antibiotic drug applications, food additive petitions and color additive petitions to include environ-

mental impact analysis reports, or to refuse to accept or file such an application or petition for failure to include such a report, or to reject such an application or petition for failure to include an adequate environmental impact analysis report. Seven comments objected that the filing of environmental impact analysis reports would cause lengthy delays in the processing of such applications and petitions. The Commissioner concludes that the National Environmental Policy Act, as interpreted by the courts, amends the Federal Food, Drug, and Cosmetic Act to the extent that it requires consideration of environmental issues in the review by the FDA of these applications and petitions, and that the FDA therefore has the authority to require submission of adequate environmental data as a criterion for accepting, filing, and approving them.

Five comments proposed that an applicant or a petitioner be required to file an environmental impact analysis report only when the FDA determines that a specific application or petition constitutes a major agency action significantly affecting the quality of the human environment. One comment suggested that submission of an environmental impact analysis report be required for destruction of condemned, enjoined, detained, or recalled articles only when the agency determines that destruction of an article constitutes a major FDA action significantly affecting the quality of the human environment. The Commissioner concludes that environmental impact analysis reports are necessary for all applications and petitions submitted to FDA and for all destructions of condemned, enjoined, detained, and recalled articles in order to provide sufficient environmental data and information to enable the agency to determine whether an environmental impact statement must be issued on the action involved. The amount and detail of the information provided in the environmental impact analysis report will be expected to vary depending upon the nature of the action involved.

Three comments proposed prompt notification to an applicant if its environmental impact analysis report is inadequate. Three comments also recommended that notice be afforded an applicant when the FDA deems the amendment to an existing regulation or the supplement to an existing approval is substantial enough to require submission of an environmental impact analysis report. Notice in both these instances will be given in accordance with existing regulations of the FDA providing that an applicant will be notified if its application is incomplete for filing.

C. *Trade secrets and confidential information.* Twelve comments expressed concern that submission of an environmental impact analysis report by an applicant or petitioner would necessitate disclosure of trade secrets and confidential information, particularly with respect to a description of the manufacturing process required in the report. Seven comments proposed that applicants and petitioners have the opportunity to review environmental impact statements before they are made available to the public to prevent disclosure of trade secrets and confidential information by the statements. The Commissioner concludes that data and information which constitute trade secrets or confidential information under 21 CFR Part 4 should not be submitted in an environmental impact analysis report, although they are submitted as part of an application or petition itself. A new paragraph (h) is therefore added to § 6.1 to this effect. The FDA is not precluded from considering trade secrets or confidential information submitted by an applicant or petitioner in its environmental assessment of an application or petition. However, no trade secrets or confidential information submitted in the application or petition will be disclosed in an environmental impact statement circulated outside the Department.

D. *Time for consideration of environmental impact statements.* Nine comments proposed time limitations for the preparation and review of environmental impact statements for food additive petitions, new drug applications and new animal drug applications on the grounds that sections 409(c), 505(c), and 512(c) of the Federal Food, Drug, and Cosmetic Act require the agency to act on such applications and petitions within 180 days after filing. The Commissioner concludes that the National Environmental Policy Act, as interpreted by the courts, amends the Federal Food, Drug, and Cosmetic Act to the extent that it requires the FDA to give full consideration without restrictions of time to all environmental issues relevant to FDA approval of food additive petitions, new drugs and new animal drugs. Every effort will be made to stay within the statutory time periods and the regulations so provide.

E. *Alleged regulatory duplication.* Seven comments contended that the requirement to include a description of manufacturing processes in environmental impact analysis reports unnecessarily duplicates regulatory activity since the Environmental Protection Agency and various State and local authorities already administer air and water quality standards controlling the emission of pollutants. Two comments made an identical contention with respect to the requirement of environmental impact analysis reports for destruction of condemned, enjoined, detained, or recalled articles. The Commissioner finds that existing Federal, State, and local regulation of air and water pollution does not eliminate the independent statutory obligation of the FDA under NEPA to consider all relevant environmental factors in performing its regulatory activities. The Commissioner concludes that, to fulfill its responsibilities under the National Environmental Policy Act, the FDA must require the submission of environmental data and information on the discharge of pollutants in the manufacture of any drug, food additive or color additive it reviews for marketing and in the destruction of all articles removed from the market as a result of legal action it initiates. Once a description of the pollutants expected to be discharged is included, a statement of other applicable Federal, State, and local requirements, and information showing that they are satisfied, will ordinarily be sufficient for this aspect of the environmental impact analysis report.

F. *Destruction of perishable articles.* One comment expressed concern that perishable articles condemned, enjoined, detained, or recalled might create an environmental and health hazard while awaiting environmental impact consideration prior to destruction. Section 6.3 (c) of the regulation permits immediate destruction of such articles without environmental impact statement consideration in order to protect the public health.

G. *Direct solicitation of comments from Federal agencies.* The Environmental Protection Agency proposed that comments on draft environmental impact statements be directly solicited from those Federal agencies concerned with the substance of the statements by reason of jurisdiction by law or special expertise to insure maximum input to the agency's environmental statement review process pursuant to the NEPA guidelines of the Council on Environmental Quality. The Commissioner concurs with this proposal, and provision for direct solicitation is therefore included in § 6.3(a)(3).

H. *Investigational new drugs.* The Environmental Protection Agency questioned the exemption afforded investigational new drugs from environmental impact statement consideration in § 6.1 (d)(5) of the proposal. Since an investigational new drug is not permitted to be commercially marketed, the Commissioner concludes that allowing limited investigation in most instances is not a major action and does not significantly affect the quality of the human environment. In those instances where an environmental impact statement may be required, the applicant will be so notified and § 6.1(d)(5) is amended to so provide.

I. *Additional changes.* In addition to the amendments adopted on the basis of comments received, the Commissioner concludes that additional amendments be made to the regulation, as follows:

1. All provisions of the proposal governing hazardous substances are deleted since jurisdiction for such substances is being transferred from FDA to the Consumer Product Safety Commission.

2. Sections 6.1(e) and 6.1(g) are amended to delete the provision requiring that an applicant in its environmental impact analysis report analyze whether the proposed action is a major Federal action significantly affecting the quality of the human environment. The National Environmental Policy Act requires the FDA to make this determination, and in any event an applicant may comment on this issue in an environ-

mental impact analysis report if he wishes to do so.

3. Section 6.3(b) of the proposal is amended to reflect the Commissioner's conclusion that environmental consideration of condemned, enjoined, or recalled articles and disposition of laboratory waste materials should be undertaken on a case-by-case basis and that the disposal methods considered be consistent with Federal, State, and local regulations to safeguard the human environment and the public health.

4. The provision for public hearings on final environmental impact statements in § 6.3(a)(6) is deleted from the final order since they are not required by NEPA or by the Council on Environmental Quality.

Therefore, having considered the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to the National Environmental Policy Act of 1969 (sec. 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332), and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 507, 512, 701, 706, 52 Stat. 1052 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 468 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404 as amended, 82 Stat. 343–351; 21 U.S.C. 348, 355, 357, 360b, 371, 376), and under authority delegated to the Commissioner (21 CFR 2.120), title 21, Chapter I is amended:

1. By adding a new Part 6 as follows:

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Sec.
6.1 Applicability.
6.2 Content and format of environmental impact statements.
6.3 Preparation and review procedures.
6.4 Responsible agency officials.
6.5 Submission of comments to other agencies.
6.6 Public availability of environmental impact statements.

AUTHORITY: Sec. 701, 52 Stat. 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 371; sec. 10, 74 Stat. 378, 15 U.S.C. 1269; sec. 102(2)(C), 83 Stat. 853, 42 U.S.C. 4332; the Guidelines issued by the Council on Environmental Quality (36 FR 7724); Executive Order 11514 of March 4, 1970 (35 FR 4247).

§ 6.1 Applicability.

(a) (1) An environmental impact statement shall be prepared, circulated, and filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 for every major agency action that significantly affects the quality of the human environment.

(2) Agency decisions shall include a careful consideration of all environmental effects of proposed actions.

(b) The need for preparing an environmental impact statement shall be considered for the following agency actions pursuant to environmental criteria established by the agency and the department:

(1) Recommendations or reports made to Congress on proposals for legislation in instances where the agency has primary responsibility for the subject matter involved;

(2) Destruction of articles condemned after seizure or enjoined;

(3) Destruction of articles following detention or recall at agency request;

(4) Disposition of Food and Drug Administration laboratory waste materials;

(5) Issuance of licenses for biological products;

(6) Establishment by regulation of labeling or other requirements for marketing articles;

(7) Establishment by regulation of standards for articles (except food standards);

(8) Approval of new drug and abbreviated new drug applications and old drug monographs;

(9) Approval of new animal drug and abbreviated new animal drug aplications and old animal drug monographs;

(10) Approval of antibiotic drug monographs;

(11) Approval of food additive petitions;

(12) Approval of color additive petitions; and

(13) Policy, regulations, and procedure making which significantly affect the quality of the human environment.

(c) An environmental impact statement will not be required for amendments to existing regulations and approvals of supplements to existing approvals unless the change is substantial.

(d) The agency has carefully considered the environmental effects of the following types of actions and has concluded that since they are not major agency actions significantly affecting the quality of the human environment, environmental impact statements are not required for them:

(1) Recommendations for court action concerning foods, drugs, devices, cosmetics, and electronic products;

(2) Factory inspections;

(3) Seafood inspections;

(4) Issuance or amendment of food standards; and

(5) Investigational new drug applications and investigational new animal drug applications, unless the agency notifies the applicant that one is required.

(e) Whenever a person submits any application or petition requesting action by the agency (except action specified in paragraph (d) of this section), he shall include an environmental impact analysis report on the requested action. Failure to include an adequate environmental impact analysis report in an application or petition shall be sufficient grounds to refuse to accept or file the application or petition.

(f) Whenever a manufacturer, distributor, or dealer proposes to destroy a food, drug, cosmetic, device, or electronic product which has been condemned, enjoined, detained, or banned by regulation, he shall submit to the agency an environmental impact analysis report analyzing the environmental impact of the disposition of such articles.

(g) An environmental impact analysis report shall be submitted to the agency in the following format:

ENVIRONMENTAL IMPACT ANALYSIS REPORT

Date: _____
Name of applicant: _____
Address: _____

1. Describe the proposed action: _____

2. Discuss the probable impact of the action on the environment (including primary and secondary consequences): _____

3. Discuss the probable adverse environmental effects which cannot be avoided: _____

4. Evaluate alternatives to the proposed action: _____

5. Describe the relationship between local short-term uses of the environment with respect to the proposed action and the maintenance and enhancement of long-term productivity: _____

6. Describe any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented: _____

7. Discuss the objections raised by other agencies, organizations, or individuals which are known to the applicant: _____

8. If proposed action should be taken prior to 90 days from the circulation of a draft environmental impact statement or 30 days from the filing of a final environmental impact statement, explain why: _____

9. Analyze whether the benefit to the public of the proposed action will outweigh the action's potential risks to the environment: _____

_____ (Date)

_____ (Signature of responsible official)

(h) Data and information which constitute trade secrets or confidential information under Part 4 of this chapter shall not be submitted in an environmental impact analysis report.

(i) Upon receipt of an environmental impact analysis report, the responsible agency official shall make an independent assessment as to whether an environmental impact statement shall be prepared for the proposed action.

§ 6.2 Content and format of environmental impact statements.

(a) When it is determined that an environmental impact statement is required, draft and final environmental impact statements shall cover the following points:

(1) There shall be a description of the proposed action including adequate information and technical data to permit a careful assessment of the environmental impact. Where relevant, exhibits should be provided.

(2) The probable impact that the proposed action will have on the environ-

ment shall be analyzed and shall include the impact on ecological systems such as wildlife, fish, and other marine life. Both primary and secondary significant consequences for the environment should be included in the analysis.

(3) There shall be a description of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, threats to health, or other consequences adverse to the environmental goals set forth in section 101(b) of the National Environmental Policy Act).

(4) Alternatives to the proposed action must be described, in accordance with section 102(2)(D) of the National Environmental Policy Act, which requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective assessment of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order to avoid eliminating prematurely options which might have fewer adverse environmental effects.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity must be discussed. Thus, realizing that each generation is trustee of the environment for succeeding generations, the agency must assess the action for cumulative and long-term effects.

(6) There must be a statement concerning any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) Where appropriate, there must be a discussion of the problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals, and a disposition of the issues raised by these problems and objections. This section may be added at the end of the review process in the final text of the environmental statement.

(b) When it is determined that an environmental impact statement is required, draft and final environmental impact statements shall be prepared in the following format:

("DRAFT" OR "FINAL") ENVIRONMENTAL IMPACT STATEMENT, FOOD AND DRUG ADMINISTRATION (RESPONSIBLE OPERATING DIVISION)

1. Indicate administrative action or legislative action.

2. Describe the action, indicating any States or counties particularly affected.

3. Analyze the environmental impact of the proposed action.

4. Describe any unavoidable adverse environmental effects of the action.

5. Describe and assess alternative courses of action considered.

6. Describe any irreversible and irretrievable commitments of resources involved in implementing the action.

7. Where appropriate, evaluate any objections to the action raised by interested persons.

8. (a) For draft statements, state the date and form of FEDERAL REGISTER publication by which comments have been requested from all interested persons and attach a copy of the notice.

(b) For final statements, list all persons from which written comments have been received and attach a copy of each.

9. Give the date that the draft or final statement was made available to the Council on Environmental Quality and to the public.

§ 6.3 Preparation and review procedures.

(a) When it is determined that an environmental impact statement is required, the statement shall be prepared as follows:

(1) *Preparation of draft environmental impact statement.* A draft environmental impact statement shall be prepared by the responsible agency official as designated in § 6.4. When appropriate during the preparation of a draft environmental impact statement, the responsible agency official shall consult with Federal, State, and local officials and other interested persons.

(2) *Distribution of draft environmental impact statements.* After the responsible agency official has prepared a draft environmental impact statement, he shall forward 20 copies of the draft statement to the Office of the Secretary which shall thereupon forward 10 copies to the Council on Environmental Quality. At the same time the draft statement will be made available for public inspection by the Office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(3) *Solicitation of comments.* (i) After the preparation and distribution of a draft environmental impact statement, comments will be solicited from all interested persons. Sixty days are allowed for reply, after which it is presumed that no comments will be made unless a specified extension of time is requested.

(ii) Where the subject of a draft environmental impact statement is also the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that the environmental impact analysis report and the draft environmental impact statement are available upon request and shall solicit comments by all interested persons.

(iii) Where the subject of a draft environmental impact statement is not also the subject of a notice published in the FEDERAL REGISTER, a notice will be published in the FEDERAL REGISTER describing the proposed action, stating that the environmental impact analysis report and the draft environmental impact statement are available upon request, and soliciting comments by all interested persons. This notice may be published by the agency or the department, or the agency or the department may request that the Council on Environmental Quality publish it.

(iv) Comments shall be solicited from Federal agencies having jurisdiction by law or special expertise with respect to the environmental impact of a proposed action by sending them a copy of a draft environmental impact statement.

(v) All comments on draft environmental impact statements shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6—88, 5600 Fishers Lane, Rockville, MD 20852, where they shall be available for public inspection during working hours, Monday through Friday.

(vi) When the responsible agency official concludes that no environmental impact statement is necessary and the proposed action is the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that no environmental impact statement is necessary and, where applicable, that the environmental impact analysis report is available upon request.

(4) *Time for consideration prior to decision.* Draft environmental impact statements shall be prepared, forwarded to the Council on Environmental Quality, and made available to the public early enough in the consideration of the proposed action to permit meaningful review of the environmental issues involved. To the maximum extent practicable, no final action shall be taken on the proposal earlier than 90 days after a draft environmental impact statement has been prepared, forwarded to the Council, and made available to the public.

(5) *Final environmental impact statements.* The final text of an environmental impact statement shall be prepared by the responsible agency official after comments on the draft statement have been reviewed and shall include an evaluation of all comments. The final statement shall receive full consideration in the agency's decisionmaking process. The responsible agency official shall forward 20 copies of the final statement to the Office of the Secretary which shall thereupon forward 10 copies to the Council on Environmental Quality, and copies of the final statement shall be made available for public inspection by the Office of the Assistant Commissioner for Public Affairs and the Hearing Clerk. To the maximum extent practicable, no agency action shall take place earlier than 30 days after the final statement has been forwarded to the Council on Environmental Quality and made available to the public.

(6) Where the subject of an environmental impact statement is an agency action governed by specific time requirements under statute or regulation, every effort shall be made to comply with the provisions of this part within the time specified, and those time requirements shall be extended only as long as is absolutely necessary to permit the agency

to consider or issue an environmental impact statement of the action.

(b) When the proposed action involves destruction of condemned, enjoined, detained or recalled articles or disposition of Food and Drug Administration laboratory waste materials, the agency shall adhere to disposal guidelines consistent with Federal, State, and local regulations applicable on a case-by-case basis. This shall be reflected in environmental impact statements when they are issued on such actions.

(c) There are certain regulatory actions which, because of their immediate importance to the public health, make adherence to the requirements of paragraph (a) (1) through (5) of this section impracticable. Compliance with the requirements for environmental analysis under the National Environmental Policy Act is impossible in instances which require immediate regulatory action to safeguard the public health. The responsible agency official shall give written notice to the Council on Environmental Quality of those actions having potentially significant individual environmental impact as to which no environmental impact statement is filed because public health considerations require immediate action.

§ 6.4 Responsible agency officials.

(a) When environmental impact statements are required, the following agency officials are responsible for preparing the statements as indicated:

(1) The office of the Commissioner is responsible for preparing a draft or final environmental impact statement on actions not delegated by the Commissioner.

(2) The director of each bureau is responsible for preparing a draft or final environmental impact statement on actions delegated to that bureau by the Commissioner under § 2.121 of this chapter.

(3) The Executive Director for Regional Operations is responsible for preparing a draft or final environmental impact statement on the destruction of articles condemned after seizure, enjoined, under import detention, or under detention or recalled at agency request.

(b) Every action memorandum proposing an agency action included under § 6.1(b) shall contain an evaluation of the environmental impact of the proposed action and shall be accompanied by a draft or final environmental impact statement if one is required.

§ 6.5 Submission of comments to other agencies.

When the Food and Drug Administration is requested by the Office of the Secretary to comment on environmental impact statements prepared by other agencies, the Commissioner shall prepare such comments as he deems appropriate and shall submit them to the Office of the Secretary, which shall prepare an appropriate response for submission to the requesting agency and the Council on Environmental Quality.

§ 6.6 Public availability of environmental impact statements.

(a) All draft and final environmental impact statements and all environmental impact analysis reports shall be available for public inspection through the office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(b) Draft and final environmental impact statements will be available immediately after preparation. An environmental impact analysis report will be available at the time a draft environmental impact statement is circulated or, if no environmental impact statement is necessary, at the time of publication of the FEDERAL REGISTER notice announcing the availability of the report.

PART 8—COLOR ADDITIVES

2. In Part 8, by adding a new item J to the form in § 8.4(c), as follows:

§ 8.4 Petitions proposing regulations for color additives.

* * * * *

(c) * * *

J. The petitioner is required to submit an environmental impact analysis report analyzing the manufacturing process and the ultimate use or consumption of the color additive pursuant to § 6.1 of this chapter.

* * * * *

PART 121—FOOD ADDITIVES

3. In Part 121:

a. By adding a new item H to the form in § 121.51(c), as follows:

§ 121.51 Petitions proposing regulations for food additives.

* * * * *

(c) * * *

H. The petitioner is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the food additive pursuant to § 6.1 of this chapter.

* * * * *

b. By adding the following sentence to § 121.53:

§ 121.53 Substantive amendments to petitions.

* * * Where the substantive amendment proposes a substantial change to the petition which may affect the quality of the human environment, the petitioner is required to submit an environmental impact analysis report pursuant to § 6.1 of this chapter.

PART 130—NEW DRUGS

4. In Part 130:

a. By adding a new item 15 to the form in § 130.3(a)(2), as follows:

§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).

(a) * * *

(2) * * *

15. When requested by the agency, an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * *

b. Section 130.4 is amended by adding a new item 15 to the form in paragraph (c)(2), and by redesignating paragraph (f)(6) as paragraph (f)(7) and adding a new paragraph (f)(6) as follows:

§ 130.4 Applications.

* * * * *

(c) * * *

(2) * * *

15. The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

(f) *Abbreviated new drug applications.* * * *

(6) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

c. By adding a new subparagraph (8) to § 130.5(d), as follows:

§ 130.5 Reasons for refusing to file applications.

(d) * * *

(8) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

d. By adding the following sentence to the end of § 130.9(a)(1):

§ 130.9 Supplemental applications.

(a)(1) * * * A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * *

e. By adding a new subparagraph (7) to § 130.12(a), as follows:

§ 130.12 Refusal to approve the application.

(a) * * *

(7) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

PART 135—NEW ANIMAL DRUGS

5. In Part 135:

a. By adding a new subparagraph (10) to § 135.3(b), as follows:

§ 135.3 New animal drugs for investigational use; exemptions from section 512(a) of the Act.

* * * * *

(b) * * *

(10) When requested by the agency, the sponsor shall submit an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * *

b. In § 135.4a(b), by redesignating subparagraph (13) *Assembling and binding the application* as subparagraph (15) and adding a new subparagraph (14) as follows (a new subparagraph (13) has recently been proposed):

§ 135.4a New animal drug applications.

* * * * *

(b) * * *

(14) *Environmental impact analysis report.* The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

c. By adding a new subparagraph (9) to § 135.12(a), as follows:

§ 135.12 Refusal to approve an application.

(a) * * *

(9) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

d. By adding the following sentence to § 135.13a(a)(1):

§ 135.13a Supplemental new animal drug applications.

(a)(1) * * * A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * *

e. By adding a new paragraph (d) to § 135.13b, as follows:

§ 135.13b Supplemental applications for animal feeds bearing or containing new animal drugs.

* * * * *

(d) A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

6. In Part 146, by adding a new paragraph (i) to § 146.10, as follows:

§ 146.10 New antibiotic and antibiotic-containing products.

* * * * *

(i) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the antibiotic drug pursuant to § 6.1 of this chapter.

Effective date. This order shall become effective on March 15, 1973.

(Sec. 102(a)(2)(C), 83 Stat. 853; 42 U.S.C. 4332; secs. 409, 505, 507, 512, 701, 706, 52 Stat. 1052 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 468 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404 as amended, 82 Stat. 343–351; 21 U.S.C. 348, 355, 360b, 371, 376)

Dated: March 12, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-5008 Filed 3-14-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

Pursuant to the provisions of title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Public Law 86-618, 74 Stat. 404; 21 U.S.C. 376, note) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. He is also authorized to promulgate and keep current a list or lists of the color additives and of the particular uses thereof, whenever in his judgment such action is consistent with the protection of the public health.

Requests have been received to postpone the closing dates of provisional listings of the color additives in § 8.501 of the color additive regulations. For those color additives listed in paragraphs (a) and (b) of § 8.501 where the uses in products such as foods, drugs, and lipsticks involve ingestion, reports on teratological potentials have been submitted to the Food and Drug Administration, in accordance with the provisions of the notice published in the FEDERAL REGISTER of September 11, 1971 (36 FR 18336).

A notice was published in the FEDERAL REGISTER of January 31, 1973 (38 FR 2996), to clarify the status of metallic salts and vegetable substances when used as color components in hair dye. The notice stated that it was the intention of the Food and Drug Administration to provisionally list, on an interim basis, metallic salts and vegetable substances for use as color components in hair dye. Any such substances will be removed from the provisional list, and thus disapproved for any further use, unless the requirements of that notice are satisfied.

In addition, requests have been received to restore the color additives, D&C Brown No. 1 and External D&C Violet No. 2, for use in coloring externally applied cosmetics, to the provisional list. These color additives previously had been provisionally listed for use in externally applied drugs and cosmetics. The closing dates of the provisional listing were terminated because the sponsor no longer had any commercial interest in these color additives. Subsequently, petitions were received from other interested persons, who had also been using the colors and conducting tests, to permanently list each of these color additives for use in externally applied cosmetics, and to restore them to the provisional list pending the processing of these petitions. In the light of their previous provisional listing and the continuing scientific investigations, the Commissioner concludes that these colors should be restored to the provisional list.

The Commissioner of Food and Drugs finds that postponement of the closing date of the currently provisionally listed color additives is consistent with the protection of the public health and with the objective of carrying to completion the scientific investigations, including multigeneration reproduction studies and stability testings, and regulatory review thereof, necessary for making a determination as to the listing of such color additives, or specified uses thereof, under section 706 of the act. These extensions are granted on condition, that, where applicable, progress reports on the respective multigeneration reproduction studies shall be received on or before July 1, 1973, by the Food and Drug Administration.

The Commissioner of Food and Drugs also finds that the provisional listing of metallic salts and vegetable substances for use as color components in hair dye, and the restoring to the provisional list of D&C Brown No. 1 and External D&C Violet No. 2 are consistent with the protection of the public health.

Therefore, pursuant to authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2) and (d)(1), Public Law 86-618; 74 Stat. 404-405; 21 U.S.C. 376, note) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 of the color additive regulations is amended as follows:

1. The closing dates for the color additives listed in paragraphs (a), (b), (c), (e), (f), and (g) of § 8.501 of the color additive regulations are changed to read: "December 31, 1973, or until a new closing date is established".

2. Paragraph (b) is further amended by inserting therein the following item:

	Closing date	*Restrictions*
* * *	* * *	* * *
D&C Brown No. 1.	Dec. 31, 1973, or until a new closing date is established.	For coloring externally-applied cosmetics.
* * *	* * *	* * *

3. Paragraph (c) is further amended by inserting the following item:

	Closing date	*Restrictions*
* * *	* * *	* * *
External D&C Violet No. 2.	Dec. 31, 1973, or until a new closing date is established.	For coloring externally-applied cosmetics.
* * *	* * *	* * *

4. Paragraph (g) is further amended by inserting therein an alphabetical order the following items:

	Closing date	Restrictions
• • •	• • •	• • •
Metallic salts...	Dec. 31, 1973, or until a new closing date is established.	For use as color components in hair dye.
• • •	• • •	• • •
Vegetable substances.	Dec. 31, 1973, or until a new closing date is established.	For use as color components in hair dye.
• • •	• • •	• • •

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of January 1, 1973.

(Sec. 203(a)(2) and (d)(1), Public Law 86-618; 74 Stat. 404-405; 21 U.S.C. 376, note)

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5009 Filed 3-14-73;8:45 am]

[DESI 11048]

PART 148i—NEOMYCIN SULFATE

Antiperspirants and Deodorants; Postponement of Effective Date of Final Order

An order was published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25820), to become effective in 40 days, amending Part 148i of the antibiotic drug regulations to repeal provisions for certification of antiperspirants and deodorants for topical use containing aluminum chlorohydroxide complex in combination with neomycin sulfate.

Having received objections and a request for a hearing, the Commissioner of Food and Drugs concludes that the effective date of the order should be postponed to allow time for completion of review of the objections and the material submitted. When this review is completed, the Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received. Therefore, the effective date of the order of December 5, 1972 (37 FR 25820), is hereby postponed pending said review.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5134 Filed 3-14-73;10:17 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 TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Designation of Port of Portland, Oreg., as Sole Port of Entry for the Columbia River

MARCH 6, 1973.

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Portland, Oreg.

Notice is therefore given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), it is proposed to establish the Port of Portland, Oreg., as the only Customs port of entry on the Columbia River, and redesignate it as the Port of Portland-Columbia River, with limits of the present port limits of Portland, Oreg., Astoria, Oreg., and Longview, Wash., as well as all points and places on either bank of the Columbia River between the Pacific and The Dalles, Oreg., to include all such points in the counties of Clatsop, Columbia, Multnomah, Hood River, Wasco, Washington, and Clackamas, Oreg.; and Pacific, Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat, Wash.

Since the proposed amendment will result in the extension of the present Port of Portland limits to the areas now falling within the present port limits of the Ports of Longview, Wash., and Astoria, Oreg., it is proposed to revoke the Customs port of entry status of the latter two ports.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than April 16, 1973. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5050 Filed 3-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Land Management Bureau

[43 CFR Parts 2070, 6250, 6290]

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Proposed Procedures and Standards; Extension of Time for Comments

The time within which written comments on the proposed rule making to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Vol. 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until April 16, 1973.

CURT BERKLUND,
Deputy Assistant, Secretary of the Interior.

MARCH 7, 1973.

[FR Doc.73-5003 Filed 3-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PASTEURIZED PROCESS CHEESE SPREAD, COLD-PACK CHEESE AND CHEESE FOOD, AND COLD-PACK CHEESE FOOD WITH FRUITS, VEGETABLES OR MEATS

Use of Additional and/or Increased Levels of Mold-Inhibitors

Notice is given that the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, IL 60606, filed a petition proposing that the standards of identity for certain cheese products be amended as follows:

(1) Pasteurized process cheese spread (21 CFR 19.775), to add to the presently permitted 0.2 percent by weight of sorbic acid, not more than 0.2 percent by weight of potassium sorbate, sodium sorbate, or any combination of two or more of these, or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(2) Cold-pack cheese (21 CFR 19.785), to increase the presently permitted sorbic acid content from 0.2 percent to 0.3 percent by weight, and to permit potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight calculated as sorbic acid, or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(3) Cold-pack cheese food (21 CFR 19.787), to increase the presently permitted sorbic acid content from 0.2 percent to 0.3 percent by weight and to permit potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight calculated as sorbic acid. Not more than 0.3 percent by weight of the propionates is presently provided for in this standard.

(4) Cold-pack cheese food with fruits, vegetables, or meats (21 CFR 19.788) would be amended by cross-reference to cold-pack cheese food (21 CFR 19.787).

Grounds set forth in the petition in support of the proposal are that: (1) When the standards for pasteurized process cheese (21 CFR 19.750) and pasteurized process cheese food (21 CFR 19.765) were amended in 1963 to provide for the use of the salts of sorbic acid, pasteurized process cheese spread was not included because consumer demand for plastic wrapped pasteurized process cheese spread had not been made manifest. Because of its poor solubility in water, sorbic acid must be either dusted on the cheese surfaces or applied to the plastic film in which the cheeses are wrapped. Sorbic acid causes opaqueness of the film wrap whereas the sodium and potassium salts of sorbic acid perform as mold-inhibitors without affecting the clearness of the plastic wrap.

(2) Packaging techniques would be improved and possible savings to the consumer would result through the use of the sodium and potassium salts of sorbic acid.

Sodium and potassium salts of sorbic acid are readily soluble in water and their aqueous solutions are easier to apply by dipping or spraying, resulting in a more even and complete surface deposit with no significant flavor changes.

(3) Studies have shown that the use of sorbic acid and its sodium and potassium salts at a level of 0.3 percent by weight, calculated as sorbic acid, when compared to the presently permitted 0.2 percent will more effectively prolong the usable life of cold-pack cheese food. The additional kinds or increases involved do not make poor products appear better but simply arrest the growth rates of normal contaminant populations.

(4) The proposed amendments will provide for greater uniformity in the use levels of permitted mold-inhibitors in comparable cheese products.

The petition proposes that the subject optional mold-inhibitors may be used subject to the same restrictions and requirements for label declaration already prescribed for sorbic acid.

Accordingly, it is proposed that paragraph (f)(8) in § 19.775, paragraph (c)(6) in § 19.785, and paragraph (e)(7) in § 19.787 be amended as set out above.

Interested persons may, on or before May 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 12, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5010 Filed 3-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-80-122]

CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, Virgin Island, control zone and transition area.

Interested persons may participate in the proposed rule making by submititng such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 16, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Divisior. Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this amendment would:

1. Reflect the name change of the St. Croix RBN to Christiansted RBN in the description of the control zone

2. Extend the control zone 8.5 miles westward (from its present boundary) along the new ILS localizer west course.

3. Extend the 700-foot transition area 15 miles westward (from its present boundary) along the new ILS localizer west course.

4. Reflect the name change of the St. Croix RBN to Christiansted RBN in the description of the 700-foot and 1,200-foot transition areas.

The proposed alterations of the control zone and the 700-foot transition area are required to provide controlled airspace for the new ILS Runway 9 Instrument Approach Procedure to the Alexander Hamilton Airport. The name of the St. Croix RBN will soon be changed to Christiansted RBN, so the description of the control zone and of the 700 and 1,200-foot transition areas would be amended to include the new name.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

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

[FR Doc.73-4995 Filed 3-14-73;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21; Notice No. 73-1]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Proposed Relocation

The Boards of County Commissioners of four contiguous counties in the Upper Peninsula of Michigan—Gogebic, Iron, Dickinson, and Menominee—have petitioned the Department of Transportation to amend § 71.5 of Title 49 of the Code of Federal Regulations to redefine the boundary line between the eastern and central time zones so as to include those counties in the central time zone.

At present, the entire State of Michigan is in the eastern time zone (49 CFR 71.5). The southern boundaries of the four counties and waters of Lake Michigan adjacent to the county of Menominee constitute the boundary between the eastern and central zones in that area.

The petitions cite two reasons for seeking the change—closer commercial relations with neighboring communities of Wisconsin, which is in the central zone, than with the rest of Michigan; and the recent decision of the State of Michigan to observe advanced (daylight, or "fast") time beginning in 1973. From 1969 to 1972, the State of Michigan exercised its option under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), and exempted itself from the observance of advanced time. Thus, eastern nonadvanced (standard, or "slow") time was observed throughout the year in Michigan. All or part of the four counties concerned are farther west than Chicago, Ill., which is in the central zone; the westermost of the counties, Gogebic, is as far west as St. Louis, Mo., which is also in the central zone. Under eastern advanced time, during the summer, areas that far west have daylight as late as 10:30 p.m.; under central advanced time (which is the same time on the clock as eastern nonadvanced time), there is daylight only as late as 9:30 p.m.

Under the Time Act originally enacted in 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.) the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of carriers engaged in interstate or foreign commerce."

In consideration of the foregoing, the Department proposes to amend paragraph (a) of § 71.5 of Title 49 of the Code of Federal Regulations to read as follows:

§ 71.5 Boundary line between eastern and central zones.

(a) *Minnesota-Michigan-Wisconsin.* From the junction of the western boundary of the State of Michigan with the boundary between the United States and Canada northerly and easterly along the west line of Gogebic County to the east line of Ontonagon County; thence south along the east line of Ontonagon County to the north line of Gogebic County; thence southerly and easterly along the north line of Gogebic County to the west line of Iron County; thence north along the west line of Iron County to the north line of Iron County; thence east along the north line of Iron County to the east line of Iron County; thence south along the east line of Iron County to the north line of Dickinson County; thence east along the north line of Dickinson County to the east line of Dickinson County; thence south along the east line of Dickinson County to the north line of Menominee County; thence east along the north line of Menominee County to the ast line of Menominee County; thence southerly and easterly along the east line of Menominee County to Lake Michigan; thence east to the western boundary of the State of Michigan; thence southerly and easterly along the western boundary of the State of Michigan to a point in the middle of Lake Michigan opposite the main channel of Green Bay; thence southerly along the western boundary of the State of Michigan to its junction with the southern boundary thereof and the northern boundary of the State of Indiana.

* * * * *

Before taking final action to adopt, deny, or modify the proposed boundary requested by the petitioners, the Secretary of Transportation will consider the timely comments of all interested persons. Comments should identify the regulatory docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before April 6, 1973, will be considered before final action is taken on the petitions. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10100, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

This proceeding does not concern adherence to or exemption from advanced time. The Uniform Time Act of 1966 requires observance of advanced time from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement by law applicable to the entire State. A State that has parts in more than one time zone may exempt the entire area within one time zone without exempting the entire State. Thus, any part of the State of Michigan placed in the central time zone must, under existing law in the State of Michigan, observe central advanced time from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year. All such parts may, however, be exempted collectively from such observance by act of the Michigan legislature.

The Department intends that any change in the existing boundary which results from the adoption of this proposal shall take effect at 2 a.m., Sunday, April 29, 1973, the beginning of the advanced time period.

Comments are invited also as to whether more than just these four counties in the Upper Peninsula should be placed in the central zone. If comment supports it and their respective Boards of County Commissioners petition for such a change, additional counties contiguous to the four named may be placed in the central zone.

This proposal is issued under authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)); and § 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on March 9, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-4996 Filed 3-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release Nos. IA-363, IC-7682, File No. S7-462]

INVESTMENT ADVISER REGULATIONS

Recordkeeping Requirements and Exemption From Definition of "Investment Adviser"; Extension of Time; Correction

In Release Nos. IA-363, IC-7682, filed as FR Doc. 73-4064 and which appeared in the FEDERAL REGISTER for March 5, 1973, at page 5912, the references to the sections of Title 17 of the Code of Federal Regulations proposed to be affected were incorrectly stated. In the first paragraph of the release, the parenthetical reference following the words "Rule 202-2" and "Rule 204-2(a)" should be corrected to read "(17 CFR 275.202-2)" and "(17 CFR 275.204-2(a))" respectively. Also, the last paragraph thereof should be corrected to read as follows:

Commission action. The Commission pursuant to authority in sections 202 and 211 of the Investment Advisers Act of 1940, hereby redesignates proposed new § 275.202-1 of 17 CFR Chapter II, which appeared in Investment Advisers Act Release No. 353 dated December 18, 1972, and in the FEDERAL REGISTER issue of January 17, 1973, at volume 38, page 1651, as proposed new § 275.202-2 of 17 CFR Chapter II, and also extends the time for comments on proposed new redesignated § 275.202-2 and the proposed amendment to § 275.204-2(a) from February 16, 1973, until March 16, 1973.

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 7, 1973.

[FR Doc.73-4973 Filed 3-14-73;8:45 am]

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 THE TREASURY

Bureau of Customs

[T.D. 73-72]

LAMBRUSCO WINE

Change in Tariff Classification

A notice was published in the FEDERAL REGISTER for December 27, 1972, 37 FR 28524, that the Bureau of Customs was reviewing the existing practice of classifying certain Lambrusco wine as still wine in item 167.30, Tariff Schedules of the United States (TSUS).

After reviewing the matter in the light of the evidence submitted, the Bureau is of the opinion that Lambrusco wine, other than that labeled as sparkling, is classifiable according to the carbon dioxide content. Accordingly, where samples of a shipment exceed the carbon dioxide limitation for still wine of 0.277 grams carbon dioxide per 100 milliliters, the entire shipment will be classified as sparkling wine in item 167.10, TSUS, with the appropriate internal revenue tax for sparkling wine added, in accord with General Headnote 7, TSUS, which concerns the classification of commingled articles.

As this ruling will result in the assessment of duties at a higher rate than that previously assessed on such wines, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption on or after the 91st day following publication of this ruling in the weekly Customs Bulletin.

Dated: March 7, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved:
EDWARD L. MORGAN,
Assistant Secretary of the Treasury

[FR Doc.73-5048 Filed 3-14-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD, CERTAIN COMMITTEES

Notice of Meetings

MARCH 8, 1973.

Munitions-Armament Panel Meeting on Conventional Munitions. The Munitions-Armament Panel will hold closed meetings on March 21 and 22, 1973, at Eglin Air Force Base, Fla. The meeting on the 21st will be from 8:30 a.m. until 5 p.m. and the meeting on the 22d will be from 8:30 a.m. until 11:30 a.m.

The agenda of the meetings will be briefings on inventory, developmental, and future conventional munitions.

Committee on B-1 Aerodynamics. The Committee on B-1 Aerodynamics will hold closed meetings on March 22 and 23, 1973, from 8 a.m. until 5 p.m., at the Rockwell International Corp., Los Angeles, Calif.

The committee will receive briefings on topics pertinent to the continuing review of the aerodynamic aspects of the B-1 development program.

On-Board Test and Recording Systems Committee. The On-Board Test and Recording Systems Committee will hold a meeting on March 23, 1973, from 8:30 a.m. until 5:30 p.m., at Charleston Air Force Base, S.C. The meeting will be open to the public for the morning session only.

The agenda of the meeting will be briefings on MADARS Ground Processing System and a committee work session.

Committee on B-1 Structures. The Committee on B-1 Structures will hold closed meetings on March 23 and 24, 1973, from 8 a.m. until 5 p.m., at the Rockwell International Corp., Los Angeles, Calif.

The committee will receive briefings on topics pertinent to the continuing review of the structural aspects of the B-1 development program.

For additional information on these meetings, telephone (202) 697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5014 Filed 3-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 33 N., R. 15 W.,
Sec. 1;
Secs. 3 to 36, inclusive.

The area described aggregates 22,376.89 acres of land.

2. The area surveyed is located about 40 miles south of Mesquite, Nev. The land is rolling, with the soil a gravelly loam. There is no timber and vegetation consists of creosote bush, cacti, yucca, sagebrush, and sparse grass.

3. All rights of the State of Arizona to section 36 have been conveyed to the United States.

4. All of sections 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive, are withdrawn from all forms of appropriation under the public land laws, including the mining laws, except for mineral leasing.

5. Sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 27, inclusive, 34 and 36 are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provision of the multiple use classification on the effective date of the filing of this plat.

6. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5051 Filed 3-14-73;8:45 am]

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 35 N., R. 15 W.,
Secs. 1 to 15, inclusive, and
Secs. 17 to 36, inclusive.

The area described aggregates 22,326.08 acres.

2. The land is mostly rolling mesa, cut by numerous canyons and gullies. Lava rock overlays portions of the township with a rocky, sandy loam subsoil, which supports limited growth of grasses. Major vegetation consists of sagebrush, creosote bush, cacti with scattered Joshua trees.

3. All rights of the State of Arizona to sections 2, 32, and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5052 Filed 3-14-73;8:45 am]

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officialy filed in the Arizona State Office at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 34 N., R. 15 W.,
Sec. 1;
Secs. 3 to 36, inclusive.

The area described aggregates 22,254.78 acres.

2. The area surveyed is located about 40 miles south of Mesquite, Nev. The land is rolling and the soil is mostly gravelly loam except for a gypsum deposit in the center south portion. Vegetation consists of creosote bush, sagebrush, cacti, and yucca with scattered Joshua trees in the eastern portion.

3. All rights of the State of Arizona to sections 16, 32, and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5053 Filed 3-14-73;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10 a.m., on March 28, 1973, at 313 Walnut Street, Philadelphia, PA.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Hon. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

The purpose of this meeting is to discuss the following matters:

1. Status of architects' study on placement of the Liberty Bell;
2. Progress report on plans and programs;
3. Status of area "F";
4. Proposal to transfer State mall to the Federal Government;
5. Review of Public Law 92-463 (Federal Advisory Committee Act);
6. Fixing of future meeting dates.

The meeting will be open to the public, and any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact Mr. Hobart G. Cawood, Superintendent, Independence National Historical Park, at 215—597-7120. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the office of Independence National Historical Park, 313 Walnut Street, Philadelphia, PA.

Dated: March 5, 1973.

STANLEY W. HULETT,
Associate Director.

[FR Doc.73-5004 Filed 3-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FLATHEAD NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Flathead National Forest Advisory Committee will meet at 7:30 p.m., March 14, 1973, at the Forest Supervisor's Office, 290 North Main, Kalispell, MT.

The purpose of this meeting is to discuss land use planning.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Marge Williams, Flathead National Forest, telephone 752-3401. Written statements may be filed with the committee before or after the meeting. The committee has established the following rules for public participation: Public members may present their views the last half hour (8:30-9:00) of session.

E. L. CORPE,
Forest Supervisor.

MARCH 6, 1973.

[FR Doc.73-5002 Filed 3-14-73;8:45 am]

Office of the Secretary

SANTA DOMINGO, SAN JUAN, TESUQUE, AND ZUNI INDIAN LANDS IN NEW MEXICO

Notice of Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Santa Domingo, San Juan, Tesuque, and Zuni Indian lands in New Mexico has been materially increased and become acute because of serious drought for the past two growing seasons depleting supplies of livestock feed, thus, creating a critical need for supplemental feed. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

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

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.73-5012 Filed 3-14-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

BERGNER INTERNATIONAL CORP.

Notice of Change of Location of Public Hearing

Notice is hereby given that the location of the hearing scheduled for March 22, 1973, at 10 a.m., to consider the application by the Bergner International Corp., New York, N.Y., for an economic hardship exemption under the Marine Mammal Protection Act of 1972, has been changed. The hearing, originally scheduled for Room 6802, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C., will be held in the Department of Commerce Auditorium at the same address.

Issued at Washington, D.C., and dated March 9, 1973.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.73-5017 Filed 3-14-73;8:45 am]

Office of Import Programs

COLLEGE OF WILLIAM & MARY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles 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 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.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71-00535-01-77030. Applicant: College of William & Mary, Department of Chemistry, Williamsburg, Va. 23185. Article: NMR Spectrometer, R-20B. Date of denial without prejudice to resubmission: November 2, 1972.

Docket No. 72-00067-01-11000. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Gas chromatograph-mass spectrometer, Varian MAT 111 GS/MS. Date of denial without prejudice to resubmission: November 22, 1972.

Docket No. 72-00111-65-46070. Applicant: Vanderbilt University, Department of Materials Science and Engineering, Box 3245, Station B, Nashville, TN 37203. Article: Scanning electron microscope, Model Mark IIA. Date of denial without prejudice to resubmission: November 28, 1972.

Docket No. 72-00138-36-46040. Applicant: University of Akron, Institute of Polymer Sciences, 302 East Buchtel Avenue, Akron, OH 44304. Article: Electron microscope, Model JEM-T8. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 72-00363-33-46040. Applicant: University of Chicago, Department of Pathology, Division of Surgical Pathology, 950 East 59th Street, Chicago, IL 60637. Article: Electron microscope, Model EM 201. Date of denial without prejudice to resubmission: November 7, 1972.

Docket No. 72-00446-33-77040. Applicant: Research Triangle Institute, Post Office Box 12194, Research Triangle Park, NC 27709. Article: Mass spectrometer, Model CH-7. Date of denial without prejudice to resubmission: November 1, 1972.

Docket No. 72-00534-01-28200. Applicant: The City College of the City University of New York, Department of Chemistry, Convent Avenue and 138th Street, New York, N.Y. 10031. Article: Electron spin resonance spectrometer. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 72-00626-33-46500. Applicant: Veterans Administration Hospital, Department of Pathology, Durham, N.C. 27705. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 72-00631-33-79200. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water still and condenser. Date of denial without prejudice to resubmission: November 8, 1972.

Docket No. 72-00635-00-46500. Applicant: Veterans Administration Hospital, Cell Biology Section, 4150 Clement Street, San Francisco, CA 94121. Article: Two (2) diamond knives 1.5 mm. (40°-45°). Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 72-00644-33-46040. Applicant: University of Texas Medical Branch, Department of Human Genetics and Biological Chemistry, Galveston, Tex. 77550. Article: Electron microscope, Model EM 201. Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 73-00006-33-46070. Applicant: University of North Dakota, Department of Anatomy, Grand Forks, N. Dak. 58201. Article: Scanning electron microscope, Model S4. Date of denial without prejudice to resubmission: November 15, 1972.

Docket No. 73-00020-33-46595. Applicant: University of Missouri, Department of Anatomy, School of Medicine, Columbia, Mo. 65201. Article: Pyramitome, LKB 11800. Date of denial without prejudice to resubmission: November 9, 1972.

Docket No. 73-00032-33-46070. Applicant: West Virginia University, Division of Infectious Diseases, Morgantown, W. Va. 26506. Article: Scanning electron microscope, Model S4. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 73-00047-33-46040. Applicant: University of Texas at Houston, M. D. Anderson Hospital and Tumor Institute, 6723 Bertner Avenue, Houston, TX 77025. Article: Electron microscope, Model EM 300. Date of denial without prejudice to resubmission: November 17, 1972.

Docket No. 73-00048-55-17500. Applicant: Oregon State University, School of Oceanography, Corvallis, Oreg. 97331. Article Recording current meter. Date of denial without prejudice to resubmission: November 2, 1972.

Docket No. 73-00138-60-80300. Applicant: USDA-Forest Service, Institute of Northern Forestry, Fairbanks, Alaska 99701. Article: two miniature temperature recorders, Model D and accessories. Date of denial without prejudice to resubmission: November 24, 1972.

Docket No. 73-00064-33-46500. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 24, 1972.

Docket No. 73-0207-33-46500. Applicant: Duke University Medical Center, Department of Pathology, Post Office Box 3712, Durham, NC 27710. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: November 15, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5005 Filed 3-14-73;8:45 am]

TEXAS TECHNICAL UNIVERSITY ET AL.

Notice of Consolidated Decisions on Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 5488 in the FEDERAL REGISTER of Thursday, March 1, 1973, the following docket should be deleted:

Docket No. 72-00567-01-07500. Applicant: Brooklyn College of the City University of New York, Department of Chemistry, Bedford Avenue and Avenue H, Brooklyn, NY 11210. Article: Precision Calorimetry System, LKB 8700. Date of denial without prejudice to resubmission: October 31, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5006 Filed 3-14-73;8:45 am]

U.S. Travel Service

TRAVEL ADVISORY BOARD

Notice of Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet March 27 at 9:30 a.m. in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Members advise the Secretary of Commerce and the Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

(1) Opening remarks by Acting Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn.
(2) Remarks by Secretary of Commerce, Frederick B. Dent.
(3) Role of Travel Advisory Board.
(4) USTS Marketing Plan.
(5) Task Force Reports.
(6) New USTS Initiatives.
(7) Adjournment.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments, who are appointed by the Secretary of Commerce to serve a 2-year term.

Represented industry segments include international airlines, domestic airlines, supplemental airlines, domestic surface transportation, communications, travel agencies, rental car agencies, travel societies, accommodations, steamship lines, tour operators, sightseeing firms, States, cities, aircraft manufacturers.

A limited number of seats—approximately 12—will be available to observers from the press and the public.

Robert Jackson, Director of Information Services of the U.S. Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. 20230 (Area code 202—967-4987) will respond to public requests for information about the meeting.

Minutes will be available 30 days from the date of the meeting. Pursuant to regulations of the Department of Commerce (15 CFR 4.6), requests to review the minutes should be made by completing Form CD-244. Copies of this form are available from the Central Reference and Records Inspection Facility, Department of Commerce, Washington, D.C. 20230.

C. LANGHORNE WASHBURN,
Acting Assistant Secretary for Tourism, Department of Commerce.

[FR Doc.73-4956 Filed 3-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

METHADONE

Notice of Interim Approval

In the FEDERAL REGISTER of December 15, 1972 (37 FR 26790) the Commissioner of Food and Drugs amended 21 CFR Part 130 by promulgating new regulations for methadone.

These new regulations require that, beginning March 15, 1973, methadone will be available for use as an analgesic and for the treatment of narcotic addiction only through a closed distribution system to approved pharmacies and approved methadone treatment programs. The Commissioner is concerned that all qualified methadone treatment programs continue to operate without interruption and that methadone be available in as many approved hospital pharmacies as is justified for its analgesic use. The Food and Drug Administration has made every effort through such means as mailings, workshops, and various national organizations to inform all sponsors of methadone treatment programs of the requirements of the new regulations and to encourage them to submit applications for approval of such programs as soon as possible.

By March 9, 1973, approximately 300 applications for approval of methadone treatment programs had been received by the Food and Drug Administration and such applications are being received in increasing numbers. Each of these applications requires a review and a determination of its adequacy by the Food and Drug Administration and this action cannot be completed in all cases by the March 15, 1973, deadline. Also, it is recognized that there may be some instances where sponsors of ongoing methadone treatment programs, for some legitimate reason, will have failed to submit an application by March 15, 1973.

To avoid disruption of ongoing methadone treatment programs the Commissioner concludes that an interim approval should be granted for any ongoing methadone treatment program for which an application for approval has been submitted to the Food and Drug Administration. This interim approval will expire on May 15, 1973, except for any application for which final approval is granted or denied prior to that time in which case the interim approval shall expire on the date of the granting or denying of final approval. The sponsor of an ongoing methadone treatment program which is covered by the interim approval may continue to order and receive shipments of methadone. However, the interim approval does not apply to any exception or exemption requested under the new methadone regulations nor will it preclude the Food and Drug Administration's taking regulatory action against a methadone treatment program for failing to comply with any provision of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

In the case of hospitals that have submitted applications for use of methadone for analgesia in severe pain, for detoxification, and for temporary maintenance treatment, the same conditions for interim approval as set forth above apply.

The Food and Drug Administration may authorize a single emergency shipment of methadone to an ongoing methadone treatment program which has not yet submitted an application for approval, on a case-by-case basis where a bona fide emergency is shown to exist. Requests for such authorization should be submitted to the Food and Drug Administration, Bureau of Drugs, Methadone Monitoring Staff (BD-125) (telephone 301-443-3504), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to sections 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257 (a)), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 13, 1973.

WILLIAM F. RANDOLPH,
Deputy Associate Commissioner for Compliance.

[FR Doc.73-5058 Filed 3-14-73;8:45 am]

National Institutes of Health

ARTIFICIAL HEART ASSESSMENT PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Artificial Heart Assessment Panel, March 29 and 30, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m. on March 29 and 30, to discuss reports on the social, legal, and economic implications of an artificial heart. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the panel members. Substantive information may be obtained from Constance Foshay Row, NHLI, NIH Building 31, Room 5A31, phone 496–6331.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4970 Filed 3–14–73;8:45 am]

DENTAL EDUCATION REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given that the meeting of the Dental Education Review Committee, announced in notice of meeting dated February 20, 1973, will be held for 1 day only, March 15, 1973, at 8:30 a.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 4, A Wing. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., to discuss current status of dental special project grants, startup assistance grants, capitation waiver requests, and postconstruction site visit assessments. The meeting will be closed to the public thereafter, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members, and from whom substantive information may be obtained is:

Leonard P. Wheat, Room 4B44, Building 31, National Institutes of Health, Bethesda, Md. 20014, Telephone: 496–6641.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4968 Filed 3–14–73;8:45 am]

DIAGNOSIS AND TREATMENT AND CARCINOGENESIS AND PREVENTION SUBCOMMITTEES

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the Subcommittees of the National Cancer Advisory Board and the individuals from whom summaries of meetings may be obtained.

Subcommittee	Date	Time	Location
Diagnosis and treatment.	3–26–73	9 a.m.	NIH, Bldg. 31, Conference Room 7.
Carcinogenesis and prevention.	3–26–73	9 a.m.	NIH, Bldg. 31, Conference Room 8.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open/closed meetings and roster of committee members.

Dr. John T. Kalberer, Jr., Special Assistant to the Director, Division of Cancer Grants, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Md. 20014 (301—496–5147), will provide substantive program information.

These meetings will be open to the public from 9 to 9:30 a.m., March 26, for discussions of any new policy considerations involving the National Cancer Program, and closed thereafter in accordance with the provisions set forth in section 552(b)4, of title 5, United States Code, section 10(d), of Public Law 92–463. Attendance by the public will be limited to space available.

Dated: March 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4966 Filed 3–14–73;8:45 am]

INFORMATION AND RESOURCES SEGMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Information and Resources Segment Advisory Committee meeting, March 23, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 2–A. This meeting will be open to the public from 9 a.m., March 23, 1973, to discuss reorganization of segments within the carcinogenesis program and closed to the public from 10 a.m., March 23, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463, and section 552(b) 4, of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Marcia D. Litwack, Ph. D., Executive Secretary, Landow Building, Room A 304, National Institutes of Health, Bethesda, Md. 20014, phone 301—496–5471, will provide substantive program information.

Dated: March 7, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4964 Filed 3–14–73;8:45 am]

NATIONAL BLOOD RESOURCES PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Blood Resource Program Advisory Committee, March 29, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 9:30 a.m., to discuss administrative details relating to committee business; the remaining session will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, 496–5911.

Dated: March 7, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4965 Filed 3–14–73;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, March 30 and 31, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public to discuss the Council's contribution for a plan for a National Heart, Blood Vessel, Lung, and Blood Disease program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Landow Building, Room C–918, 496–4236, will furnish summaries of the minutes and rosters of the National Heart and Lung Advisory Council members, and Dr. Jerome G. Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, 496–7416, will furnish substantive program information.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4969 Filed 3–14–73;8:45 am]

OPTOMETRY, PHARMACY, PODIATRY AND VETERINARY MEDICINE REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given that the meeting of the Optometry, Pharmacy, Podiatry, and Veterinary Medicine Review Committee, announced in notice of meeting dated February 20, 1973, will be held for 1 day only, March 19, 1973, at 9 a.m., National Institutes of Health, Building 31, Bethesda, Md., Conference Room 5. The meeting will be open to the public from 9 a.m. to 10 a.m., to discuss grant review guidelines and procedures and

closed to the public thereafter, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available. The Executive Secretary who will furnish summaries of the closed meeting, rosters of committee members, and substantive information is:

Philip R. Hugill, Building 31, Room 4B-43, National Institutes of Health, Bethesda, Md. 20014, telephone: 496-6631.

Dated: March 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4967 Filed 3-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board

On January 9, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 1139, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The St. Lucie Nuclear Power Plant, Unit 1, of the Florida Power & Light Co., is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Hugh C. Paxton, Dr. Paul W. Purdom, and Robert M. Lazo, Esq., Chairman. Dr. Walter H. Jordan has been designated as a technically qualified alternate and Max D. Paglin, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Robert M. Lazo, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Hugh C. Paxton, Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos, NM 87544.

3. Dr. Paul W. Purdom, Director, Center for Urban Research and Environmental Studies, Drexel University, 32d and Chestnut Streets, Philadelphia, PA 19104.

4. Max D. Paglin, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Dr. Walter H. Jordan, Senior Research Adviser, Oak Ridge National Laboratory, Post Office Box X, Oak Ridge, TN 37830.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.73-4983 Filed 3-14-73;8:45 am]

[Docket No. 50-323]

PACIFIC GAS & ELECTRIC CO.

Establishment of Atomic Safety and Licensing Board

On December 27, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 28542, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The Diablo Canyon Nuclear Power Plant Unit 2 of the Pacific Gas & Electric Co., is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. William E. Martin, and Elizabeth S. Bowers, Esq., Chairman. Dr. Clark Goodman has been designated as a technically qualified alternate and Charles A. Haskins, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mrs. Elizabeth S. Bowers, Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Glenn O. Bright, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. William E. Martin, Senior Ecologist, Battelle Memorial Institute, Columbus, Ohio 43201.

4. Charles A. Haskins, Esq., Alternate Chairman, Windy Hill Farm, Bluemont, Va. 22012.

5. Dr. Clark Goodman, Alternate, Professor of Physics, University of Houston, 3801 Cullen Boulevard, Houston, TX 77004.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety
and Licensing Board Panel.

[FR Doc.73-4952 Filed 3-14-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Establishment of Atomic Safety and Licensing Board

On December 29, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 28770, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The Trojan Nuclear Plant of the Portland General Electric Co., the city of Eugene, Oreg., and the Pacific Power & Light Co. is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. A. Dixon Callihan, Dr. John R. Lyman, and Jerome Garfinkel, Esq., chairman. Mr. Ernest E. Hill has been designated as a technically qualified alternate and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Jerome Garfinkel, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. A. Dixon Callihan, Union Carbide Corp., Post Office Box Y, Oak Ridge, TN 37830.

3. Dr. John R. Lyman, Department of Environmental Sciences and Engineering, University of North Carolina, Chapel Hill, N.C. 27514.

4. Thomas W. Reilly, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Mr. Ernest E. Hill, Alternate, Lawrence Livermore Laboratory, University of California, Post Office Box 808-L-123, Livermore, CA.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.73-4953 Filed 3-14-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Establishment of Atomic Safety and Licensing Board

On January 5, 1973, the Commission published in the FEDERAL REGISTER, 38 FR

904, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The Davis-Besse Nuclear Power Station of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Cadet H. Hand, Jr., Mr. Frederick J. Shon, and John F. Fermakides, Esq., Chairman. Dr. Harry Foreman has been designated as a technically qualified alternate and Joseph F. Tubridy, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board Members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Cadet H. Hand, Jr., Director, Bodega Marine Laboratories, University of California, Post Office Box 247, Bodega Bay, CA 94923.

3. Mr. Frederick J. Shon, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

4. Joseph F. Tubridy, Esq., Alternate Chairman, an attorney, formerly with the U.S. Department of Justice, 4100 Cathedral Avenue NW., Washington, DC 20016.

5. Dr. Harry Foreman, Alternate, Director, Center for Population Studies, University of Minnesota, Minneapolis, Minn. 55455.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4954 Filed 3-14-73;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board

On December 22, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 28313, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The North Anna Power Station Units 1 and 2 of the Virginia Electric and Power Co. are subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. R. B. Briggs, Dr. Emil T. Chanlett, and Sidney G. Kingsley, Esq., Chairman. Dr. Kenneth A. McCollum has been designated as a technically qualified alternate and Daniel H. Head, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Sidney G. Kingsley, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. R. B. Briggs, Associate Director, Molten-Salt Reactor Program, Oak Ridge National Laboratory, Post Office Box Y, Oak Ridge, TN 37830.

3. Dr. Emil T. Chanlett, Department of Environmental Sciences, University of North Carolina, Chapel Hill, N.C. 27514.

4. Daniel M. Head, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Dr. Kenneth A. McCollom, Alternate, Assistant Dean, College of Engineering, Oklahoma State University, Stillwater, Okla. 74074.

The above designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4955 Filed 3-14-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued five new guides, Regulatory Guide 8.1, "Radiation Symbol," Regulatory Guide 8.2, "Administrative Practices in Radiation Monitoring," Regulatory Guide 8.3, "Film Badge Performance Criteria," Regulatory Guide 8.4, "Direct-Reading and Indirect-Reading Pocket Dosimeters," and Regulatory Guide 8.5, "Immediate Evacuation Signal," in its Regulatory Guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are the first to be issued in Division 8, "Occupational Health Guides," of the Regulatory Guide series. Regulatory Guides 8.1, 8.2, 8.3, 8.4, and 8.5 indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N2.1-1969, N13.2-1969, N13.7-1972, N13.5-1972, and N2.3-1967, respectively, in implementing certain parts of the Commission's regulations.

Comments and suggestions for improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 8 Regulatory Guides currently being developed include the following:

Fissile Material Symbol.
Bioassay for Uranium.
As Low As Practicable Occupational Exposure to Ionizing Radiation from Nuclear Reactors.
Respiratory Protection.
Test Procedures for Geiger-Muller Counters.
Occupational Radiation Exposure Records Systems.
Dosimetry for Criticality Accidents.
Criticality Accidents Alarm System.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 6th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-4951 Filed 3-14-73;8:45 am]

CIVIL AERONAUTICS BOARD

STATES-ALASKA AND INTRA-ALASKA FARE INCREASES; ALASKA AIRLINES, INC.

[Docket No. 24977]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 24, 1973, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 9, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-5046 Filed 3-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 306]

STANDARD CANADIAN BROADCAST STATIONS

Notification List

MARCH 2, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		710 kHz							
CJRN (in operation)	Niagara Falls, Ontario, N. 42°53'52", W. 78°57'27".	5D/2.5N	DA-2	U	II				
		1000 kHz							
CJRN (delete assignment immediately—VIDE 710 kHz).	Niagara Falls, Ontario, N. 42°57'51", W. 79°09'36".	10	DA-2	U	III				
		1000 kHz							
CKOT (delete assignment immediately).	Tillsonburg, Ontario, N. 42°44'06", W. 80°39'25".	10	DA-2	U	III				
		1000 kHz]							
CFRS	Simcoe, Ontario, N. 42°45'06", W. 80°16'03".	10	DA-2	U	III				E.I.O. 3-2-74.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-4887 Filed 3-14-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

Pursuant to section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, March 19, 20, 21, 1973. The meeting will commence at 9 a.m. on March 19, at 9 a.m. on March 20, and at 9 a.m. on March 21 at the Madison Hotel, 15th and M Streets NW., Washington, D.C., in the Arlington Room.

MONDAY, MARCH 19, 1973

9-11 a.m.—General discussion.
2:15 p.m.—Further delegation of authority to Federal Home Loan Banks on branching applications.
2:45 p.m.—Sale of consolidated capital notes by Federal Home Loan Banks.
3:15 p.m.—Service corporations—proposed regulations.
3:45 p.m.—Federal Advisory Committee Act.
4:15 p.m.—Rural Development Act.

TUESDAY, MARCH 20, 1973

Change regulations regarding loans on certain commercial buildings.
Prepayment provisions, FR 545.6-12 on commercial loans.
Investments in other savings and loan associations counting as liquidity.
Loans to one borrower.
Increase the 80 percent limitation on loans, insured by PMI, on other than single family.
Review of liquidity regulations.
Board hearings on major or controversial regulations.
Foundation for Cooperative Housing.
Line of credit for builder financing.
Joint venture in nationwide lending.
Maximum term on farm loans using other than monthly installments.
Establishment of service corporation offices over state lines for mortgage banking purposes.

WEDNESDAY, MARCH 21, 1973

9-11 a.m.—General discussion.

The meeting will be open to the public on March 19 from 9-5, on March 20 from 9-5, and on March 21 from 9-5.

[SEAL] CARL O. KAMP, Jr.,
Acting Chairman,
Federal Home Loan Bank Board.

MARCH 12, 1973.

[FR Doc.73-5054 Filed 3-14-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-260, etc.]

AUTHORITY TO HOLD CERTAIN POSITIONS

Notice of Applications

MARCH 9, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

ID-260, Albert A. Cree, December 18, 1972, Vermont Yankee Nuclear Power Corp., Central Vermont Public Service Corp., Connecticut Valley Electric Company, Inc.
ID-1307, L. Douglas Meredith, December 21, 1972, Central Vermont Public Service Corp., Connecticut Valley Electric Company, Inc., Vermont Electric Power Co., Inc.
ID-1534, Ernest L. Grove, January 22, 1973, Western Massachusetts Electric Co., The Connecticut Light & Power Co., Holyoke Water Power Co., Holyoke Power & Electric Co.
ID-1534, Ernest L. Grove, January 22, 1973, The Hartford Electric Light Co., Connecticut Yankee Atomic Power Co., Yankee Atomic Electric Co., Maine Yankee Atomic Power Co., Vermont Yankee Nuclear Power Corp.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5037 Filed 3-14-73;8:45 am]

ATLANTIC RICHFIELD CO.

[Docket No. CI73-574]

Notice of Application

MARCH 9, 1973.

Take notice that on March 2, 1973, Atlantic Richfield Co. (Applicant), Post Office Box 2819, Dallas, TX 75221, filed in Docket No. CI73-574 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Willow

Springs Field, Gregg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 15, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of 1,000 Mcf of gas at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5026 Filed 3-14-73;8:45 am]

[Docket No. E-8013]

BUCKEYE POWER, INC.

Notice of Proposed Changes in Rates and Charges

MARCH 8, 1973.

Take notice that Buckeye Power, Inc. (Buckeye) on January 31, 1973, tendered for filing Supplement No. 9 to Rate Schedules FPC Nos. 3 through 29, inclusive, and Supplement No. 8 to Rate Schedule FPC No. 30. Buckeye states that it is presently rendering service under these rate schedules to 28 member-owners. The proposed changes would increase the rates charged by Buckeye to each of its member-owners by approximately 1 mill per kilowatt hour, according to the company. Buckeye estimates that this increase will produce approximately $2,548,923 in additional revenues from jurisdictional sales and service based on a volume of sales for the 12-month period ending June 30, 1972. The proposed rate change is described in the company's transmittal letter as follows:

> * * * The primary reason for the increase is to produce equity capital to Buckeye in an orderly and systematic manner which will assure its ability to add generating capacity to meet its present and foreseeable future requirements. Unlike normal rate filings, the data supporting this filing is not based upon historical information nearly so much as it is upon Buckeye's need for additional capital in connection with expansion of its utility plant.

Buckeye proposes that the supplements be made effective April 1, 1973, and requests permission to be relieved of the requirements of § 35.13(b) of the Commission's regulations insofar as they may not have been met by the company's letter and enclosures because in Buckeye's opinion, the information therein constitutes all pertinent information reasonably available to Buckeye.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5035 Filed 3-14-73;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Notice of an Application for New License

MARCH 9, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that an application for a new license was filed on February 10, 1969 (as supplemented February 27, 1970, March 17, and June 16, 1971, and May 8, 1972), by Consolidated Water Power Co. (Correspondence to: Mr. F. E. Husting, Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494) the current Licensee for Project No. 2110, known as the Stevens Point Project, located on the Wisconsin River in the city of Stevens Point, Portage County, Wis.

The original license for the project expired on June 30, 1970. The Applicant is now operating the project under annual license.

This run-of-the-river project, which affects the navigable waters of the United States, has an installed capacity of 3,840 kilowatts (5,120 hp.). It consists of: (1) A concrete gravity dam about 28 feet high and 1,390 feet long composed of a powerhouse section, a 450-foot long spillway section with 15 26-foot wide by 16.5-foot deep tainter gates, and dikes extending upstream from the ends of the dam consisting of a 2,600-foot-long earthen right embankment and a combination 1,022-foot-long concrete gravity wall and a 1,490-foot-long earthen embankment along the left shore; (2) a 2,000-foot-long concrete overflow about ¾ mile upstream of the dam at Rocky Run; (3) a 3,915-acre reservoir with a normal water surface elevation of 1,088.07 feet; (4) a powerhouse, integral with the dam, containing six generating units each rated at 640 kilowatts; and (5) appurtenant facilities.

Applicant estimates a net investment of $1,042,012.55 as of June 30, 1970, which is less than its estimate of the fair market value of $3,600,000.

Applicant estimates that the annual taxes paid for the project are $103.000.

The 3,915-acre project reservoir extends 13 miles upstream from the dam and has a maximum width of 2 miles. Most of the project land owned by the Applicant is low and swampy and has little recreational value except for hunting and fishing.

Three parks are operated at the reservoir by the city of Stevens Point on land donated by the Company. Facilities at the parks provide for picnicking, fishing, hiking, and tennis. Playing fields and a band shell are also available. Also, Portage County is seeking to purchase 60 acres of project land along the reservoir for park purposes. Other facilities on the reservoir include two boat launching ramps.

Project energy is sold to Consolidated Papers, Inc. (Applicant's parent company) for use in the manufacture of paper and paper products principally at its Stevens Point mill, and also at its plants in Wisconsin Rapids, Biron, and Whiting. Electricity is also wholesaled to the city of Wisconsin Rapids and retailed in and near the village of Biron.

Any person desiring to be heard or to make protest with reference to said application should on or before May 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appro-

priate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5036 Filed 3-14-73;8:45 am]

[Docket No. E-8045]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1973.

Take notice that on February 26, 1973, Lake Superior District Power Co. (Company) tendered for filing a contract with North Central Power Co. Inc. (North Central) dated February 5, 1973, which modifies the contract between the same parties dated July 27, 1964, as supplemented. The filing reduces the rates provided in that contract. The Company proposes an effective date of September 1, 1971, necessitating a refund of $5,994.45 to North Central for the first year ended September 1, 1972, and additional refunds subsequent to that date.

The Company states that the changes embodied in the new contract were required as a result of North Central acquiring the Arpin Dam and hydroelectric plant. This plant has a capacity of 1,200 kilowatts at 80 percent power factor, which made the old contract dated July 27, 1964, obsolete because the demand charge in that contract was based on a total estimated 700 kilowatts of North Central hydroelectric capacity.

The Company also states that it was agreed between the parties that the new contract should not be based on North Central's system demand less some calculated credit for North Central's hydroelectric capacity. The old contract was based on estimated hydro capacity and had proved cumbersome to administer. It required the Company to synchronize demand charts to arrive at North Central's system load. Consequently, it was agreed that the new rate should be based on the meter located at the 69,000-volt bus of North Central's substation at the point of delivery. All charges would be based on metered values at this point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5038 Filed 3-14-73;8:45 am]

[Project 2709]

MONONGAHELA POWER CO. ET AL.

Order Providing for Hearing and Ruling on Motions

MARCH 9, 1973.

On June 3, 1970, Monongahela Power Co., the Potomac Edison Co., and the West Penn Power Co. filed their application for a license for 50 years authorizing the construction, operation and maintenance of the Davis Power Project, to be located in the vicinity of the towns of Thomas and Davis in Tucker and Grant Counties, W. Va., on the Blackwater River, and is described as:

(1) Two rockfill dams on Cabin Mountain having a total length of about 7,800 feet and a maximum height of about 90 feet forming an upper reservoir with a gross storage capacity of 30,000 acre-feet and a surface area of about 600 acres at full pond elevation 4,042 feet (m.s.l.); (2) an intake channel; (3) a 1,325-foot-long tunnel with diameter varying from 29.5 to 27 feet; (4) a 1,350-foot-long steel penstock 27 feet in diameter; (5) two 1,670-foot-long steel penstocks 19 feet in diameter; (6) four 520-foot-long steel penstocks 13.5 feet in diameter; (7) a surface powerhouse containing four 250,000-kilowatt pump-turbine generating units; (8) two 550,000 kilovolt-ampere transformers; (9) a tailrace channel about 500 feet long; (10) a lower reservoir having a gross storage capacity of 162,500 acre-feet and a surface area of about 7,000 acres at full pond elevation 3,182 feet (m.s.l.) formed by a rockfill dam constructed across Blackwater River about 75 feet high and 710 feet long, having an ungated spillway, and low level outlet works; (11) two independent overhead single-circuit 500-kilovolt transmission lines constructed in a single corridor from the project 500-kilovolt switchyard and extending in a northeasterly direction for about 1.2 miles to a point just beyond the crest of Cabin Mountain then extending in a northerly direction for about 10.8 miles where a connection would be made with Applicant's existing 500-kilovolt line from Monongahela Power Co.'s Pruntytown substation to VEPCO's Mount Storm generating plant; (12) a 500-kilovolt switchyard adjacent to the powerhouse; and (13) all other facilities appurtenant to operation of the project.

Notice of the application was issued July 24, 1970, setting September 16, 1970, as the last date for petitions to intervene. Notice of Applicant's revised application for license for unconstructed project was issued June 30, 1972, setting September 5, 1972, as the last date for petitions to intervene. Numerous protests have been received and all petitions to intervene have been granted. Intervention has been granted to: (1) Canaan Valley Association, (2) Linda Cooper Elkinton and David Passmore Elkinton (Elkinton), (3) Appalachian Research and Defense Fund, Inc. (Defense Fund), (4) Environmental Defense Fund, Inc., (5) West Virginia Highlands Conservancy (Highlands), (6) the Attorney General of West Virginia on behalf of the State of West Virginia, (7) Tucker County Chamber of Commerce, and (8) West Virginia Division, Izaak Walton League of America.

A series of pleadings has been filed by Defense Fund, Elkinton, Highlands and Applicants regarding the filing, amendment and circulation of Applicant's Initial Environment Impact Statement. The first of these pleadings was filed August 18, 1971, and the last was filed February 23, 1972. The period since August 18, 1971, has also been a period during which the Commission has been engaged in litigation regarding the procedures by which it is to fulfill its responsibilities under the National Environmental Policy Act. On October 10, 1972, the U.S. Supreme Court denied certiorari to review the decision in the Court of Appeals for the Second Circuit in "Greene County Planning Board v. FPC," 455 F 2d 412 (1972) "F.P.C. v. Greene County Planning Board," S. Ct. No. 71-1591 —— U.S. —— (1972). On December 18, 1972, the Commission issued its Order 415-C in Docket No. R-398 regarding its procedures under the National Environmental Policy Act. The pleadings of the parties have thereby been rendered moot. That Order establishes procedures by which each Applicant, in certain specified instances, must submit a detailed environmental report with its application. Commission staff will conduct an independent analysis of the filings and require Applicant to make any corrections.

Staff will then prepare and circulate for comment a draft environmental impact statement. Comments will be made within 45 days of the date of notice of availability appears in the FEDERAL REGISTER. After expiration of the time for comment, and after consideration of the comments received, staff will revise as necessary and finalize its environmental impact statement which, together with the comments received will accompany the application through the agency review and decisionmaking process. At the hearing provided by this order, the staff's environmental impact statement will be offered in evidence.

In accordance with Order 415-C, all parties to the proceeding taking a position on environmental matters shall offer evidence for the record in support of their environmental position and the Applicant and all intervenors shall specify any differences with the Staff's position and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in the regulations.

The procedures to be followed in this proceeding will be in accordance with our Order No. 415-C in docket No. R-398 relating to the implementation of the National Environmental Policy Act as follows:

1. All testimony, exhibits and pleadings shall comport with Rules 1.12, 1.26, 1.15, 1.16, and 1.17 of our rules of practice and procedure and shall be accompanied by a certificate stating the names and addresses of all parties served.

2. Applicants shall file on or before April 16, 1973, an original and 10 copies of such updated testimony as may be necessary with copies served on all parties. At this filing Applicants will have filed all their testimony including qualifications of the witnesses and exhibits to be presented in Applicants' direct case.

3. On June 15, 1973, staff shall file a draft environmental impact statement.

4. At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall also be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by July 30, 1973.

5. On October 5, 1973, the Commission Staff and intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

6. On October 5, 1973, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

7. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on November 6, 1973, 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

8. The final environmental impact statement shall be offered into evidence at the hearing, and cross-examination thereon shall be permitted.

9. Time for preparation of rebuttal testimony and the form of its presentation shall be fixed by the Administrative Law Judge.

10. The Administrative Law Judge shall also provide for hearing for the benefit of local residents as budget limitations permit.

On January 24, 1972, Applicants filed their direct testimony and exhibits and a motion requesting that the Commission set for hearing their application for license at the earliest practicable date. The schedule set forth in this order is designed to reach hearing on the contested issues as soon as practicable in view of our responsibilities under the National Environmental Policy Act and current hearing calendar.

On February 12, 1973, Applicants filed a motion for prehearing conference for the purpose of adopting a schedule for implementation of Order 415–C. We are of the view that the order herein has fully and completely provided for the implementation of Order 415–C. Should it appear that a prehearing conference is desirable for purposes other than scheduling, the Administrative Law Judge may hold a conference at his discretion.

The Commission finds:

It is appropriate and in the public interest to hold a public hearing as hereinafter provided on the application of Monongahela Power Co., The Potomac Edison Co. and West Penn Power Co. for a license to construct, and maintain, a hydroelectric project, which application has been docketed as Project No. 2709.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington DC, 20426, respecting the matters involved and issues presented in this proceeding. The time for the submission of additional testimony and exhibits by the participants and the time for convening additional hearing sessions in Washington, D.C. and such other places by the Administrative Law Judge in conjunction with the dates set forth below.

(B) The following procedure is prescribed for this proceeding:

1. On April 16, 1973, the Applicant shall file with the Secretary of the Commission an original and 10 copies of all updated testimony, including qualifications of the witnesses, and exhibits to be presented in Applicants' direct case. Copies of such testimony and exhibits shall be served on all parties.

2. On June 15, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's draft environmental impact statement. Copies of this statement shall be served on all participants.

3. At the same time that the Commission Staff's draft environmental impact is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by July 30, 1973.

4. On October 5, 1973, Commission Staff and Intervenors, respectively, shall file with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualification of witnesses, with copies served on all parties.

5. On October 5, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

6. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence at 10 a.m. in a hearing room at the Commission's office in Washington, D.C., on November 6, 1973, 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

7. The Presiding Administrative Law Judge shall prescribe procedures for the hearing, consistent with the decision in Greene County Planning Board v. FPC, supra, and with this order. At such hearing, the Staff's environmental impact statement, as revised and finalized following the receipt of comments, shall be offered in evidence, and cross-examination thereon shall be permitted.

(C) All motions to strike prepared testimony, including the final environmental impact statement and exhibits, and replies to such motions shall be filed with the Administrative Law Judge within periods of time to be set by the Administrative Law Judge.

(D) All of the testimony, except exhibits and the final environmental impact statement, shall be in question and answer form.

(E) No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

(F) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

(G) The Administrative Law Judge will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(H) Subsequent to the filing of the final environmental impact statement but prior to the evidentiary hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

(I) If upon motion filed 20 days in advance of the due date for submission of prepared direct testimony by Intervenors and Staff and a showing of fact upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(J) If upon motion filed 20 days in advance of the opening date of the hearing and a showing that presentation of a witness in Washington, D.C., will constitute a hardship, the Administrative Law Judge may permit cross-examination of such witness during the hearing session in the vicinity of the project, as provided for in paragraph (H) of this order.

(K) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a prehearing conference at which, among other matters, the admission into evi-

dence of relevant but uncontroverted facts within the necessity of presenting a sponsoring witness therefor shall be considered.

(L) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(M) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

(N) The issues raised by the outstanding motions of the parties are, for the reasons discussed above, moot, and therefore the motions are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5039 Filed 3-14-73;8:45 am]

[Docket No. E-8058]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Filing of Agreement

MARCH 9, 1973.

Take notice that on March 1, 1973, Oklahoma Gas and Electric Co. (OGE), tendered for filing copies of an Agreement for Purchase and Sale of Electric Power and Energy, dated October 26, 1972, between OGE and Middle South Services, Inc., as agent for Arkansas Power and Light Co. (FPC No. 21A), and Letter Agreement dated January 31, 1973, between the two companies.

OGE states that these agreements provide for OGE to sell 100,000 kilowatts of Contract Capacity and accompanying energy to Arkansas Power and Light Co. for a 13-month period beginning May 1, 1973, and ending May 31, 1974, and 50,000 kilowatts of Contract Capacity for the month of April 1973.

OGE also purports to enclose two copies of the Estimated Revenue for the 12-month period ending April 30, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5040 Filed 3-14-73;8:45 am]

[Docket No. CI73-573]

PENNZOIL PRODUCING CO.

Notice of Application

MARCH 12, 1973.

Take notice that on February 27, 1973, Pennzoil Producing Co. (Applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI73-573 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Walker Creek Field, Columbia County, Ark., and delivery of said gas to Beacon Gasoline Co. for processing and delivery to United in Webster Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is presently selling gas from the subject properties pursuant to a temporary certificate issued March 23, 1972, in docket No. CI72-491 at 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to continue said sale for 1 year from the expiration of the temporary authorization, March 26, 1973, at 45 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 75,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5028 Filed 3-14-73;8:45 am]

[Docket No. CI73-567]

PHILLIPS PETROLEUM CO.

Notice of Application

MARCH 12, 1973.

Take notice that on February 26, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73-567 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from Lipscomb County, Tex., all as more fully set forth in the application and open to public inspection.

Applicant states that it is selling natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it intends to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's rules of practice of procedure. Applicant proposes to sell up to 5,000 Mcf of gas per day at 40 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5027 Filed 3-14-73;8:45 am]

PUBLIC SERVICE COMMISSION FOR STATE OF NEW YORK

Order Rejecting Notice of Intervention

MARCH 8, 1973.

The Public Service Commission for the State of New York (PSCNY) filed on January 10, 1973, a notice of intervention in all proceedings which may henceforth be initiated by the filing of a rate increase by a producer making jurisdictional sales for which the producer seeks a price above the area rate applicable to gas of the particular vintage involved on grounds that the original contract has terminated by its terms and a new contract has been entered into with the purchaser. In addition to its request that it be made a party, PSCNY requests a hearing in all such cases.

PSCNY claims that its "blanket notice" is necessary to protect its rights in all proceedings initiated by rate increases which are filed under the policy enunciated in Opinion No. 639, issued December 12, 1972, in Docket No. R-371 (Appalachian and Illinois Basin Areas) with respect to vintaging, pending Commission action on its application for rehearing of that opinion and any action for judicial review. PSCNY states that the only notice given by the Commission of producer rate filings is that contained in the weekly "FPC News"; that such notice does not give sufficient details to enable it to ascertain the filings which involve vintaging; and that subscribers do not receive the FPC News until about half of the statutory 30-day notice period has expired.

Section 1.8(d) of the Commission's rules of practice and procedure permits the filing of a notice of intervention after the filing of a notice of change in rate. That section, however, does not permit the filing of a notice of intervention prior to the filing of a rate change. Nor is there any apparent justification here for permitting PSCNY to file a notice of intervention with respect to filings not yet made and proceedings not yet initiated. We shall therefore reject PSCNY's notice.

We agree, however, that rate filings involving the vintaging matter discussed by PSCNY in its notice should be noticed so as to give PSCNY, as well as others, an opportunity to intervene with respect to such filings until such time as this matter is resolved on judicial review. Accordingly, we shall notice all future filings involving "vintaging" in the FEDERAL REGISTER. Moreover, consistent with our rules, PSCNY is free to file a notice of intervention at any time subsequent to the filing of a rate increase as long as its notice of intervention is filed within the time prescribed in our notice.

The Commission orders:

For the reasons set forth above, the blanket notice of intervention filed by PSCNY on January 10, 1973, is rejected.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5034 Filed 3-14-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1973.

Take notice that on February 28, 1973, South Carolina Electric & Gas Co. (SCE&G) tendered for filing proposed changes in its FPC Electric Tariff Original Volume No. 1. The proposed changes increase the rates for wholesale electric service rendered by SCE&G to municipal, public power and rural cooperative systems, and provide general terms and conditions for wholesale electric power service to those customers. The filing also contains a new form of Service Agreement and attachment thereto. An index of purchasers is included in the filing.

Copies of this filing have been mailed to SCE&G's customers which are affected by the rate increase and to the South Carolina Public Service Commission.

SCE&G states that the purpose of the filing is to establish a uniformity of terms and conditions and to provide a tariff form of filing in lieu of the present individual contract-type filings. SCE&G's present contracts with its wholesale customers do not have uniform expiration dates. One contract expired on December 31, 1972. Three contracts contemplate rate increases during the term of the contract; SCE&G proposes an effective date of May 1, 1973, for these three: Orangeburg, Winnsboro, and South Carolina Public Service Authority, and for those contracts that have expired prior to that date. SCE&G proposes that for the remaining customers the new rates become effective upon expiration of the existing contracts, at which time new contracts which conform to the tariff will be executed.

SCE&G states that under the present rates, based on the test year 1971, it is earning a rate of return from service to the municipal customers of only 3.6 percent; and 3.7 percent from the rural cooperative customers. SCE&G is proposing a rate of return of 8.71 percent.

SCE&G avers that no facilities will be installed or modified in order to supply the service to be furnished except as such facilities will be installed or modified in order to supply the service to be furnished except as such facilities may be required for additional service at future times.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5041 Filed 3-14-73;8:45 am]

[Project 400]

WESTERN COLORADO POWER CO.

Notice of Application for New Major License

MARCH 9, 1973.

Public notice is hereby given that application was filed on January 29, 1969, and supplemented on February 3, 1970, and September 18, 1970, under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by the Western Colorado Power Co. (Correspondence to: the Western Colorado Power Co., c/o Mr. Lee C. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, DC 20006) for a new major license for constructed Project No. 400, known as the Tacoma-Ames project, located on the Animas River and Lake Fork and Howard's Fork of the San Miguel River in La Plata, San Juan, and San Miguel Counties, Colo. The original license expired on June 30, 1970. The project has since been under annual license. The Tacoma development comprises a concrete diversion dam 15 feet high on Cascade Creek; a conduit about 20,000 feet long extending from Cascade Creek diversion dam to Little Cascade Creek; a diversion dam (Aspaas) on Little Cascade Creek; a short canal from Little Cascade Creek to Cascade Reservoir (Electra Lake); the Terminal Dam located on Elbert Creek comprising a rock-filled log and timber dam 55 feet high and 725 feet long creating Cascade Reservoir with an area of 831 acres and a storage capacity of 22,550 acre-feet; two diversion dams just downstream from Terminal Dam diverting water into a flume 8,800 feet long to a forebay; a forebay with an area of 5.3 acres and a

storage capacity of 100 acre-feet created by an earth and rock-fill dam 20 feet high and 100 feet long; two penstocks each about 2,900 feet long; a powerhouse located on the Animas River containing three generating units aggregating 8,000 kilowatts operating under a static head of 983 feet; a 46-kilovolt transmission line extending about 20 miles to Durango, Colo.; a 46-kilovolt transmission line about 26 miles long extending to Silverton, Colo.; and all other facilities and interests appurtenant to the operation of the project.

The Ames development consists of a diversion dam on Howard's Fork; a conduit 4,584 feet long and a penstock 2,187 feet long extending to the powerhouse; a stone masonry dam 192 feet long and 10 feet high located on Lake Fork creating Lake Hope with an area of 44 acres and a storage capacity of 2,310 acre-feet; an outlet tunnel 971 feet long; an earth and rock-fill dam 37 feet high and 870 feet long located on Lake Fork downstream from Lake Hope, creating Trout Lake with an area of 142 acres and a storage capacity of 3,180 acre-feet; a conduit 12,653 feet long with a capacity of 50 cubic feet per second extending from the dam; a penstock 2,684 feet long; a powerhouse located on the South Fork San Miguel River containing one generating unit, with a rated capacity of 3,600 kilowatts, directly connected to two water wheels, one operated by water from Lake Fork under a static head of 928 feet and the other from Howard's Fork under a static head of 648 feet; a 46-kilovolt transmission line extending 9 miles to Burro Bridge and three short 12.5-kilovolt lines; and all other facilities and interests appurtenant to the operation of the project.

Applicant estimates its net investment as $2,529,035 which is less than its estimate of fair value. In the event of takeover of the project Applicant estimates its severance damages would be $5 million. Applicant estimates its annual local property taxes in excess of $35,000.

The Tacoma-Ames project's recreational features consist of four public campgrounds with picnic areas, trails and privately developed cottages and boating facilities on Electra Lake, the latter being open to the public on a permit basis. Applicant in cooperation with the Forest Service is developing plans to provide access to the proposed Rainbow Lake and Tacoma Forebay campgrounds, to upgrade sanitary facilities at existing Trout Lake campgrounds and to improve access roads.

The power generated by the project is used for public utility purposes in Applicant's service area in southwestern Colorado.

Any person desiring to be heard or to make protest with reference to said application should on or before May 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5042 Filed 3-14-73;8:45 am]

[Docket No. RP73-84]

EL PASO NATURAL GAS CO.

Notice of Proposed Rate Treatment for Expenditures Associated with Development Coal Gasifier Plant

MARCH 8, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing proposed accounting and rate treatment for research and development expenditures associated with a development coal gasifier plant.

El Paso states that the proposed project is to be located on El Paso's coal lease situated in the Burnham Chapter area of the Navajo Indian Reservation in San Juan County, N. Mex., at the site of El Paso's proposed Burnham Coal Gasification Complex.[1] El Paso avers that the project will undertake the installation and operation of a major facility designed to develop and test, for purposes of feasibility and reliability, certain proposed improvements in the Lurgi coal gasification process.

El Paso also states that the project, including related coal mining activities, will require a capital investment of approximately $14,054,000. The estimated cost of operation of the project for the first year is $4,485,000. El Paso requests prior Commission approval for the proposed accounting treatment for the expenditures made in connection with the project and for the inclusion of such expenditures in El Paso's utility cost of service in future rate proceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4984 Filed 3-14-73;8:45 am]

[1] On Nov. 15, 1972, El Paso filed in Docket No. CP73-131 an application for a certificate of public convenience and necessity pursuant to 7(c) of the Natural Gas Act seeking authorization for the construction and operation of certain facilities on its Southern Division System and the transportation and sale of synthetic pipeline gas mixed with natural gas. The Burnham Coal Gasification Complex is designed to produce up to 250,000 Mcf per day of synthetic pipeline gas per day through coal gasification.

[Docket No. CP73-222]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 8, 1973.

Take notice that on February 26, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-222 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that since 1971 the deliverability of its gas supply has been inadequate to support operation of its pipeline at authorized levels of capacity. In order to offset the predicated 1973-74 winter season gas supply delivery deficiencies of its system, Applicant proposes to

1. Increase the seasonal withdrawal capacity of its Sayre field storage reservoir in Beckham County, Okla., to 42 million Mcf;

2. Increase the peak day and seasonal capacity of its storage fields in Iowa (Cairo and Columbia City) and Illinois (Loudon and Herscher Northwest) by 80,000 Mcf and 8 million Mcf respectively;

3. Increase the capacity of its main transmission system between its Iowa storage fields and the terminus of its main transmission system at Joliet, Ill., to effectuate transportation of the increased daily withdrawal quantities therefrom; and

4. Increase the inventory limitations of its storage fields to the following levels:

Storage field	*Mcf*
Sayre	84,000,000
Cairo Mount Simon	20,000,000
Herscher Northwest	15,000,000
Loudon	50,000,000
Columbus City Mount Simon	12,000,000

In order to effectuate this proposal, Applicant seeks authorization to construct and operate the following facilities:

A. Approximately 2.03 miles of 16-inch and 10-inch gathering pipelines, six injection withdrawal wells, and other miscellaneous facilities in the Sayre field storage reservoir;

B. Approximately 6.2 miles of 30-inch and 20-inch loop pipeline and approximately 1.85 miles of 8-inch and 6-inch gathering pipelines, complete eight Mount Simon observation wells as injection-withdrawal wells, additional cushion gas, and other miscellaneous facilities at its Columbus City Mount Simon Storage Field in Louisa County, Iowa;

C. The modification of one existing compressor unit at Station No. 204, drill 14 injection-withdrawal wells as Mount Simon injection-withdrawal wells, approximately 2.36 miles of 16-inch, 8-inch and 6-inch gathering pipelines, additional cushion gas and other miscellaneous facilities at its Cario Mount Simon Storage Field in Louisa County, Iowa;

D. Two injection-withdrawal wells, approximately 0.55 mile of 8-inch gathering pipeline, additional cushion gas, other miscellaneous facilities at its Herscher Northwest Storage Field in Kankakee County, Ill.;

E. Approximately 0.44 mile of 8-inch gathering pipeline, complete two observation wells and one oil recovery well as injection-withdrawal wells, additional cushion gas and other miscellaneous facilities at its Loudon storage field in Fayette County, Ill.; and

F. Approximately 16.20 miles of 36-inch pipeline partially looping its existing pipeline between its Iowa Storage Fields and the terminus of its main transmission system at Joliet, Ill.

Applicant estimates the cost of the proposed facilities inclusive of additional cushion gas at $12,018,000. Applicant states that it has no special plan to finance this cost separately, but will finance this cost with its other costs through interim and permanent programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4985 Filed 3-14-73;8:45 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 6, 1973.

On March 5, 1973, the Commission Staff Counsel filed a motion for a further extension of the procedural dates as set by the order issued June 30, 1972, and amended by notices issued October 17, 1972, and December 4, 1972, in the above-designated matter pending the disposition of the proposed stipulation and agreement filed in this proceeding and Docket No. RP71-107 (Phase I). The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates are further amended as follows:

Staff service date—May 4, 1973.
Intervener service date—May 21, 1973.
Northern Natural's rebuttal service date—June 7, 1973.
Prehearing conference and hearing date—June 26, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4986 Filed 3-14-73;8:45 am]

[Docket No. E-7737, E-7739]

ORANGE & ROCKLAND UTILITIES, INC., AND ROCKLAND ELECTRIC CO.

Notice of Extension of Time

MARCH 6, 1973.

On February 23, 1973, the Commission Staff Counsel filed a motion requesting an extension of the procedural dates as established by the order issued November 3, 1972, in the above matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by staff—April 3, 1973.
Service of evidence by intervenor—April 17, 1973.
Prehearing conference—April 24, 1973.
Rebuttal evidence by Orange & Rockland Utilities, Inc., and Rockland Electric Co.—May 1, 1973.
Cross examination on consolidated issues—May 8, 1973.
Hearing on remaining issues in Docket No. E-7739—May 15, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4987 Filed 3-14-73;8:45 am]

[Dockets Nos. CP73-117, etc.]

UNITED GAS PIPELINE

Order on Answers to, and Applications for Rehearing and Clarification of, Orders To Show Cause

MARCH 8, 1973.

United Gas Pipe Line Co., Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Southern Natural Gas Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189.

On January 17, 1973, the Commission issued an order to show cause why United Gas Pipe Line Co. (United) should not abandon industrial requirements for boiler-fuel use at more than 1,500 Mcf per day where alternate fuel capabilities can meet such requirements, i.e., Priorities 4 and 5 of United's curtailment plan in Opinion No. 647. The five pipeline purchasers from United were named as parties to those proceedings, i.e., Mississippi River Transmission Corp. (MRT), Natural Gas Pipeline Company of America (Natural), Southern Natural Gas Co. (Southern), Texas Eastern Transmission Corp. (Texas Eastern), and Texas Gas Transmission Corp. (Texas Gas). On February 12, 1973, we issued a clarifying order which, inter alia, severed the proceedings into Phase I, which included the show-cause proceeding and those portions of the individual abandonment applications involving gas usage in Priorities 4 and 5, and Phase II, which included the individual abandonment applications. Hearings were prescribed for each of the phases of the proceedings. The several motions and applications discussed infra followed those orders.

ANSWERS TO SHOW CAUSE ORDER

United, as respondent to the show cause order, and the five pipeline purchasers named as parties, MRT, Natural,[1] Southern, Texas Eastern, and Texas Gas, each filed answers to our orders. The State of Louisiana et al.[2] (Louisiana) filed an answer to the show cause order, which was in the nature of a brief advocating its position in separate additional petitions filed herein. Inasmuch as Louisiana is neither a respondent nor a named party to the show cause proceeding, such an answer is not permitted.[3] Louisiana has petitioned to intervene in these proceedings and it may raise its factual and legal arguments during the proper course of the hearings below. The legal issues raised by Louisiana will be discussed in our disposition of its petition for rehearing.

United contests neither our jurisdiction nor authority to institute the show cause proceeding. Indeed, "United cannot show cause why service should not be abandoned on a firm basis for a substantial volume of gas within Priority 5 as established by Opinion No. 647."[4] Each of the five pipeline customers, on the other hand, contend that (1) the Commission has no authority to initiate an abandonment proceeding, and (2) assuming the existence of such power, it cannot shift the burden of proof to the pipeline.

[1] Natural's answer was contained in its petition for rehearing.

[2] Louisiana Municipal Association, Louisiana Public Service Commission, St. James Parish Utilities, Town of Franklinton, and Norco Gas & Fuel Co.

[3] Section 1.9(c) of the Commission's Rules of Practice and Procedure.

[4] Answer at 4.

Our January 17, 1973, order sets forth both our authority (p. 2) and our reasons (pp. 2, 4–5) for instituting this show cause proceeding. While section 5(a),[5] by its own terms, envisions a proceeding initiated by the Commission, it does not follow that section 7(b)[6] forecloses initiation of an abandonment proceeding by the Commission to protect the public interest. By its express terms, section 7(b) states that no natural gas company shall abandon service without our approval and the appropriate findings by the Commission. There is nothing in section 7(b) to indicate that a filing by a pipeline must precede an abandonment determination by the Commission. Section 16 of the Natural Gas Act[7] complements and supplements our authority to institute such a proceeding. That provision gives us broad authority to carry out the provisions and purposes of the Natural Gas Act,[8] including our responsibility to assure adequate and reliable gas service to consumers at the lowest reasonable cost. Such authority is not to be narrowly construed[9] and the Commission does possess the authority through sections 7(b) and 16 to discharge its public interest responsibilities.[10]

Confronted with a nationwide gas shortage affecting the Nation's economic and social well-being the Commission has both the authority and responsibility to formulate a rational allocation of limited gas supplies,[11] particularly in the supply situation of United. Moreover, because of United's circumstances, we are concerned that a permanent cessation of deliveries of natural gas for inferior uses, where alternate fuel capabilities can meet such requirements, may be required so as not to impair United's ability to serve its human needs customers.[12]

There is nothing in section 7(b) which requires the Commission to assume the burden of proof in this show cause proceeding. There must be evidence and a record to support any ultimate final order of the Commission in this case that United's gas supply is so depleted so as to warrant discontinuance of service,[13] or that the present or future public convenience or necessity permit such abandonment. However, because of the distinctions between sections 5(a) and 7(b), United, as respondent, is required initially to present evidence as to why such abandonment should not be ordered. This show cause order permits a hearing and formulation of a record wherein all affected parties are permitted to offer evidence to aid the Commission in making its final determination.

MRT and Texas Gas contend that the scope of the show cause proceeding should include United's city-gate customers. Priorities 4 and 5 of Opinion No. 647 speak to "industrial requirements for boiler fuel use" and include pipeline customers, direct sale customers, and United's city-gate customers, whether or not such use is "firm" or "interruptible." In other words, Phase I includes all gas sales of United which are directed to boiler fuel use above 1500 Mcf per day, where alternate fuel capabilities can meet such requirements.

Texas Eastern seeks clarification of our January 17 order wherein we stated "that whether or not a contract is in force or has expired, is immaterial to a section 7(b) determination." We did not, as Texas Eastern recognized, intend to preclude the existence or nonexistence of a contract as one factor in arriving at a section 7(b) determination. The weight to be afforded such a factor may be part of the hearing. Our intent in the January 17, 1973, order was to indicate that the mere fact a contract expires, accompanied by inferior gas usage and declining gas supplies, is not dispositive of a section 7(b) proceeding.[14]

Southern contends that we erred in indicating that if abandonments are ultimately authorized, United's contractual obligations thereunder are discharged.[15] We reject that contention. Any such final order in this case will recognize the holdings in International Paper Co. v. F.P.C., No. 71–3531, 5th Cir., February 7, 1973, and other applicable judicial and Commission precedent.

Applications for Rehearing

Louisiana, Natural,[16] Northern Illinois Gas Co. (Northern), Southern Natural and Texas Eastern filed applications for rehearing of our orders of January 17 and February 12. There has been no final order of the Commission in these proceedings which is subject to rehearing[17] so we will treat such applications as motions for reconsideration. Several of the contentions raised were discussed in our disposition of the answers to the show cause order, supra., e.g. effect of abandonment on a pipeline's contractual duties, Commission's authority to institute such a proceeding, burden of proof, and need not be reiterated here.

Texas Eastern posits a situation that United may be required to abandon certain gas volumes, while Texas Eastern (and other pipeline customers) would have no concurrent reduction in its delivery obligations. While we indicated in our January 17 order,[18] that we did not contemplate partial abandonments by United's pipeline customers at this juncture, we do not preclude broadening the scope of Phase I at a later date. Section 7(b) of the Natural Gas Act is available to the pipeline customers so as to effectuate a proportionate abandonment, as may be required by any final order in Phase I.

Northern seeks a clear definition of the term "boiler fuel". Such definition will be forthcoming in an order on rehearing in Opinion No. 647 or in Docket No. R-467. In the interim, a workable definition may be "gas used as a fuel to generate steam or electricity, including turbine and engine fuel for power generation or mechanical drive."

Louisiana cites 38 specifications of error (referred to hereafter as L.1, et seq.), the majority of which represent collateral attacks upon other Commission decisions, e.g. Order No. 467, Opinions Nos. 643 and 647, or resolution of which would prejudge the outcome of these proceedings. (L.27–31, 36–38). Louisiana petitions to vacate our show cause order, or in the alternative, institute a nationwide abandonment proceeding for all industrial uses of natural gas.

First, Louisiana contends we should have issued an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act prior to our show cause order. We summarily reject this contention.[19] Conversely, and in contradistinction, Louisiana contends we cannot consider end-use in a certificate proceeding (L.7). Again, such an allegation is contrary to law.[20]

Louisiana avers we erred in not affording them the opportunity to present evidence (L.2–6). Louisiana has petitioned to intervene in the proceedings and has the opportunity to present its evidence on April 16, 1973, and participate fully in the hearing below. As a corollary,

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[5] 15 U.S.C. 717d(a).
[6] 15 U.S.C. 717f(b).
[7] 15 U.S.C. 717o.
[8] E.g., section 1(a) of the Natural Gas Act.
[9] E.g., "Mesa Petroleum Co. v. F.P.C.," 441 F. 2d 182, 187 (5th Cir. 1971).
[10] "F.P.C. v. Louisiana Power & Light Co.," 406 U.S. 621 (1972; "Permian Basin Area Rate Case," 390 U.S. 747, 776 (1968); "Phillips Petroleum Co. v. F.P.C.," No. 71–1659, 10th Cir., February 20, 1973; "Mobile Oil Corp. v. F.P.C.," No. 71–1260, D.C. Cir., Oct. 6, 1972; "Superior Oil Co. v. F.P.C.," 322 F. 2d 601, 610–14 (9th Cir. 1963), cert. denied 377 U.S. 922 (1964). This proceeding is unlike the purposes for which Order No. 427 was promulgated, "New England Power Co. v. F.P.C.," No. 71–1439, D.C. Cir., August 15, 1972, petition for certiorari pending, No. 72–1162. The language in "Texaco, Inc. v. F.P.C.," No. 71–1560, D.C. Cir., Dec. 12, 1972, Slip op. at 10, is not applicable to responsibilities sought to be discharged in this proceeding. See "Public Service Commission of New York v. F.P.C.," 467 F. 2d 361 (D.C. Cir. 1972).
[11] "F.P.C. v. Louisiana Power & Light Co.," supra. Cf. "Permian Basin Area Rate Case," supra, 390 U.S. at 784; "City of Chicago v. F.P.C.," 385 F. 2d 629, 637 (D.C. Cir. 1967), cert. denied 390 U.S. 945 (1968).
[12] Compare "Alabama Gas Corp. v. F.P.C.," No. 72–1475, 5th Cir., February 7, 1973, Slip op. at 13–14.
[13] See our clarifying order of February 12, 1973, concerning the scope of the Phase II proceedings and discussion infra herein.
[14] Our clarification in this paragraph is applicable to both Phase I and Phase II.
[15] See page 4 of Jan. 17 order.
[16] Application consolidated with Natural's answer, supra.
[17] Section 19(a) of the Natural Gas Act; section 1.30(e) of the Commission's rules of practice and procedure. Cf. Cases cited in "Alabama Gas Corp. v. F.P.C.", supra. Slip op. at 11.
[18] Page 4.
[19] Compare El Paso Natural Gas Co., Docket No. RP72–6, issued Aug. 22, 1972, and scope of Order No. 415–C, issued Dec. 18, 1972. See Alabama Gas Corp. v. FPC, supra, slip op. at 16–17.
[20] Cf. FPC v. Transcontinental Gas Corp., 365 U.S. 1 (1962); Commission Opinion Nos. 640, 636, 627, 621, 615, and 614.

Louisiana contends there is no evidence to support the proposition that boiler fuel use is inferior (L.8–11, 32–35). While we disagree with such a proposition,[21] Louisiana can present evidence to support its allegation.

Louisiana makes the spurious contention that the Commission lacks the power to order a hearing or to set hearing dates and objects to the scope of the hearing ordered (L.14–17, 19–20, 24–26). We need not refer to the numerous authorities which are contrary to Louisiana's position, nor to the powers delegated to the Commission, by Congress, under the Natural Gas and Administrative Procedure Acts.

Finally, Louisiana contends we should have named the five pipeline customers of United as co-respondents and directed them to abandon deliveries for boiler fuel use (L.21–22). We chose not to, but did not foreclose such an option.[22]

PETITION TO CLARIFY AND ANSWER

United filed a petition to clarify Phase II, as established in our February 12 order, to (1) present evidence to show that continuation of service at less than the price proposed would have an adverse effect on the depletion of available gas supplies, and (2) to include all gas usage of the individual abandonment applications in Phase II, rather than only non-Priorities 4 and 5 gas usage. Air Products et al. filed an answer opposing United's petition for clarification as did Allied Paper, Inc. and Monsanto Co. Inasmuch as Phase I will examine all Priorities 4 and 5 gas usage on United's system, we remain of the view that Ordering paragraphs (A) and (B) of our February 12 order should not be changed and that the clear distinction between the phased proceedings should continue.

Our February 12 order[23] was clear as to the scope of the Phase II proceeding. We do not intend, nor are we empowered, to prescribe a just and reasonable rate for a direct sale. We do intend, as Air Products, et al. properly interprets, that in Phase II, evidence will be presented as to whether or not the rate is so low so as to adversely affect the ability of United to render adequate systemwide service, including replacement of systemwide supplies.[24] United, on the other hand, desires to show the "true market value price of gas" so as to determine a rate which enables the replacement of gas sold to industrial customers and which does not deplete gas supplies required for domestic use. Inasmuch as a pipeline normally acquires new reserves for the benefit of its system, we cannot perceive that "true market value" price evidence for individual customers would be relevant. However, evidence may be introduced to indicate whether or not the rate at which United is currently making sales to those customers in Phase II impairs, or if continued will impair, United's ability to provide reliable and adequate service to jurisdictional customers. The rates at which United sells to direct customers are not within our jurisdiction. It follows that these nonjurisdictional rates are not to be examined on a traditional cost-of-service and fair-rate-of-return basis. In Phase II we seek to determine if industrial sales should or should not be continued, and in making this determination, we intend to explore on an evidentiary record, the means by which the Commission can assist in the allocation of this wasting resource to its highest and best usage. More specifically, we encourage the parties to present evidence bearing upon the economic and social considerations underlying usage of a limited resource, including but not limited to, whether or not those customers which utilize gas for industrial purposes should bear a greater economic burden, than they have historically borne, to obtain such a resource.

MOTIONS TO POSTPONE EVIDENCE

Natural and Texas Eastern[25] request postponement of the filing of evidence in Phase I, now scheduled for March 19, 1973, and to coordinate the receipt of evidence with the remanded proceedings in RP71–29, Opinion No. 647. United, on the other hand, has indicated it will adhere to the evidentiary schedule we provided for in our January 17 order and that such data need not await the completion of the curtailment proceedings.[26] The presiding Administrative Law Judge is directed to act on these motions for postponement in Phase I, recognizing (1) the Commission's desire to proceed expeditiously in this proceeding, (2) United's willingness to adhere to the prior schedule, and (3) not requiring unnecessary duplication in compiling data in Phase I and the remanded curtailment proceeding. Even if the presiding judge determines such a postponement should be granted, the maximum postponement should be until April 20,[27] and appropriate adjustments may be made to the dates for intervenors and staff, rebuttal, and cross-examination.

The Commission orders that:

(A) The several answers to the January 17, 1973, order to show cause have been considered and the proceedings should continue in both Phase I and Phase II, as previously ordered.

(B) The several applications for rehearing of the January 17, 1973, order are denied as motions for reconsideration.

(C) The petition to clarify Phase II, filed on February 16, 1973, by United, is denied, with appropriate instructions and guidance to the presiding Administrative Law Judge, as contained herein.

(D) The several motions to postpone filing evidence in Phase I are referred to the presiding Administrative Law Judge, with appropriate instructions and guidance as contained herein.

By the Commission.

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

[FR Doc.73-4988 Filed 3-14-73;8:45 am]

[Docket No. RP73-88]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1973.

Take notice that the Northern Natural Gas Co. (Northern) on March 1, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2 the following tariff sheets:

First revised sheet Nos. 369, 375, and 420.
Second revised sheet Nos. 129a, 209, 212, 222, 226, 250, 313, 317, 325, 328, 337, 341, 353, and 356.
Third revised sheet Nos. 115, 122, 188, and 190.
Fourth revised sheet Nos. 256 and 260.

Northern is here proposing to increase certain present jurisdictional field rates by one and nineteen-hundredths of one cent (1.19 cents) per Mcf which Northern states represents the estimated increase in its average cost of purchased gas, per Mcf of gas sales volumes, for the year 1973. Pursuant to 18 CFR 154.51 Northern requests the Commission to waive the notice requirements of 18 CFR 154.22 to permit these tariff sheets to become effective on February 27, 1973.

Northern states that copies of this letter and tariff sheets are being mailed to the affected jurisdictional field customers covered by these tariff sheets as well as interested State Commissions shown on the attached list.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5129 Filed 3-14-73;10:06 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Acquisition of Bank

Charter New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company

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[21] E.g., Order No. 467, Opinion Nos. 643 and 647.

[22] See response to similar point raised by Texas Eastern, supra.

[23] Page 3.

[24] *Cf.* Opinion No. 606, 46 FPC at 803–05.

[25] Northern, Southern, and Natural support Texas Eastern's motion.

[26] See United's answer to show cause order at 4–6.

[27] Texas Eastern proposed an alternative of 45 days following the hearing on Mar. 5, 1973.

Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Nanuet National Bank, Nanuet, N.Y. (Bank).[1] The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in New York, controls 12 banks with aggregate deposits of $4.2 billion representing 4.3 percent of the total domestic deposits of commercial banks in the State.[2] (Banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through January 31, 1973.) Consummation of the proposed acquisition of Bank, with deposits of $64.5 million, would increase Applicant's share of commercial bank deposits within the State an insignificant amount, would not change its ranking among the banking organizations in the State, and would not result in a significant increase in the concentration of banking resources in any area.

Bank is the fourth largest of eight banks located in the Rockland County banking market (Third Banking District) in southeastern New York just north of the New York City metropolitan area and controls 13.2 percent of the commercial bank deposits in the area. The three largest banks in the market control about two-thirds of deposits therein, and three of the four smaller banks are bank holding company subsidiaries. Although Applicant has two subsidiary banks located in the Third Banking District (in Westchester and Dutchess Counties), each of these banks competes principally in a market other than Rockland County, and consummation of the proposed acquisition would not eliminate any significant existing competition nor deprive customers in the relevant market of an alternative source of banking services.

Applicant could enter the Rockland County market on a de novo basis; however, foreclosure of this potential competition is not considered serious. Economic conditions in the market are favorable to de novo entry.[3] Applicant, with its substantial resources and statewide orientation, is financially and legally able (through its subsidiary banks in Westchester and Dutchess Counties) to branch de novo into Rockland County. In addition, each multibank holding company headquartered in New York State (except Security New York Corp., Rochester) has at least one subsidiary bank in the Third Banking District and, accordingly, is legally permitted to branch into Rockland County. Furthermore, as statewide branching becomes effective in 1976, New York City banks will be permitted to branch de novo into the county. In view of the large number of potential entrants and banking alternatives, the elimination of some potential competition is not considered significant. On the basis of the facts of record, the Board concludes that considerations relating to competition are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries appear to be satisfactory and future prospects are favorable. The managerial resources and future prospects of Bank are good. While the Board regards the present capital position of Bank as low, Applicant has committed itself to providing Bank with $1,500,000 in equity capital in order to correct this situation.

Affiliation with Applicant will permit Bank to meet the growing banking needs within the Rockland County banking market and enhance its ability to compete with the larger institutions in the area. Consummation of this proposal would enable Bank to broaden and improve the range of services it presently offers, including increased lending limits, expanded consumer lending, and data processing services, and newly provided trust and municipal financing services. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before April 7, 1973, or (b) later than June 8, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4958 Filed 3-14-73;8:45 am]

[1] Applicant submitted to the Board on June 1, 1971, an earlier application to acquire Bank which was withdrawn (without prejudice) at the request of Applicant on Apr. 3, 1972, in order to revise and incorporate new material therein. The New York State Banking Board denied on Sept. 1, 1971, a similar application for permission to acquire Bank; Applicant's request for a reconsideration of that action resulted in approval by the Banking Board of the application on Sept. 1, 1972.

[2] Applicant's lead bank, Irving Trust Co., New York City, has deposits of $3.1 billion and operates 16 branches all within Manhattan; the other 11 subsidiary banks of Applicant are small-to-medium size retail banks operating variously in seven of the State's remaining eight banking districts.

[3] The county's population in 1970 was 230,000, 68 percent higher than 10 years earlier, while the population of the State as a whole grew only 8 percent. By 1990, it is predicted that the population of the county will increase to 408,000, or 77 percent over the 1970 level. Further, Rockland County is characterized by a relatively high income level (effective buying income per household totaled $15,866 in 1971, compared to $13,309 per household for the State).

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

FIRST OF MUSKOGEE CORP.

Formation of Bank Holding Company

First of Muskogee Corp., Muskogee, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank & Trust Co. of Muskogee, Muskogee, Okla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 31, 1973.

Board of Governors of the Federal Reserve System, March 8, 1973.

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

[FR Doc.73-4959 Filed 3-14-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Acquisition of Bank

Manufacturers Hanover Corp., Dover, Del., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Olean, Olean, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 4, 1973.

Board of Governors of the Federal Reserve System, March 8, 1973.

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

[FR Doc.73-4960 Filed 3-14-73;8:45 am]

RIBSO, INC.

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act, became subject to the Bank tain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a company covered in 1970 may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of any grandfather privileges of Ribso, Inc., Rock Island, Ill. (Ribso), and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 21382). The time for filing comments, views, and requests has expired.

The proposed review of grandfather privileges of Ribso was based on the premise that Ribso became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, with respect to Rock Island Bank & Trust Co., Rock Island, Ill. (Bank) (assets of $64 million, as of December 31, 1970). Ribso has indicated that it should be regarded as a company covered in 1970[1] since, on June 30, 1968, Registrant owned 20.82 percent of the voting shares of Bank and controlled or exerted a controlling influence over the management or policies of Bank.

On December 31, 1970, Ribso owned slightly over 23 percent of the outstanding voting shares of Bank and acquired (without prior Board approval) an additional 2.276 percent of the voting shares of Bank during the first 6 months of 1971. Ribso received Board approval on August 1, 1972, for the retention of the additional 2.276 percent of the voting shares of Bank (1972 "Federal Reserve Bulletin" 802).

In its order of August 1, 1972, approving Ribso's application for permission to retain ownership of 2.276 percent of the voting shares of Bank, the Board accepted as a fact, for purposes of the decision in that matter, Ribso's claim of control of Bank even though the ownership of shares was less than 25 percent of the outstanding voting shares of Bank. However, for purposes of grandfather benefits under section 4(a)(2) of the Act, a company is not entitled to such privileges because of a claim (on its part) of control of more than 25 percent of the shares of a bank prior to the cutoff date or a claim of being able to exercise a controlling influence over the management or policies of a bank within the meaning of section 2(a)(2)(C) of the Act.[2] A determination under section 2(a)(2)(C) of the Act is made by the Board (not by a company) and only after notice and opportunity for hearing; and such determination is made prospectively and does not relate back to a time prior to the date of the Board's determination. On this basis, the Board concludes that Ribso cannot be regarded as having been a one-bank holding company on June 30, 1968, that Ribso is not a company covered in 1970 within the meaning of the Act and is not entitled to grandfather benefits, and that the question of termination of grandfather privileges, under the proviso in section 4(a)(2) of the Act, is moot.

Board of Governors of the Federal Reserve System, March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4961 Filed 3-14-73;8:45 am]

SENECA BANCSHARES, INC.

Formation of One-Bank Holding Company

Seneca Bancshares, Inc., St. Joseph, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.22 percent of the voting shares of the Citizens' State Bank, Seneca, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than April 2, 1973.

Board of Governors of the Federal Reserve System, March 9, 1973.

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

[FR Doc.73-4962 Filed 3-14-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 100]

ESPIRITU SANTO GRANT, CAMERON COUNTY, TEX.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By a transfer letter dated February 15, 1973, the property known as Share 19 of Espiritu Santo Grant in Cameron County, Tex., consisting of approximately 17.4 acres of unimproved land, has been transferred from the International Boundary and Water Commission to the Department of the Interior.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: March 6, 1973.

THOMAS M. THAWLEY,
Commissioner.

[FR Doc.73-4963 Filed 3-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 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 March 11, 1973, through March 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4974 Filed 3-14-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary

[1] Sec. 2(b) of the Act defines company covered in 1970 as a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970, and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date.

[2] Sec. 2(a)(2)(C) of the Act provides that a company has control over a bank (and thus is a bank holding company) if the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or (bank holding) company.

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 securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 10, 1973, through March 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4975 Filed 3-14-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

MARCH 8, 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 DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 9, 1973, through March 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4976 Filed 3-14-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

MARCH 8, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 9, 1973, through March 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4977 Filed 3-14-73;8:45 am]

[812-3407]

LEHMAN BROS. INC.

Notice of Filing of Application for Exemption

MARCH 9, 1973.

Notice is hereby given that Lehman Bros. Inc. (Applicant), 1 William Street, New York, NY 10004, on behalf of itself, the other representatives (comprised of duPont Glore Forgan Inc., Walston & Co., Inc., Crowell, Weeden & Co., Mitchum, Jones & Templeton, Inc., Rauscher Pierce Securities Corp., Stern, Frank, Meyer & Fox, Inc., and Sutro & Co., Inc.), and all other persons who will be underwriters (Underwriters) of a proposed offering of shares of Current Income Shares, Inc. (Corporation), a closed-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant, the other representatives and the Underwriters from section 30(f) of the Act in respect of their transactions incidental to the distribution of the Corporation's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Corporation are to be purchased by the Underwriters pursuant to an underwriting agreement to be entered into between the Corporation and the Underwriters represented by Applicant and the other representatives. It is intended that upon the effective date of the Corporation's Registration Statement under the Securities Act of 1933, the Corporation's shares will be sold to the public.

It is possible that one or more of the Underwriters, including the Applicant and any of the other representatives, may acquire, in accordance with the provisions of the underwriting agreement, more than 10 percent of the Corporation's common stock which will be outstanding at the time of the closing of the initial public offering of the shares. Since section 30(f) of the Act subjects every person who is directly or indirectly a beneficial owner of more than 10 percent of any class of outstanding securities of the Corporation to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) on certain owners in respect of their transactions in certain securities, such Underwriter or Underwriters may, accordingly, become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, become subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain persons from the operation of section 16(b) thereof. Applicants state that the purpose of the purchase by the Underwriters is for resale in connection with the initial distribution of shares of the Corporation. Such purchases will, therefore, be transactions effected in connection with the distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2. Nevertheless, it is possible that one or more of the Underwriters will not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act.

It is anticipated that the requirements of paragraphs (a)(1) and (2) of Rule 16b-2 will be satisfied by all of the Underwriters, but paragraph (a)(3) of such rule may be construed in such a manner as to cause one or more of the Underwriters to fail to comply therewith. For example, a group of the Underwriters, each of whom is obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding after the closing, may together purchase more than 50 percent of the aggregate number of shares being offered. In this event, such arrangements might be characterized as not meeting the requirement of Rule 16b-2(a)(3) that persons not within the purview of section 16(b) of the Exchange Act participate in the distribution to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Exchange Act by Rule 16b-2.

Moreover, this requirement of Rule 16b-2(a)(3) may not be met because it is possible that one or more Underwriters, even though they are obligated by the underwriting agreement to purchase less than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding upon completion of the initial public offering of the shares, may, as a consequence of defaults by other Underwriters who do not purchase their respective underwriting commitments, become obligated to purchase at the closing of the public offering more than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding after the closing.

In addition to purchases of shares from the Corporation and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution and sales of shares purchased in stabilization.

The application states that there is no inside information concerning the Corporation, since the Corporation, prior

to the initial distribution of shares, will have no assets (other than cash in the amount required to enable it to commence its business as an investment company) or be engaged in business of any sort, and all material facts with respect to the Corporation will be set forth in the prospectus pursuant to which the shares will be offered and sold. The application further states that no partner, director, or officer of any of the Representatives, including the Applicant, is a director or officer of either the Corporation or Unionamerica Investment Management Co., the Corporation's investment adviser (the "Adviser"), or any affiliate of the Adviser and that it is not anticipated that any director or officer of any other Underwriter will be a director or officer of the Corporation or the Adviser or any such affiliate. Applicants thus submit that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 26, 1973, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4978 Filed 3-14-73;8:45 am]

[812-3318]

MASSACHUSETTS CAPITAL DEVELOPMENT FUND, INC., ET AL.

Notice of Application for an Order Exempting Applicants

MARCH 8, 1973.

Notice is hereby given that Massachusetts Capital Development Fund, Inc., Massachusetts Financial Development Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Investors Growth Stock Fund, Inc., and Massachusetts Investors Trust, Inc. (collectively referred to as the "Massachusetts Group"), 200 Berkeley Street, Boston, MA 02116. Vance Sanders Common Stock Fund, Inc., Boston Fund, Inc., and Vance, Sanders Special Fund, Inc. (collectively referred to as the "Boston Group"), and Century Shares Trust (CST) (hereinafter referred to collectively as the "Funds"), 111 Devonshire Street, Boston, MA 02109, all of which are diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the Act), and Vance, Sanders & Co., Inc. (VS), 111 Devonshire Street, Boston, MA 02109, principal underwriter pursuant to a special distributing agreement with each Fund, have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicants and certain transactions from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The prospectus of each of the Funds states that a sales commission is included in the offering price of the shares of the Funds. The Massachusetts Group are advised by Massachusetts Financial Services, Inc., the funds in the Boston Group are advised either by VS or a subsidiary of VS, and CST is internally managed.

Each of the Funds proposes to sell its shares at their net asset value per share, i.e., without any sales charges, to persons who have caused their shares of that Fund to be redeemed or repurchased within the previous 15 days.

In addition, each fund in the Massachusetts Group proposes to sell its shares at net asset value plus a $5 service charge to persons who have caused shares of any other Fund in the group to be redeemed or repurchased within the previous 15 days, provided that at least 80 percent of the shares redeemed or repurchased must have been held for at least 6 months, and each Fund in the Boston Group proposes to sell its shares at net asset value plus a $5 service charge to persons who have caused shares of any other Fund in the group to be redeemed or repurchased within the previous 15 days.

In every case the amount of a sale, which is made pursuant to a reinvestment privilege, will not exceed the amount of the redemption or repurchase proceeds, and a shareholder of any of the Funds will be permitted to exercise the aforementioned reinvestment privileges only once with respect to each Fund of which he is a shareholder.

The sale will be made at the net asset value per share next determined after receipt of the order. A written order to purchase the shares must be received by the Funds or VS or be postmarked within 15 days after the date the request for redemption or repurchase was received.

The application states, among other things, that to advise investors of the privileges, each of the Funds may, at its expense, probably through the facilities of the appropriate transfer agent and probably by a statement inserted with the redemption check, or in appropriate instances by telephonic communication, advise the investor of the right to reinvest in a Fund within the Massachusetts Group or within the Boston Group (which may or may not be the Fund whose shares were redeemed) or in CST at net asset value plus any applicable service charge. This would be in addition to the disclosure of the privilege in the prospectus of each of the Funds.

The application also asserts that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unaware at the time they redeemed; that the privilege does not operate to the prejudice of the Funds or their shareholders; and that the one-time feature will prevent any speculation or trading against the Funds.

Section 6(c) of the Act provides that the Commission, upon application, may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any

such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4979 Filed 3-14-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 9, 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 March 12, 1973, through March 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4980 Filed 3-14-73;8:45 am]

[70-4637]

NORTHEAST UTILITIES ET AL.

Notice of Proposed Issuance and Sale of Long-Term Notes, Exception From Competitive Bidding, and Related Transactions

MARCH 9, 1973.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, and five of its subsidiary companies have filed a seventh post-effective amendment to the joint application-declaration in this proceeding pursuant to the provisions of the Public Utility Holding Company Act of 1935 (the Act), designating sections 6, 7, 9, 10, 12(b), and 12(f) of the Act, and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. The subsidiary companies are the Connecticut Light & Power Co. (CL&P), Selden Street, Berlin, Conn. 06037, the Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, MA 01089, all public utility companies; the Rocky River Realty Co. (Rocky River), a nonutility company; and Northeast Utilities Service Co. (NUSCO), Selden Street, Berlin, Conn., the service company serving the Northeast Utilities System. All interested persons are referred to the application-declaration as heretofore amended and as further amended by said seventh post-effective amendment, for a complete statement of the proposed transactions, which is summarized below.

Rocky River, which performs various real estate functions for associate companies at cost, is the owner of a tract of land of 125.6 acres located in Berlin and Newington, Conn., together with structures thereon consisting of two office buildings, a central warehouse, a service building and a commons building (collectively referred to as the "Berlin Complex"). One of the office buildings is occupied by CL&P as its principal executive office; the other office building and the balance of the Berlin Complex are occupied and used by NUSCO. All of these properties are covered by net leases from Rocky River to the said two associate companies.

In a series of prior orders of the Commission in this proceeding, Rocky River was authorized to issue and sell from time to time certain interim securities for the purpose of financing the costs of its acquisition and construction of the Berlin Complex pending the permanent financing thereof (see Holding Company Act Releases Nos. 16105, 16293, 16567, and 16759 dated, respectively, 7/2/68, 2/26/69, 12/23/69, and 6/22/70). Pursuant to these authorizations, Rocky River issued and sold $13,500,000 face amount of 3-year notes to banks (Bank Notes) maturing June 30, 1973; and $4,900,000 face amount of 5-year subordinated notes to Northeast (5-year Notes). Of these interim securities, $12,150,000 and $4,900,000, respectively, were outstanding as of December 31, 1972. On that date Rocky River's capitalization also included 3.15 percent and 3.75 percent first mortgage bonds (Old Bonds) due 1981 and 1983, respectively, in an aggregate principal amount of $1,905,000, held by financial institutions; and $1,785,000 face amount of 40-year subordinated notes plus $56,000 (including retained earnings) of equity capital, all held by Northeast.

Said prior orders of the Commission had also granted Rocky River an exception from the competitive bidding requirements of Rule 50 under the Act, permitting it to enter into negotiations with institutional investors for the issuance and sale of first mortgage bonds as permanent financing of the Berlin Complex. These negotiations were unsuccessful (HCAR No. 16567).

In the current post-effective amendment, applicants-declarants now propose that Rocky River will issue and sell, at par $15 million principal amount of long-term notes (30-year Notes). Rocky River will use the proceeds to repay the Bank Notes at maturity (estimated to total $12,015,000), to pay the expenses of said issuance and sale, and with the remainder, to prepay a portion (approximately $2,900,000) of the 5-year Notes held by Northeast. It is further proposed that the balance of the 5-year Notes then held by Northeast (approximately $2 million) be converted into an equal amount of new 30-year subordinated notes (Subordinated Notes). The Old Bonds will be left outstanding until maturity.

Applicants-declarants seek an exception from the competitive bidding requirements of Rule 50 under the Act, pursuant to subparagraph (a)(5) of the rule, in respect of the 30-year Notes, and request permission to enter into negotiations for the sale thereof to institutional investors. The 30-year Notes will mature in the year 2003, will be severally and unconditionally guaranteed by CL&P, HELCO, and WMECO in the proportions of 62 percent, 23 percent, and 15 percent, respectively, and will be subject to a mandatory semiannual sinking fund, commencing approximately 6 months after the date of issuance, designed to retire 100 percent of the issue by maturity. On each sinking fund date Rocky River will have the right to prepay, without premium, an additional principal amount of the 30-year Notes not exceeding the amount then required under the mandatory provision. In addition, Rocky River will have the option of prepaying the 30-year Notes at any time or from time to time, in whole or in part, at stated premiums; *Provided,* That no such prepayment may be made prior to 1978 from or in anticipation of, debt for moneys borrowed by Rocky River or on its behalf by any associate company, at an interest cost less than that of the 30-year Notes.

The new Subordinated Notes to be issued to Northeast will bear interest at an annual rate of one quarter of 1 percent above the prime rate for short-term loans in effect from time to time at The Connecticut Bank and Trust Company. It is further proposed that Rocky River may prepay and thereafter reissue the Subordinated Notes, provided that as a result thereof Rocky River's total debt to third parties shall not exceed four times the sum of: (a) Capital stock and retained earnings, and (b) all subordinated notes held by Northeast.

It is stated that the proposed guarantees of the 30-year Notes by CL&P and HELCO are subject to the approval of the Public Utilities Commission of Con-

necticut and that the guarantee by WMECO is subject to approval by the Massachusetts Department of Public Utilities. A statement of the fees and expenses incurred and to be incurred in connection with the proposed transactions will be supplied herein by amendment.

Notice is further given that any interested person may, not later than April 3, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4982 Filed 3-14-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

MARCH 9, 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 March 10, 1973, through March 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4981 Filed 3-14-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

[License No. 09/12-0023]

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations govering small business investment companies (13 CFR 107.701 (1972)) for transfer of control of California Growth Capital, Inc. (Growth), 1615 Cordova Street, Los Angeles, CA 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C., 661 et seq.).

Growth, which was licensed on May 11, 1961, will have paid-in capital and paid-in surplus from private sources of approximately $1,021,400. The transfer of control is being made pursuant to purchase and sale agreements between Growth, De Anza Land and Leisure Corp., 1615 Cordova Street, Los Angeles, CA, First National Bank of Commerce, 210 Baronne Street, New Orleans, LA 70112, All American Assurance Co., Post Office Box 66127, Baton Rouge, LA 70806, and H. D. Hughes.

The proposed transfer of control is subject to and contingent upon the approval of SBA.

After the proposed transfer of control, the officers, directors, and principal stockholders will be as follows:

Allen R. Houk, 3751 Rue Delpine, New Orleans, LA, Director, Chairman of the Board.
Walter B. Stuart III, 5672 Rosemary Place, New Orleans, LA, Director, Vice Chairman of the Board.
Thomas S. Davison, 1333 State Street, New Orleans, LA, Director.
Thomas E. Smith, Jr., 1470 Arabella Street, New Orleans, LA, Director, President and Chief Executive Officer.
Charest D. Thibaut, Jr., 2775 McCarroll Drive, Baton Rouge, LA, Director.
James A. Churchill, 461 Pine Street, New Orleans, LA, Director, Secretary.
William H. Oldknow, 1161 Virginia Road, San Marino, CA, Director.
Richard C. Seaver, 434 South Rossmore Avenue, Los Angeles, CA, Director.
John Ferraro, 570 North Rossmore Avenue, Los Angeles, CA, Director.
Warren P. Deckert, 46 Dove Street, New Orleans, LA, Director.
Jon E. M. Jacoby, 23 River Valley Road, Little Rock, AR, Director.
Richard J. Shopf, Oaklawn Drive, Tchefuncta Club Estates, Covington, LA 70433, Director.
Billy E. Mitchum, 2511 Danbury Drive, New Orleans, LA, Treasurer.
First National Bank of Commerce, 210 Baronne Street, New Orleans, LA, Stockholder.
All American Assurance Co., Post Office Box 66127, Stockholder.
Jaser Development Co., 1615 Cordova Street, Los Angeles, CA, Stockholder.

First National Bank of Commerce will own 49 percent of the licensee's stock, All American Assurance Co. will own 16.6 percent and Jaser Development Co. will own 14.9 percent. The balance of licensee's stock will be owned by approximately 445 shareholders.

The name of Growth will be changed to "First Southern Capital Corporation." It is contemplated that the principal operating office will be transferred to 1208 Commerce Building, New Orleans, La. 70112. Growth will maintain an office, for purpose of General Corporation Law of California, at 1615 Cordova Street, Los Angeles, CA. The new license number would be 06/12-0023.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners, and the probability of successful operations of the company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Los Angeles, Calif., and New Orleans, La.

Dated: March 6, 1973.

DAVID A. WOLLARD, *Associate Administrator, for Finance and Investment.*

[FR Doc.73-4972 Filed 3-14-73;8:45 am]

[Delegation of Authority No. 30; Region IX, Amdt. 2]

CHIEF AND ASSISTANT CHIEF, REGIONAL FINANCING DIVISION ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Delegation of Authority No. 30—Region IX (37 FR 17624) as amended (37 FR 20288) is hereby further amended by revising Part I, section A, 3a, and 3b; section B, 1a, 3a, b, and c; Part II, section A, 1, 2, and 4; section B, 1, 2a, 2b; Part VII, section A, 1a(2); Part VIII, section A, 2, and 3. This amendment more clearly defines certain authorities; eliminates reference to class B disasters; delegates eligibility determination authority to PMA Chief; and includes authority to contract for local credit bureau services and loss verification services.

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority.*

* * * * *

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

Chief and Assistant Chief, Regional Financing Division	$350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, eggs, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

Regional Supervisory Loan Officer	$50,000
District Directors	350,000
Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division	350,000
District Supervisory Loan Officer, Los Angeles District Office	50,000

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, eggs, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Regional Supervisory Loan Officer.

(3) District Directors.

(4) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(5) District Supervisory Loan Officer, is assigned.

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loans:

(1) District Directors.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine health and safety loans:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Regional Supervisory Loan Officer.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) District Supervisory Loan Officer, if assigned.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, strategic arms limitation economic injury, and occupational safety and health loans personally approved under delegated authority:

Does not apply.

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PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Director.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) Disaster Branch Managers, as assigned.

(5) Supervisory Loan Officer, if assigned, Los Angeles Earthquake Disaster Office.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Supervisory Loan Officer, Regional Financing Division.

* * * * *

4. To appoint as a processing representative any bank in the disaster area:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

SEC. B. *Administrative authority*—1. *Establishment of disaster field offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Chief, Regional Administative Division.

(3) District Director.

(4) Chief, District Administrative Division.

2. *Purchase and contract authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) District Director.

(3) Chief, District Administrative Division.

(4) Disaster Branch Manager, if assigned.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) District Director.

(3) Chief, District Administrative Division.

* * * * *

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. *Eligibility determinations.* 1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency:

* * * * *

(2) Except: The SBIC and community economic development programs:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Chief, Regional PMA Division.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) Chief, PMA Division, Los Angeles District Office.

* * * * *

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.*

* * * * *

2. *To purchase office supplies and equipment,* including office machines and

rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Specialist or Administrative Services Assistant.

(3) District Director.

(4) Chief, District Administrative Division.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Specialist or Administrative Services Assistant.

(3) District Director.

(4) Chief, District Administrative Division.

SEC. B. [Deleted]

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Effective dates: September 28, 1972—Part I, section A, Paragraph 3; September 28, 1972—Part I, section B, Paragraphs 1 and 3; September 28, 1972—Part II, section A, Paragraphs 1, 2 and 4; July 1, 1972—Part II, section B, Paragraphs 1 and 2; July 1, 1972—Part VII, section A, Paragraph 1; July 1, 1972—Part VIII, section A, Paragraphs 2 and 3.

GILBERT MONTANO,
Regional Director,
San Francisco Region IX

[FR Doc.73-4971 Filed 3-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 198]

ASSIGNMENT OF HEARINGS

MARCH 12, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 99284 Sub 6, Sullivan's Motor Delivery, Inc., now being assigned hearing April 30, 1973 (2 weeks), at Madison, Wis., in a hearing room to be later designated.

MC-C-7759, Central Motor Express, Inc., et al. v. Renner's Express, Inc., now being assigned April 23, 1973, at Louisville, Ky., in a hearing room to be later designated.

MC 105045 Sub. 34, R. L. Jeffries Trucking Co., Inc., now being assigned April 24, 1973 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 113267 Sub 289, Central & Southern Truck Lines, Inc., now being assigned April 25, 1973 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC-F-11673, Reliance Truck Co.—Purchase—Daigh & Stewart Truck Co., and MC 54567, Reliance Truck Co., now being assigned hearing April 30, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC-FC-73661, Bianchi Transportation Co., Inc., Old Bridge, N.J., Transferee and Bianchi Truck Line, Inc., Klemmer Kaltelissen, trustee, Old Bridge, N.J., Transferor, MC 114132, Bianchi Truck Line, Inc., now being assigned April 30, 1973 (1 day), at New York City, N.Y., in a hearing room to be later designated.

MCC-7865, Mayflower Coach Corp. v. Bronx Bus Corp., now being assigned May 1, 1973 (1 day), at New York City, N.Y., in a hearing room to be later designated.

MC 135955, Bakker Service Station, Inc., now being assigned May 2, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 109397 Sub 277, Tri-State Motor Transit Co., now being assigned hearing May 10, 1973 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 126514 Sub 39, Schaeffer Trucking, Inc., now being assigned hearing May 7, 1973 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-2202 Sub 418, Roadway Express, Inc., now being assigned hearing April 30, 1973 (1 week), at Lansing, Mich., in a hearing room to be later designated.

MC 136222, Movers Port Service, Inc., now being assigned hearing May 14, 1973 (1 week), at San Diego, Calif., in a hearing room to be later designated.

MC-135532, J. B. Levin, Inc., now assigned April 4, 1973, will be held on the fifth floor, 150 Causeway Street, Boston, Mass.

AB 65, St. Johnsbury & Lamoille County Railroad, entire line abandonment between St. Johnsbury and Swanton, Caledonia, Washington, Lamoille and Franklin Counties, Vt., now assigned March 26, 1973, at Montpelier, Vt., is canceled and reassigned to March 26, 1973, at the Charlmont Restaurant, Banquet Room, junction of Highway Routes 15 and 100, Morrisville, Vt.

MC 136354, Lizza Trucking Co., now assigned March 15, 1973, at St. Louis, Mo., is canceled and the application is dismissed.

MCC-7757, Inter-County Motor Coach, Inc., v. Schenck Tours, Inc., et al., MC 12731 Subs 1 and 2, Teens N Tours, Inc., now assigned March 19, 1973, in Court Room 3, U.S. Customs Court, One Federal Plaza, New York, NY.

MC-F-11530, John R. Remis, Bernard Sacharoff, John Roncoroni, Louis Geik, Henry Bono, Nicholas Accardi, New Deal Delivery Service, Inc., Eastern Transportation Co., Inc., and Airfreight Transportation Corp. of New Jersey—investigation of control, MC-FC-71876, Resil Trucking Corp., transferee and Eastern Transportation Co., Inc., transferor, now assigned March 21, 1973, will be held in Court Room 3, U.S. Customs Court, One Federal Plaza, New York, NY.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5045 Filed 3-14-73;8:45 am]

[Notice 20]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 9, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before May 15, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication

except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 205), filed January 17, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Denver, Colo., and Great Falls, Mont., from Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Interstate Highway 90 near Buffalo, Wyo., thence over U.S. Highway 87 (Interstate Highway 90) to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to U.S. Highway 191 at Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., thence over U.S. Highway 87 to Great Falls, Mont., and return over the same route, serving the intermediate points of Billings, Mont., and the plantsite of Big Horn Carpet Mills at Crow Agency, Mont. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 531 (Sub-No. 284), filed January 10, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14948, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics and synthetic resins*, in bulk, in tank vehicles, from Covington, Ky., to all points in the United States (except Alaska and Hawaii and Kentucky). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2202 (Sub-No. 437), filed February 9, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in New Castle County, Del., Hunterdon County, N.J., Fairfax and Prince William Counties, Va., Baltimore, Harford, Cecil, Anne Arundel, Howard, Montgomery, Prince Georges and Carroll Counties, Md., York, Adams, Lancaster, Lebanon, Franklin, Cumberland, Perry, Berks, Schuylkill, Columbia, Northumberland, Union, Snyder, Montour, and Luzerne Counties, Pa., and Smithsburg and Thurmont, Md., as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5227 (Sub-No. 5), filed February 9, 1973. Applicant: ECONOMY MOVERS, INC., Post Office Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and metal grain bins, and components and accessories and parts* thereof, from Galesburg, Ill., and Kansas City, Mo., to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 6078 (Sub-No. 72), filed February 1, 1973. Applicant: D. F. BAST, INC., Post Office Box 2288, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building slabs*, from points in Lehigh County, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Louisiana, and Texas; and (2) *materials, supplies, and equipment* (except in bulk) from the aforementioned destination States to the aforementioned origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 8948 (Sub-No. 102), filed January 19, 1973. Applicant: WESTERN GILLETTE, INC., 2550 East 20th Street, Los Angeles, CA 90058. Applicant's representative: Christopher Ashworth, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Verona, Mo., located approximately 29 miles southwest of Springfield, Mo., as an off-route point in connection with applicant's presently authorized regular-route operations between Oklahoma City, Okla., and Chicago, Ill., over U.S. Highway 66 in No. MC-8948. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or St. Louis, Mo.

No. MC 9914 (Sub-No. 7), filed January 22, 1973. Applicant: WARREN TRUCKING CO., INC., U.S. Highway 220 South, Box 2038, Martinsville, VA 24112. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from points in Smyth County, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, that part of Ohio on and east of a line beginning at Portsmouth, Ohio, and extending along U.S. Highway 23 to Marion, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio, those in the New York, N.Y., commercial zone as defined by the Commission in 1 MCC 655, and those in Nassau County, N.Y.; and (2) *materials, equipment, and supplies* used in the manufacture, packaging, and distribution of new furniture and furniture parts, from points in the destination territory named in (1) above, to points in Smyth County, Va. NOTE: Applicant presently holds authority to transport new furniture and related materials, from Martinsville, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, eastern Ohio, and New York City-Long Island, N.Y., and return materials on return, therefore duplicating authority may be involved. Applicant further states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 9997 (Sub-No. 3), filed January 29, 1973. Applicant: KEOMAH TRUCK LINES, INC., 546 Ninth Avenue East, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal and poultry feed ingredients, and animal and poultry feed concentrates*, between Oskaloosa, Iowa, and Danville, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 11862 (Sub-No. 4), filed February 2, 1973. Applicant: FLOYD HILL, doing business as DELTA TRANSFER LINES, 1100 West 14th Street, Jasper, AL 35501. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Used household goods*, between points in Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, De Kalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Ala. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Jasper, Ala. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 16634 (Sub-No. 17), filed January 17, 1973. Applicant: STRANG TRANSPORTATION, INC., Center Street, Elmer, N.J. 08318. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, in bulk, in compartmentized equipment of not less than three compartments, from the plantsite of Ralston Purina Co., Hampden Township (Camp Hill), Pa., to points in New Jersey, restricted to traffic originating at and destined to be above origin and named destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 17051 (Sub-No. 11), filed January 31, 1973. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and equipment, materials, and supplies* used or useful in the manufacture and sale of wearing apparel, between Carteret, Perth Amboy, and Newark, N.J., Johnstown, and New York, N.Y., Brunswick, Ga., and Salisbury, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 19227 (Sub-No. 183), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment* used in connection with or installation thereof, between points in California on the one hand, and, on the other, points in Kentucky, Missouri, Indiana, Ohio, Wisconsin, Minnesota, Iowa, and Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 19227 (Sub-No. 184), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, an equipment* used in connection with or installation thereof, between points in California on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Florida, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 19227 (Sub-No. 185), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment* used in connection with or installation thereof, between points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Utah, Montana, and Idaho. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 22179 (Sub-No. 15), filed January 21, 1973. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Post Office Box 467, Oxford, MS 38655. Applicant's representative: Louis I. Dailey, Suite 2205, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood particle board or composition board*, from the plantsite of Champion International Corp. at or near Oxford, Miss., to points in Alabama on and north of U.S. Highway 80, and those points in Tennessee on and west of U.S. Highway 231. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Jackson, Miss., or Nashville, Tenn.

No. MC 30383 (Sub-No. 13), filed January 29, 1973. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Herbert 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 stearine, glycerine, oils, cooking fats, 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), from Bayonne, N.J., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., under contract with Procter & Gamble Manufacturing Co., and Procter & Gamble Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 453), filed January 29, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass rods and glass tubing* from Milville and Vineland, N.J., and Parkersburg, W. Va., to Syracuse, Nebr., and (2) *glassware, glass containers, caps, covers, tops, stoppers, corrugated cartons, and accessories for glassware and glass containers* from Milville, N.J., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 35045 (Sub-No. 10), filed January 16, 1973. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, GA 30307. Applicant's representative: E. G. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (nonferrous)-*aluminum borings*, from Atlanta, Ga., to Wabash, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 44639 (Sub-No. 64), filed January 19, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, and supplies* used in the manufacture of wearing apparel, between Richmond, Va., on the one hand, and, on the other, Lyndhurst, N.J., and points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states that the requested authority can be tacked at New York, N.Y., with its authority in No. MC-44639 and various subs thereunder, but does not

identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 51146 (Sub-No. 309), filed February 2, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from Nicholasville, Ky., to Mobile, Ala., and points on and north of U.S. Highway 78 in Alabama; east of St. Louis, Ill.; Evansville, Ind.; Memphis, Tenn., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington; and (2) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products from the destinations named above to Nicholasville, Ky. NOTE: Applicant states that its requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 310), filed February 5, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk); and (2) *foodstuffs and furniture* (except in bulk), moving in mixed loads with the commodities described in (1) above, from Georgia, North Carolina, South Carolina, Mississippi, Kentucky, Florida, Alabama, Tennessee, and Virginia, to the facilities maintained or utilized by the J. L. Hudson Co. located at Grand Rapids, Ann Arbor, Flint, Pontiac, and Detroit, Mich., and Toledo, Ohio. Restriction: Restricted to traffic originating at the origin points and destined to the above facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 52657 (Sub-No. 699), filed January 29, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri, 2140 West 79th Street, Chicago, IL 60620. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in driveaway and truckaway service, and *materials, supplies* (except commodities in bulk), and *parts* used in the manufacture, assembly, or servicing of buses when moving in the same load and at the same time with such buses, between Boyertown, Pa., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of buses which have been manufactured or assembled in Boyertown, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 55896 (Sub-No. 39), filed January 18, 1973. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson Sinclair Co., at or near Monmouth, Ill., to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Wilson Sinclair Co., at or near Monmouth, Ill., and destined to the above-named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59570 (Sub-No. 37), filed February 5, 1973. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Applicant's representative: James C. Werner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Limestone*, natural, ground in bulk, in dump and pneumatic trailers, from Perth Amboy, N.J., to points in Pennsylvania, Delaware, Maryland, Connecticut, New York, and Rhode Island and (2) *Asphalt filler*, in dump and pneumatic vehicles, from Pennsylvania to points in New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 59583 (Sub-No. 133), filed January 23, 1973. Applicant: THE MASON AND DIXON LINES INCORPORATED, Post Office Box 969, Eastman Road, Kingsport, TN 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the plantsite of Reynolds Metals Co. at Ashville, Ohio, as an off-route points in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 61231 (Sub-No. 70), filed February 5, 1973. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing, and insulation materials* (except iron and steel and commodities in bulk) and (2) *Materials and supplies* used in the installation and distribution of the commodities named in (1) above, between the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 61592 (Sub-No. 301), filed February 2, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Savannah, Ga., on the one hand, and, on the other, points in Bryan, Chatham, Evans, Effingham, Liberty, Long, McIntosh, and Tattnall Counties, Ga. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 64112 (Sub-No. 52), filed January 29, 1973. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 26276, Charlotte, NC 28213. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products (except commodities which because of size and weight require the use of special equipment), (1) from Philadelphia, Pa., to points in Tennessee located on and east of U.S. Highway 27, and points in Virginia; and (2) from the plantsite and warehouses of Acme Manufacturing Co. at Atlanta, Ga., to points in Alabama, Kentucky, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 69119 (Sub-No. 149), filed February 12, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Frankfort, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 74321 (Sub-No. 71), filed January 22, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and fluid coolers which because of size of weight require the use of special equipment, and cooling towers, fluid coolers and parts and accessories for cooling towers and fluid coolers which do not require the use of special equipment*, when moving in the same vehicle with cooling towers and fluid coolers which because of size or weight require the use of special equipment, from the plantsite of E. D. Goodfellow Co., Inc. at Memphis, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 74321 (Sub-No. 72), filed January 29, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, from points in San Patricio County, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 82079 (Sub-No. 32), filed January 29, 1973. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900—1 Vandenberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, from the plantsite of Anthony J. Pizza Food Products Corp. located at or near Chicago Heights, Ill., to points in Michigan, restricted to traffic originating at the named facilities and destined to the named destination points. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich. or Chicago, Ill.

No. MC 82492 (Sub-No. 76), filed January 31, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Coloma and Watervliet, Mich., to points in St. Louis County, Mo., and the St. Louis, Mo. commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87720 (Sub-No. 137), filed February 5, 1973. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastizers and polyester resin*, in bulk, from the plantsite or other facilities of Tenneco, Inc., Chestertown, Md., to points in Massachusetts, Rhode Island, Connecticut, Delaware, New York, Pennsylvania, New Jersey, Maryland, and Ohio; and (2) *materials and supplies* used in connection with the production, distribution, and sale of the above-named commodities, from the named destination points to the plantsite and other facilities of Tenneco, Inc., Chestertown, Md. Restriction: The proposed service to be performed under contract with Tenneco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 758), filed February 7, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Guernsey County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 104896 (Sub-No. 44), filed February 5, 1973. Applicant: WOMELDORF, INC., Post Office Box 495, Jefferson Avenue Extension, Washington, PA 15301. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic products and articles; articles constructed primarily of plastic, and materials, supplies and equipment* used or useful in the production, distribution, and sale of plastic, plastic products, and articles constructed primarily of plastic (except in bulk) between the facilities of Double R Enterprises in Lawrence County, Pa., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Ohio, Maryland, West Virginia, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Philadelphia, Pa., or Washington, D.C.

No. MC 105045 (Sub-No. 39), filed January 26, 1973. Applicant: R. L. JEFFRIES TRUCKING CO., INC., Post Office Box 3277, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* from Adrian, Mich., to points in the United States in and east of Wisconsin, Iowa, Kansas, Oklahoma, Texas, Colorado, and Nebraska, and (2) *equipment, materials and supplies* used in the manufacture and processing of aluminum and aluminum product (except commodities in bulk), from points in the destination territory described in (1) above, to Adrian, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it

has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 879), filed January 31, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representatives: H. L. Fabritz, Post Office Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, from Winona, Minn. to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota; (2) *cement*, from Iola, Kans., to points in Missouri, Oklahoma, Nebraska, Kansas, and Arkansas; (3) *corn syrup and blends* thereof, from Minneapolis, Minn., to points in North Dakota and Wisconsin; (4) *copper chloride and aqua ammonia* from Cedar Rapids, Iowa, to Chicago, Ill., Garland, Tex., and Elyria, Ohio; (5) *sand and sand with additives*, in bulk, from points in Ogle County, Ill., to points in Iowa, Illinois, Kentucky, Indiana, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; and (6) *molten sulfur* from Superior, Wis., to points in Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but has no present intention to tack therefore it does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Des Moines, Iowa.

No. MC 107678 (Sub-No. 44), filed November 22, 1972. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, TX 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, lumber products, plywood, plywood products, hardboard, hardboard products, particle board, particle board products, composition board, composition board products, fiberboard, fiberboard products, poles and posts*, from points in Montana, Idaho, Oregon, and Washington, to points in Wyoming, Nebraska, Colorado, Kansas, Missouri, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107678 (Sub-No. 46), filed January 3, 1973. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, TX 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers and/or cargo vans; and (2) *empty cargo containers and empty cargo vans*, between points in the United States including Alaska (but excluding Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108295 (Sub-No. 7), filed January 29, 1973. Applicant: HIGHWAY TRANSPORTATION CO., INC., 205 North Carson, St. James, MO 65559. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant and mining sites of Meramec Mining Co., located at or near Pea Ridge, St. Clair, and Sullivan, Mo., serving St. Clair and Sullivan for the purpose of joinder in connection with applicant's regular route operations between East St. Louis, Ill.-St. Louis, Mo., and Rolla, Mo., over the following routes: (1) From St. Clair, Mo., over Missouri State Highway 47 to junction with County Route H in Washington County, Mo., thence over County Route H to junction with County Route T, thence over County Route T to junction with Missouri State Highway 185, thence over Missouri Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route; (2) from St. Clair, Mo., over Missouri State Highway 47 to junction with County Route H in Washington County, Mo., thence over County Route H to junction with Missouri State Highway 185, thence over Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route; (3) from Sullivan, Mo., over Missouri State Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 109564 (Sub-No. 14), filed January 22, 1973. Applicant: LYONS TRANSPORTATION LINES, INC., 138 East 26th Street, Erie, PA 16512. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Portville and Albany, N.Y., serving all intermediate points, as follows: From Portville over New York Highway 17 to junction New York Highway 7 at Binghamton, thence over New York Highway 7 to junction U.S. Highway 20 at Duanesburg, thence over U.S. Highway 20 to Albany, and return over the same route; (2) between Syracuse and Binghamton, N.Y., serving all intermediate points, as follows: From Syracuse over U.S. Highway 11 to Binghamton, and return over the same route; and (3) between Syracuse and Albany, N.Y., serving all intermediate points, as follows: (a) From Syracuse over Interstate Highway 81 to junction U.S. Highway 20 near La Fayette, thence over U.S. Highway 20 to Albany, and return over the same route; and (b) from Syracuse over New York Highway 5 to Albany, and return over the same route, restricted in (1), (2), (3)(a) and (3)(b) above to the transportation of traffic moving from, to or through points in Erie, Crawford, Mercer, and Venango Counties, Pa. NOTE: Applicant presently holds authority to provide all of the service sought herein over irregular routes and by this application seeks to convert a portion of its present irregular-route service to regular-route service. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111401 (Sub-No. 378), filed February 5, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients and supplements* in bulk, from points in Colorado, Missouri, Nebraska, New Mexico, Oklahoma, and Texas to Leoti, Kans. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 111812 (Sub-No. 484), filed January 28, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: David L. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, and chocolate products*, from points in Derry Township, Pa.,

to points in Nebraska, Iowa, Minnesota, North Dakota, and South Dakota, restricted to the transportation of traffic originating at Derry Township, Pa. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC–111812 (Sub-No. 200), at Sioux Falls, S. Dak., to serve Salt Lake City, Utah, and points in California and Arizona; however, these tacking possibilities were granted to applicant in No. MC–111812 (Sub-No. 472), dated February 26, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111826 (Sub-No. 3), filed January 26, 1973. Applicant: BRAM MOTOR EXPRESS, INCORPORATED, Post Office Box 95, Toronto, OH 43964. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, from the plantsite of Universal Refractory Co., at or near Wampum and Greenville, Pa., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 112304 (Sub-No. 63), filed January 29, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, and ventilating systems, and parts and accessories therefor*, between the plantsite of American Standard, Inc., at Detroit, Mich., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 112304 Sub-Nos. 1, 6, and 36, but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 112854 (Sub-No. 33), filed January 29, 1973. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, NY 14520. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Clinton, Lycoming, and Sullivan Counties, Pa., to points in New York, and (2) *manufactured dairy products*, from La Fargeville and Arkport, N.Y., to Richmond and Norfolk, Va., Charlotte and Raleigh, N.C., Charleston and Columbia, S.C., Quincy, Jacksonville, Miami, and Tampa, Fla., and Atlanta, Statesboro, Thomasville, and Valdosta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 113267 (Sub-No. 297), filed January 29, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Suite 115, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and facilities utilized by Banquet Foods Corp., at or near Wellston, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Minnesota, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that tacking the requested authority with its existing authority is possible at points in Missouri, however, not feasible as it only involves some States requested in this application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 113362 (Sub-No. 253), filed January 29, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including frozen packaged meat* (except commodities in bulk), from the plantsite storage facilities of Kold Storage, Inc., at Fort Dodge, Iowa, to points in Missouri, restricted to the transportation of traffic originating at the named plantsite storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 113434 (Sub-No. 54), filed January 31, 1973. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhemina Boersma, 1600 First Federal Building, Detroit, Mich. 48266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank trucks, from Benton Harbor, Mich., to Bowling Green and Fremont, Ohio, Muscatine, Iowa, and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113666 (Sub-No. 72), filed February 7, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Chester A. Zybuit, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md.; Latrobe, Pa.; Detroit and Frankenmuth, Mich.; Cleveland and Columbus, Ohio; Newark, N.J.; Milwaukee, Wis., and Rochester, N.Y., to Akron, Cleveland, Lorain, and Ravenna, Ohio, and Butler and Tarentum, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113832 (Sub-No. 68), filed January 31, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, brass, bronze, copper, steel, nickel and nickel alloy materials and products; foundry alloys; refrigeration equipment and supplies; welding equipment and supplies; fasteners, and fittings; and supplies and materials*, used in the operation and maintenance of the office and warehouse activities of Williams & Co., Inc., restricted against the transportation of commodities in bulk, between the facilities of Williams & Co., Inc., in Pittsburg, Pa., on the one hand, and, on the other, the facilities of Williams & Co., Inc., located at or near Columbus and Cleveland, Ohio, and Buffalo, N.Y., under contract with Williams & Co., Inc. NOTE: Applicant holds common carrier authority under MC 234078 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113908 (Sub-No. 255), filed February 2, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap*, from Denver, Colo., to Metaire-New Orleans, La. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 114045 (Sub-No. 377), filed January 26, 1973. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, pharmaceuticals and chem-*

ical products, in vehicles equipped with mechanical refrigeration, from Washington Crossing, N.J., to points in California and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 114829 (Sub-No. 8), filed February 2, 1973. Applicant: GENERAL CARTAGE COMPANY, INC., Post Office Box 417, Sterling, IL 61081. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door accessories, door parts, and automatic door operators*, from Sterling and Rock Falls, Ill., to points in Iowa, Minnesota, Indiana, Wisconsin, and Omaha, Nebr., and (2) *materials and supplies*, from points in Iowa, Minnesota, Indiana, Wisconsin, and Omaha, Nebr., to Sterling and Rock Falls, Ill., under contract with Frantz Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 145), filed February 4, 1973. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall particle board and composition board*, from the plantsite of Champion International Corp., located at or near Oxford, Miss., to points in Alabama, Florida, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 340), filed January 29, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplement, medicated feeding compounds; feed, animal or poultry; conditioning powders, regulators or tonics; drugs or medicines; weed killing compounds, n.o.i.; agricultural insecticide or fungicide; toilet preparations; dip, animal or poultry, n.o.i.; and bags, paper, n.o.i.*; from Clinton and Lafayette, Ind., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Minnesota, Nebraska, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 115917 (Sub-No. 26), filed February 1, 1973. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products, salt byproducts, and salt mixtures*, in containers or blocks; (2) *pepper*, in packages, in mixed shipments with the commodities named in (1) above; (3) *animal and poultry mineral feed mixtures*, in packages, in mixed shipments with the commodities in (1) above, and (4) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries (except in bulk), in mixed shipments with commodities named in (1) above, from Akron and Rittman, Ohio, and Port Huron, Mich., to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, Louisiana, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 115924 (Sub-No. 22), filed January 31, 1973. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Decatur and Mobile, Ala.; New Orleans, La.; and Wilmington, N.C., to Port Wentworth, Ga., under a continuing contract, or contracts, with Savannah Foods & Industries, Inc., at Savannah, Ga. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 115931 (Sub-No. 26), filed January 30, 1973. Applicant: BEE LINE TRANSPORTATION, INC., Box 925 Berwald Road, Baker, MT 59313. Applicant's representative: C. M. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down metal buildings and wrought iron or steel conduit and conduit fittings*, from Parkersburg, W. Va., to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Montana, Utah, Idaho, Oregon, Washington, Indiana, Ohio, Michigan, Oklahoma, Nevada, and California. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116119 (Sub-No. 25), filed February 1, 1973. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, WV 26241. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M Street NW, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, and materials and supplies* used in the manufacture and distribution of shoes, between points in West Virginia, Indiana, Maryland, Pennsylvania, Massachusetts, Texas, and New Jersey, under a continuing contract, or contracts, with Bata Shoe Co., Inc. at Elkins, W. Va. NOTE: Applicant presently holds a motor common carrier certificate in No. MC-106002 and Sub-No. 3 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 134), filed January 31, 1973. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from New Johnsonville, Tenn., to points in Alabama, Arkansas, Delaware, Iowa, Michigan, New Jersey, New York, Pennsylvania, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116514 (Sub-No. 31), filed February 5, 1973. Applicant: EDWARD TRUCKING, INC., Post Office Drawer 428, Hemingway, SC 29554. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *synthetic fibers and synthetic fiber waste* (except commodities in bulk) between Charleston, S.C., and Jamestown, S.C.; (2) (a) *textiles, bonded fibers and bonded and nonwoven fiber products*, and (b) *equipment, materials and supplies* used in the manufacture and processing of the commodities set forth in (2)(a),

above, restricted in 2 (a) and (b) against commodities in bulk, between Jamestown, S.C., on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116763 (Sub-No. 239), filed January 29, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters, cleaners, purifiers, parts and accessories thereto*, from Cucamonga, Calif., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Columbus, Ohio.

No. MC 117503 (Sub-No. 4), filed January 29, 1973. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock and commodities requiring refrigeration), between the Sacramento Metropolitan Airport and Sacramento, Calif., on the one hand, and, on the other, points in Alameda, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Lassen, Marin, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Yolo, and Yuba Counties, Calif., restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Sacramento, Calif., and serve points in California. If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 117565 (Sub-No. 80), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and truck bodies*, from Henderson, Ky., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Evansville, Ind., or Indianapolis, Ind.

No. MC 117565 (Sub-No. 81), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office, Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moveable offices, booths, shelters and canopies, and accessories* for moveable offices, booths, shelters, and canopies, from Mount Clemens, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant has pending a motor contract carrier application in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Toledo, Ohio.

No. MC 117565 (Sub-No. 82), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plywood, plywood paneling, wood products and accessories* used in the installation and maintenance thereof, from the plantsite and warehouse facilities of Plywood Panels Inc., at or near New Orleans and the Port of New Orleans, La., to points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, and Florida. NOTE: Applicant has pending a motor contract carrier application in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117765 (Sub-No. 154), filed January 23, 1973. Applicant: HAHN TRUCK LINES, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products*, from Cotter, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 199), filed January 29, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk), between Plainfield, Ill., on the one hand, and, on the other, Benton Harbor, Kalamazoo, Portage, and St. Joseph, Mich., restricted to traffic originating or terminating at Plainfield, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 118377 (Sub-No. 2), filed February 2, 1973. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such frozen merchandise* as is dealt in by grocery and food business houses, between the facilities of Empire Freezers of Syracuse, Inc., located at or near Geddes, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 119604 (Sub-No. 5), filed January 17, 1973. Applicant: SEARS TRUCK LINE, INC., Post Office Box 6016, Jasper, TX 75951. Applicant's representative: Mike Cotten, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between the plantsite of Snider Industries, Inc., at or near Marshall, Tex., on the one hand, and, on the other, points in Louisiana, under a continuing contract or contracts with Snider Industries, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex., Shreveport, La., or Houston, Tex.

No. MC 119669 (Sub-No. 32), filed January 22, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: Craig B. Sherman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Food, food products, drugs and plastic and rubber articles*, from Sturgis, Mich., to points in Texas, Arizona, New Mexico, Oklahoma, California, Colorado, Nevada, Utah, Washington, and Oregon. NOTE: Applicant states that the requested authority

cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 246), filed December 4, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that it presently holds authority which could be tacked with the requested authority, but tacking is not feasible and it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Atlanta, Ga.

No. MC 119789 (Sub-No. 147), filed February 2, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 East Irving Boulevard (Post Office Box 6188), Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in packages and containers, from Perrysburg, Ohio, to points in Alabama Arkansas, California, Colorado, Kansas, Georgia, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked at Cade or Lozes, La., with the authority it presently holds in MC–119789 (Sub-No. 13) to serve points in Arizona, Idaho, New Mexico, Oregon, Utah, and Washington; however, no tacking is presently intended. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Dallas, Tex.

No. MC 119789 (Sub-No. 148), filed February 8, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas Tex.

No. MC 119988 (Sub-No. 55), filed February 5, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and plastic articles*, from the plantsite and warehouse facilities of Great Plains Bag Corp., at or near Jacksonville, Ark., to points in Arizona, Colorado, Kansas, Louisiana, Oklahoma, New Mexico, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 119988 (Sub-No. 56), filed February 5, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber and related products, and materials, equipment, and supplies* used in the manufacture thereof, between Kountze, Tex., on the one hand, and, on the other, points in Alabama, Arkansas (except Little Rock), Colorado, Connecticut, Georgia, (except Atlanta), Florida, Illinois (except Chicago), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri (except St. Louis), New Hampshire, New Jersey, New York, North Carolina, Ohio (except Toledo), Oklahoma, Pennsylvania, South Carolina, Tennessee (except Memphis), Virginia, West Virginia, Wisconsin, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120530 (Sub-No. 3), filed January 17, 1973. Applicant: POLAR TRANSPORT, INC., Post Office Box 1696, 929 Wilco Boulevard, Wilson, NC 27893. Applicant's representative: W. J. Blair, Jr., 929 Wilco Boulevard, Wilson, NC 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid refrigerated products*, from Charlotte, N.C., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 123255 (Sub-No. 32), filed January 29, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper and paper products*, (1) from Monroe, Mich., to Donora, Pa., Milwaukee, Wis., and Eaton, Ind., and (2) from Eaton, Ind., to Donora, Pa. NOTE: Applicant also holds contract carrier authority under MC 81968 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 123255 and subs, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 33), filed January 29, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic foam, plastics and plastic products* (except in bulk) from the plantsites and warehouses of Dow Chemical U.S.A. located in Hamilton Township, Lawrence County, Ohio, to points in Colorado, Indiana, Michigan, Kentucky, West Virginia, Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, that part of Pennsylvania on and west of U.S. Highway 219, and the Chicago, Ill., commercial zone, (2) *plastics and plastic products* (except in bulk) from the plantsites and warehouses of Dow Chemical U.S.A. located at Gales Ferry, Conn., to points in the United States on and east of U.S. Highway 85, (3) *plastic foam products* (except in bulk), from the plantsite and warehouses of Dow Chemical U.S.A. located at Royersford, Pa., to points in the United States on and east of U.S. Highway 85 (except points in Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Georgia, South Carolina, Maryland, and West Virginia), (4) *plastic foam building panels, laminated or other than laminated*, from the plantsite and warehouses of Dow Chemical U.S.A. located at Cape Girardeau, Mo., to points in the United States on and east of U.S. Highway 85, and (5) *plastic foam products* (except in bulk), from the plantsites and warehouses of Dow Chemical U.S.A. located at Carteret, N.J., Midland, Mich., Pevely, Mo., and in Columbia County, Ark., to points in the United States on and east of U.S. Highway 85. NOTE: Applicant also holds contract carrier authority under MC 81968 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 123255 and subs, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted

grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 117), filed February 2, 1973. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, siding, decking, roof drainage products, galvanized metalware, stovepipe and mobile home skirting*, from Dover, Ohio, to points in Wisconsin and Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124025 (Sub-No. 3), filed February 2, 1973. Applicant: GLASS TRUCKING COMPANY, INC., 200 Chestnut, Newkirk, OK 74647. Applicant's representative: Marion F. Jones, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler wire, fencing, nails, fencepost, and reinforcing bar*, restricted against commodities which because of size or weight require the use of special equipment or special handling, from the plantsite of CF&I Steel Corp., Pueblo, Colo., to points in Oklahoma and Kansas, under contract with CF&I Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124174 (Sub-No. 95), filed February 1, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems and accessories* used in the installation thereof, and *materials, supplies and equipment* used in the manufacture and distribution of the aforementioned commodities, between Junction City, Ky., Keyser, W. Va., Tabor City, N.C., and Philadelphia, Pa., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 224), filed January 29, 1973. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Downtown Station, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Communication and entertainment products, equipment, materials and supplies, and parts and accessories*, between points in Johnston and Onslow Counties, N.C.; and Genessee and Seneca Counties, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125129 (Sub-No. 2), filed January 26, 1973. Applicant: R. B. GREENE TRANSPORTATION, INC., Maple Street, Danielson, Conn. 06239. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Dayville (Killingly), Conn., to points in Massachusetts on and east of Interstate Highway 91, under a continuing contract with Glass Containers Corp., at Knox, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Providence, R.I.

No. MC 126539 (Sub-No. 12), filed January 31, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 42001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, and liquid fertilizer ingredients*, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127418 (Sub-No. 7), filed January 12, 1973. Applicant: TROP-ARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs, tufted textile products and yarn*, from points in Catoosa, Chattooga, Floyd, Gilmer, Gordon, Murray, Pickens, Walker, and Whitfield Counties, Ga., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and (2) *jute and burlap*, from Los Angeles, Oakland, San Diego, and San Francisco, Calif., Portland, Oreg., and Seattle, Wash., to points in the Georgia counties named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127660 (Sub-No. 4), filed January 29, 1973. Applicant: KENNETH L. EBY, 10208 Southeast French Road, Vancouver, WA 98664. Applicant's representative: Jerry Woods, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in Oregon and Washington on the one hand, and on the other, points in California. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 128085 (Sub-No. 4), filed February 7, 1973. Applicant: JOHN NOVAK, an Individual, Route No. 1, Box 11, Laona, WI 54541. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Forest, Florence, Langlade, Oneida, Vilas, Oconto, and Menominee Counties, Wis., to points in Illinois, Michigan, Iowa, Indiana, Ohio, Minnesota, Mississippi, and Kentucky, and return shipments of *materials, equipment, and supplies*, under continuing contracts with Pine River Lumber Co., Ltd., at Long Lake, Wis., and Connor Forest Industry at Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Escanaba, Mich.

No. MC 128459 (Sub-No. 2), filed February 1, 1973. Applicant: ALBERT L. SMITH, 124 Kearsarge Street, Pittsburgh, PA 15211. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machines, copying and duplicating equipment and paper and supplies* used in the operation thereof, between the warehouse facility of A. B. Dick Co. in Columbus, Ohio, and points in Allegheny, Beaver, Butler, Fayette, Westmoreland, Washington, and Green Counties, Pa., under a continuing contract with A. B. Dick Co. NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128878 (Sub-No. 27), filed January 29, 1973. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, LA 71103. Applicant's representative: Ewell Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* between Rilla, La., on the one hand, and, on the other, points in Alabama and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport or Baton Rouge, La., Jackson, Miss., or Houston, Tex.

No. MC 129660 (Sub-No. 4), filed January 21, 1973. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., Route 2, Box 243, Gautier, Miss. 39553. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Harrison County, Miss., to points in Mississippi, Alabama, Florida, Georgia, Tennessee, Arkansas, Louisiana, and Texas. NOTE: Applicant states that the requested authority can be tacked at Alabama and Tennessee, among others, with the authority it presently holds in No. MC 129660 (Sub-No. 2) to serve points or territories which applicant does not identify. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133221 (Sub-No. 17), filed January 11, 1973. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: D. D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding and yarn* from Bristow, Okla., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla.; Atlanta, Ga., or Washington, D.C.

No. MC 133570 (Sub-No. 2), filed February 15, 1973. Applicant: MELVIN A. ATKINS, JR., doing business as ATKIN'S TRUCKING, Box 27, Hamilton, IN 46742. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Signs*, from the plantsite of N.P.I. Division of Essex International, Inc., located at or near Lima, Ohio, to points in the United States (except Hawaii and Alaska) under contract with N.P.I. Division of Essex International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133630 (Sub-No. 5), filed January 22, 1973. Applicant: LEO KING, doing business as LEO KING TRUCKING SERVICE, Ashkum, Ill. 60911. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bag or bulk, from Ashkum, Ill. to points in Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority at MC 133630 (Sub-No. 1) which authorizes transportation of dry fertilizer, from Ashkum, Ill., to points in that part of Indiana on and north of Indiana Highway 28. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 133750 (Sub-No. 2), filed February 2, 1973. Applicant: WULFFS', INC., Salem, S. Dak. 57058. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, (1) from Central City, Nebr., to points in Colorado, Kansas, Oklahoma, Iowa, Missouri, and South Dakota; (2) from Spencer, Iowa to points in Nebraska, Minnesota, and South Dakota; and (3) from Salem, S. Dak., to points in Wisconsin and the shipments in (1), (2), and (3) above restricted to traffic originating at the plant sites and storage facilities of F & W Concrete Products Co. and performed under a continuing contract, or contracts, with F & W Concrete Products Co. at Salem, S. Dak. NOTE: Applicant presently holds a motor common carrier certificate in No. MC–118589, and dual operations were authorized by the Commission in No. MC–FC–73024. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Lincoln, Nebr.

No. MC 133775 (Sub-No. 12), filed January 15, 1973. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Street, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Suite 1000, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, meat by-products* and *articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsites and facilities utilized by Tony Downs Food, Inc., at Butterfield, St. James and Medelia, Minn., to points in Iowa, Nebraska, Kansas, Missouri, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134365 (Sub-No. 3), filed January 29, 1973. Applicant: RUSSELL BARTLETT, doing business as RUSSELL BARTLETT TRUCKING, Post Office Box 342, LaCrosse, WA 99143. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings, complete, knocked down, or in sections, prefabricated metal building parts and fixtures, and materials and supplies* used in the erection thereof, (a) from Turlock, Calif., to points in California, Nevada, Arizona, Utah, New Mexico, Texas, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, and (b) between the plants of Lear Siegler, Inc./Cuckler Division at Montecello, Iowa, and Turlock, Calif., and (2) *structural steel* from Geneva, Utah, and Pueblo, Colo., to the plant of Lear Siegler, Inc./Cuckler Division at Turlock, Calif., under contract with Lear Siegler, Inc./Cuckler Division, Turlock, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134405 (Sub-No. 10), filed January 29, 1973. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: Guy Bacon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except composition roofing), from the plantsite of Trumbull Asphalt Co., located at or near Del City, Okla., to points in Arkansas and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134599 (Sub-No. 69), filed January 29, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts* thereof, and *related advertising sales and promotional materials*, from the plantsite and facilities of Steelcase Corp., located at or near Grand Rapids, Mich., to points in Tennessee, North Carolina, Georgia, South Carolina, Florida, Alabama, and Mississippi, under

a continuing contract or contracts with Steelcase Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134855 (Sub-No. 4), filed January 29, 1973. Applicant: GEORGE A. LABAGH, INC., 713 North Street, Middletown, NY 10940. Applicant's representative: Arthur J. Piken, 1 Lafrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, other than those designed to be drawn by passenger automobiles, containers, truck chassis, trailer chassis, trailer parts, and materials, and supplies* used in the manufacture of all of the above, in straight and mixed loads, between Berwick, Lehighton, Hughesville, and Fairless Hills, Pa., and North Bergen, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Florida, Alabama, Mississippi, Louisiana, Tennessee, Georgia, Maryland, Virginia, North Carolina, South Carolina, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Texas, Kansas, Missouri, and the District of Columbia, under a continuing contract, or contracts, with Strick Corp. of Fairless Hills, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135533 (Sub-No. 3), filed January 26, 1973. Applicant: TRANSPORTES INTERNACIONALES DE BAJA CALIFORNIA, S. A., Apartado Postal 120, Mexicali, Baja California, Mexico. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt products*, from points in Los Angeles County, Calif., to ports of entry on the international boundary line between the United States and the Republic of Mexico at or near Calexico or San Ysidro, Calif., under a continuing contract, or contracts, with Petroleos Mexicanos at Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 135561 (Sub-No. 1), filed January 29, 1973. Applicant: N. E. FINCH CO., a corporation, 1120 West Camp Street, East Peoria, IL 61611. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint and groundwood paper*, from Peoria, Ill., to points in Illinois, restricted to the transportation of traffic having a prior out-of-state movement by water or rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 135691 (Sub-No. 7), filed January 24, 1973. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities* as are used by or dealt in by meat packers and food distributors in the conduct of their business (except commodities in bulk, in tank vehicles and hides), between points in New Mexico, Colorado, Texas, Oklahoma, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, Mississippi, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, on the one hand, and, on the other, points in California, Oregon, Colorado, Washington, Utah, Arizona, New Mexico, Wyoming, Montana, Nevada, and Idaho, under continuing contracts with Trinity Valley Foods, Inc., and U.S. Pet Food Supply Co., both at Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135696 (Sub-No. 1), filed January 29, 1973. Applicant: LAKE PORT TRUCKING AND LEASING INC., Martin-Williston Road, Genoa, Ohio 43430. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from North Baltimore, Ohio, to points in Michigan, Indiana, Kentucky, Pennsylvania, West Virginia, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136496 (Sub-No. 1), filed December 29, 1972. Applicant: ALLEN F. SEESHOLTZ, Rural Delivery No. 2, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, Post Office Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass screening*, from points in Los Angeles County, Calif., to the plantsite of New York Wire Co. located at or near Chicago, Ill., and Elizabethville and York, Pa., under contract with Oxford Mills, Division of New York Wire Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136754 (Sub-No. 1), filed January 8, 1973. Applicant: CAL-EAST CARRIERS, INC., 2332 South Peck Road, Whittier, CA 90601. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components and materials* used in the manufacture and production of motor vehicle parts, from ports of entry on the international boundary line between the United States and Canada located at points in New York and Macomb, Monroe, and Wayne Counties, Mich., to the plantsites and places of business of Watts Manufacturing Corp. at points in Los Angeles County, Calif., under a continuing contract, or contracts, with Watts Manufacturing Corp. at Lynwood, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136903 (Sub-No. 4), filed February 5, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, from points in Newton County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC 136903 (Sub-No. 5), filed February 12, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, from the sites of Bulk Distribution Centers, Inc., located in Campbell and Kenton Counties, Ky., and Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Restricted to shipments having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 136994 (Sub-No. 1), filed January 29, 1973. Applicant: EDWIN BOOTH, JR., Post Office Box 275, Eagles Mere, PA 17731. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Sullivan County, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 136944 (Sub-No. 4), filed February 2, 1973. Applicant: STANLEY E. MARSH, R.F.D. 3, Mount Vernon, Mo. 65712. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Alcoholic beverages*, except in bulk, from Allen Park, Mich., and Chicago, Ill., to Oklahoma City, Okla., under a continuing contract with Peter S. Caporal, doing business as C & C Wholesale Liquor Co. at Oklahoma City, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 138083 (Sub-No. 1), filed February 4, 1973. Applicant: ABBOT MOVING & STORAGE, INC., 2136 Northwest 24th Avenue, Miami, FL 33152. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138107, filed October 2, 1972. Applicant: NEWS EXPRESS, INC., 417½ Northwest Sixth, Oklahoma City, OK 73102. Applicant's representative: D. D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages, premiums, prizes, displays, advertising matter and materials, and "exempt commodities"* in mixed shipments, (1) from points in Texas, to Wichita and Hutchinson, Kans., Springfield and Joplin, Mo., Bristow and Anadarko, Okla., and points in Nebraska; and (2) from points in Shelby County, Tenn., and Jefferson County, Ky., to points in Oklahoma, Texas, Kansas, Nebraska, Missouri, and Louisiana; and (B) *Paper, paper products, newsprint and groundwood products*, in rolls, *packages, premiums, prizes, displays, and advertising materials, and "exempt commodities"* in mixed shipments, (1) from points in Oklahoma, to points in Missouri, Texas, Kansas, Colorado, New Mexico, Arizona, and California; and (2) from Baton Rouge, La., to points in Louisiana and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Memphis, Tenn.

No. MC 138178 (Sub-No. 2), filed January 22, 1973. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, AR 85007. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable and semiperishable commodities*, from Medford, Oreg., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Medford, Oreg.

No. MC 138311, filed December 7, 1972. Applicant: ROAP TRANSPORT, INC., 7009 Rivercrest Drive, Anderson, CA 96007. Applicant's representative: J. M. Wells, Jr., Post Office Box 1846, 1626 Court Street, Redding, CA 96001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated pipe*, between points in Shasta County, Calif., and points in Oregon and Nevada; and (2) *lumber*, between points in Shasta County, Calif., and points in Oregon and Salt Lake and Weber Counties, Utah, under continuing contracts with (a) Redding Steel and Supply, (b) Wisconsin-California Forest Products, (c) McKean Lumber Co., (d) Redding Pine Industries, of Redding, Calif., and (e) Forest Products Sales of Murray, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Redding, Sacramento, or San Francisco, Calif.

No. MC 138355 (Sub-No. 2), filed January 29, 1973. Applicant: WILLIE F. THORNE, doing business as THORNE, Route No. 3, Box 312, Medicine Lodge, KS 67104. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Livestock watering tanks*, from Grinnell, Iowa, to Kiowa, Kans., (b) *fencing materials*, from Kansas City, Mo., to Kiowa, Kans., (c) *fence posts*, from Tulsa, Okla., and Kansas City, Mo., to Kiowa, Kans., (d) *baler wire*, from Pueblo, Colo., and Kansas City, Mo., to Kiowa, Kans., (e) *high lift bumper jacks*, from Bloomfield, Ind., to Kiowa, Kans., (f) *steel wire mesh*, from Kansas City, Mo., to Kiowa, Kans., (g) *steel gates*, from Shenandoah, Iowa, to Kiowa, Kans., (h) *tires* from Oklahoma City, Okla., Cincinnati and Dayton, Ohio, to Kiowa, Kans., (i) *tractor duals*, from Goodfield, Ill., to Kiowa, Kans., (j) *tractor rims and wheels*, from Oklahoma City, Okla., to Kiowa, Kans., (k) *electric fence posts and accessories*, from Chicago, Ill., and Nebraska City, Nebr., to Kiowa, Kans., (l) *antifreeze*, from Kansas City, Mo., Omaha, Nebr., and Oklahoma City, Okla., to Kiowa, Kans., (m) *livestock watering tanks, fencing materials, fence posts, baler wire, high lift bumper jacks, steel wire mesh, steel gates, tires, tractor duals, tractor rims and wheels, electric fence posts and accessories and antifreeze*, from Kiowa, Kans., to points in Oklahoma, Colorado, Texas, Arkansas, Missouri, Nebraska, and New Mexico, (n) *steel plates and bars*, from Longview, Tex., to Kiowa, Kans., and (o) *road grader blades*, in stock lengths, from Pueblo, Colo., to Kiowa, Kans., under contract with The Tucker Co., and Tucker Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138362, filed January 2, 1973. Applicant: WARREN TRANSPORTATION, INC., Raymond Road, Chester, N.H. 03036. Applicant's representative: Kurt M. Swenson, 875 Elm Street, Manchester, NH 03101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, milk byproducts* (including cheese, buttermilk, yogurt, sour cream, butter, and whipped cream), *margarine, bacon, orange juice, fruit drinks, eggs, bread, carbonated beverages*, and *soap powder*, between points in the Boston, Mass., commercial zone as defined by the Commission and Manchester and Portsmouth, N.H., under a continuing contract with H. P. Hood, Inc., at Charlestown, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Manchester or Concord, N.H.

No. MC 138378, filed February 15, 1973. Applicant: DALE'S ENTERPRISES, INC., doing business as SOUTHWEST MOBILE HOMES, Highway 67W, Route 6, Box 29A, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, and materials and supplies* incidental thereto, in secondary movements only, between points in Bowie, Cass, Morris, Camp, Titus, Franklin, and Red River Counties, Tex.; Bienville, Bossier, Caddo, De Soto, Lincoln, Natchitoches, Red River, Sabine, Webster, Winn, and Claiborne Parishes, La.; Atoka, Bryan, Carter, Choctaw, Coal, Johnson, Love, McCurtain, Marshall, Murray, and Pushmataha Counties, Okla.; and points in Miller, Lafayette, Hempstead, and Little River Counties, Ark., on the one hand, and, on the other points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex., or Dallas, Tex.

No. MC 138400, filed January 22, 1973. Applicant: CLARENCE CLARK, 4038 Cabot, Detroit, MI 48210. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys* including silicon carbide, ferro manganese, flourspar and ferro silicon from Dearborn, Mich., to points in Illinois, Indiana, Ohio, and that part of Pennsylvania located on and west of the following highways as described herein: beginning at the New York-Pennsylvania boundary line at or near Lawrenceville, thence southerly via U.S. Highway 15 to Williamsport, Pa., thence southerly and westerly via U.S. Highway 220 to the Pennsylvania-Maryland boundary line; and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, from the destination points named in (1) to Dearborn, Mich., under contract with Mercier

Corp. of Dearborn, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138403, filed January 8, 1973. Applicant: CONSOLIDATED EXPRESS, INC., 1800 Surekote Road, Post Office Box 3086, New Orleans, LA 70117. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning componds, waxes, polishes, brushes, handles, gift items, cosmetics, and premiums* and (2) *merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of home products, from New Orleans, La., to points in Louisiana and points in Mississippi on and south of Interstate Highway 20 and U.S. Highway 80. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 138404, filed January 29, 1973. Applicant: DALE FOWLER AND MERLE THRAPP, a partnership doing business as D & M TRANSPORT, Spraqueville, Iowa 52074. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building material, buildings in sections, building panels, mechanical operated partitions and components, parts and material* utilized in assembling buildings, and sections, from Dyersville, Iowa, and New Castle, Ind., to points in the United States (except Alaska and Hawaii), under contract with Modernfold Industries, Coil-Wal Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No MC 138412, filed January 8, 1973. Applicant: MAR-CHELLE, INC., No. 6 Mintert Manor, St. Louis, Mo. 63135. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, uncrated, *household appliances, kitchen equipment, electrical appliances, equipment and parts* as described in Descriptions in Motor Carrier Certificates, 61 MCC 209, between points in St. Louis and St. Louis County, Mo. and points in St. Clair, Monroe, Randolph, Washington, Clinton, Madison, Bond, Montgomery, Maconpin, Greene, Jersey, and Calhoun Counties, Ill., under contract with Rothman's Furniture, Independent Merchants, Phillips Furniture, M. C. Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Springfield, Ill.; or Jefferson City, Mo.

No. MC 138419, filed February 7, 1973. Applicant: SELECT VAN AND STORAGE CO., INC., 2930 South 26th Street, Omaha, NE 68105. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Nebraska in and east of Webster, Adams, Hall, Merrick, Nance, Booone, Madison, Wayne, Thurston, and Dakota Counties, Nebr., and those points in Iowa in and west of Page, Montgomery, Cass, Shelby, Crawford, and Woodbury Counties, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 138422 filed January 29, 1973. Applicant: MACY MOVERS, INC., 2865 Seventh Street, Berkeley, CA 94710. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Sacramento, Yolo, Solano, Napa, Sonoma, Stanislaus, San Joaquin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Marin, and Merced Counties, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138423 filed January 30, 1973. Applicant: MacDOUGALL & SON TRANSPORT LIMITED, Post Office Box 65, Erin, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hot-rolled wire rod, industrial wire, welded wire, reinforcing mesh, cold drawn bars, chain link fence, farm fence, and hot-rolled bars*, between ports of entry on the international boundary line between the United States and Canada located at points in Michigan and New York, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Michigan, Indiana, and Illinois, restricted to foreign commerce originating at or destined to the plant, warehouse and facilities of Lundy Steel Ltd. and its Division, Erin Steel & Wire Co. at Erin and Dunville, Ontario, Canada, under continuing contracts with Lundy Steel Ltd. and Erin Steel & Wire Co. at Erin, Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138427, filed February 5, 1973. Applicant: JACK WHITLOCK'S, INC., 1301 Little Avenue, Columbus, OH 43215. Applicant's representative: Ted L. Earl, 21 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles* between points in Franklin County, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGER

No. MC 50862 (Sub-No. 6), filed February 5, 1973. Applicant: WHITE CIRCLE LINE, INCORPORATED, 26 Brainard Road, Enfield, CT 06030. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, beginning and ending at Holyoke, Chicopee, and Westfield, Mass., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: This instant applicant is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 112422 (Sub-No. 6), filed February 5, 1973. Applicant: SAM VAN GALDER, INC., 74 Harmony Drive, Janesville, WI 53545. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip, charter operations, beginning and ending at points in Rock County, Wis., and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 127669 (Sub-No. 5), filed February 2, 1973. Applicant: CHERRY HILL TRANSIT, a corporation, 109 Brick Road, Cherry Hill, NJ 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, between Cherry Hill Mall, Cherry Hill,

Moorestown Township, Mount Laurel Township, and points in Burlington and Camden Counties, N.J., on the one hand, and, on the other, New York, N.Y., serving all intermediate points between Cherry Hill Mall and Mount Laurel Township: (1) From Cherry Hill Mall over New Jersey Highway 38 to intersection Lenola Road, thence over Lenola Road to intersection New Jersey Highway 73, thence over New Jersey Highway 73 to Exit 4 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Exit 16, thence over Interstate Highway 495 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route; and (2) *Alternate Route:* From Cherry Hill Mall over New Jersey Highway 38 to intersection New Jersey Highway 73, thence over New Jersey Highway 73 to Exit 4 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Exit 16, thence over Interstate Highway 495 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138428, filed February 5, 1973. Applicant: BRONXVILLE TRANSIT CORP., 789 Nepperhan Avenue, Yonkers, NY 10703. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and personnel attending Camp Hillard*, between points in New Jersey, on the one hand, and, on the other, Camp Hillard at Hartsdale, N.Y., between June 15th and September 5, and under a continuing contract with Camp Hillard, at Hartsdale, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at White Plains, or New York, N.Y.

WATER CARRIER APPLICATION

No. W-1189 (Sub-No. 28) (BULK FOOD CARRIERS, INC., extension wood chips), filed February 28, 1973. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, CA 94104. Applicant's representative: J. Raymond Clark, Suite 6000, 1250 Connecticut Avenue NW., Washington, DC 20036. By application filed February 28, 1973, applicant seeks to operate as a *contract carrier* by water, in interstate or foreign commerce, by self-propelled vessels and non-self-propelled vessels with the use of a separate towing vessel, in the transportation of *wood chips*, in bulk, between Longview, Wash.; Sacramento, Eureka, and Samoa, Calif.; and Portland and Coos Bay, Oreg., on the one hand, and, on the other, Mobile, Ala.; Georgetown, S.C.; Panama City, Fla.; and Natchez and Vicksburg, Miss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107515 (Sub-No. 836), filed February 7, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics* and *liquid chemicals*, in containers, in vehicles, equipped with mechanical refrigeration, from the plantsite of Cook Paint & Varnish Co., located at or near North Kansas City, Mo., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved.

No. MC 136664 (Sub-No. 1), filed January 29, 1973. Applicant: NORTH AMERICA MOVERS OF N.C. INC., 16 Piney Park Road, Asheville, NC 28806. Applicant's representative: Howard E. Frazier (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools used in the construction and maintenance of telephone systems and communications*, between Asheville, N.C., and points in Buncombe, Haywood, Henderson, Madison, Transylvania, Jackson, Cherokee, Clay, Macon, Graham, and Swain Counties, N.C., under contract with Western Electric Co., Inc.

No. MC 136800 (Sub-No. 1), filed February 5, 1973. Applicant JERRY O. CAPES, WINFORD EUGENE BATES, DR. JOHNNY L. CAPES, AND LARRY A. WAGNER, a partnership, doing business as ABC MOVING & STORAGE CO., 9163 Hazelbrand Road, Post Office Box 914, Covington, GA 30209. Applicant's representative: Jerry O. Capes (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* used in the installation, maintenance and repair of such equipment, between Covington, Ga., and points in Rockdale, Newton, Walton, Morgan, and Putnam Counties, Ga., under contract with Western Electric Co., Inc., Atlanta, Ga.

MOTOR CARRIERS OF PASSENGERS

No. MC 8500 (Sub-No. 12), filed January 31, 1973. Applicant: TENNESSEE TRAILWAYS, INC., 417 West Fifth Street, Charlotte, NC 28201. Applicant's representative: James E. Wilson, 1032 Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip sightseeing or pleasure tours, beginning and ending at points in Bartow, Catoosa, Gordon, Murray, Walker, and Whitfield Counties, Ga., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4915 Filed 3-14-73;8:45 am]

[Rev. S.O. 994; ICC Order 70; Amdt. 4]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 70 (Wellsville, Addison & Galeton Railroad Corp.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 8, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-5044 Filed 3-14-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

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federal register

THURSDAY, MARCH 15, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 50

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

GENERAL REGULATIONS GOVERNING UNITED STATES SECURITIES

Dept. Circular No. 300, 4th Rev.

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES

The regulations in 31 CFR Part 306 have been revised and amended for the purpose of facilitating the functioning of transactions in marketable U.S. securities.

Notice and public procedures are unnecessary and are dispensed with as the revision is largely declaratory of the revisions and amendments heretofore published in the FEDERAL REGISTER and fiscal policy of the United States is involved. The changes were effected under authority of R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 447; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.

Dated: March 9, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Department of the Treasury Circular No. 300, Third Revision, dated December 23, 1964 (31 CFR Part 306), as amended, is hereby further amended and issued as the Fourth Revision.

Subpart A—General Information

Subpart B—Registration

Subpart C—Transfers, Exchanges and Reissues

Subpart D—Redemption or Payment

Subpart E—Interest

Subpart F—Assignments of Registered Securities—General

Subpart G—Assignments by or in Behalf of Individuals

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Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

Subpart J—Assignments in Behalf of Private or Public Organizations

Subpart K—Attorneys in Fact

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Subpart M—Requests for Suspension of Transactions

Subpart N—Relief for Loss, Theft, Destruction, Mutilation, or Defacement of Securities

Subpart O—Book-Entry Procedure

Subpart P—Miscellaneous Provisions

AUTHORITY: R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 477; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.

Subpart A—General Information

§ 306.0 Applicability of regulations.

These regulations apply to all U.S. transferable and nontransferable securities,[1] other than U.S. Savings Bonds and U.S. Savings Notes, to the extent specified in these regulations, the offering circulars or special regulations governing such securities.

§ 306.1 Official agencies.

(a) *Subscriptions—tenders—bids.* Securities subject to these regulations are issued from time to time pursuant to public offerings by the Secretary of the Treasury, through the Federal Reserve banks, fiscal agents of the United States, and the Treasurer of the United States. Only the Federal Reserve banks and branches and the Department of the Treasury are authorized to act as official agencies, and subscriptions or tenders for Treasury securities, and bids, to the extent provided in the regulations governing the sale of Treasury securities through competitive bidding, may be made direct to them. However, tenders for Treasury bills are not received at the Department.

(b) *Transactions after issue.* The Bureau of the Public Debt of the Department of the Treasury is charged with matters relating to transactions in securities. Correspondence concerning transactions in securities and requests for appropriate forms may be addressed to (1) the Federal Reserve bank or branch of the district in which the correspondent is located, or (2) the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, or (3) the Office of the Treasurer of the

[1] These regulations may also be applied to securities issued by certain agencies of the United States and certain Government and Government-sponsored corporations.

United States, Securities Division, Washington, D.C. 20222, except where specific instructions are otherwise given in these regulations. The addresses of the Federal Reserve banks and branches are:

Federal Reserve Bank of Boston, Boston, Mass. 02106.
Federal Reserve Bank of New York, New York, N.Y. 10045.
Buffalo Branch, Buffalo, N.Y. 14240.
Federal Reserve Bank of Philadelphia, Philadelphia, Pa. 19101.
Federal Reserve Bank of Cleveland, Cleveland, Ohio 44101.
Cincinnati Branch, Cincinnati, Ohio 45201.
Pittsburgh Branch, Pittsburgh, Pa. 15230.
Federal Reserve Bank of Richmond, Richmond, Va. 23261.
Baltimore Branch, Baltimore, Md. 21203.
Charlotte Branch, Charlotte, N.C. 28201.
Federal Reserve Bank of Atlanta, Atlanta, Ga. 30303.
Birmingham Branch, Birmingham, Ala. 25202.
Jacksonville Branch, Jacksonville, Fla. 32203.
Nashville Branch, Nashville, Tenn. 37203.
New Orleans Branch, New Orleans, La. 70160.
Miami Office, Miami, Fla. 33152.
Federal Reserve Bank of Chicago, Chicago, Ill. 60609.
Detroit Branch, Detroit, Mich. 48231.
Federal Reserve Bank of St. Louis, St. Louis, Mo. 63166.
Little Rock Branch, Little Rock, Ark. 72203.
Louisville Branch, Louisville, Ky. 40201.
Memphis Branch, Memphis, Tenn. 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minn. 55480.
Helena Branch, Helena, Mont. 59601.
Federal Reserve Bank of Kansas City, Kansas City, Mo. 64198.
Denver Branch, Denver, Colo. 80217.
Oklahoma City Branch, Oklahoma City, Okla. 73125.
Omaha Branch, Omaha, Nebr. 68102.
Federal Reserve Bank of Dallas, Dallas, Tex. 75222.
El Paso Branch, El Paso, Tex. 79999.
Houston Branch, Houston, Tex. 77001.
San Antonio Branch, San Antonio, Tex. 78295.
Federal Reserve Bank of San Francisco, San Francisco, Calif. 94120.
Los Angeles Branch, Los Angeles, Calif. 90051.
Portland Branch, Portland, Oreg. 97208.
Salt Lake City Branch, Salt Lake City, Utah 84110.
Seattle Branch, Seattle, Wash. 98124.

§ 306.2 Definitions of words and terms as used in these regulations.

(a) "Advance refunding offer" is an offer to a holder of a security, usually a year or more in advance of its call or maturity date, to exchange it for another security.

(b) A "bearer" security is payable on its face at maturity or call for redemption before maturity in accordance with its terms to "bearer." The ownership is not recorded. Title to such a security may pass by delivery without endorsement and without notice. A "coupon" security is a bearer security with interest coupons attached.

(c) "Bureau" refers to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226.

(d) "Call date" or "date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER as the date on which the obligor will make payment of the security before maturity in accordance with its terms.

(e) "Court" means one which has jurisdiction over the parties and the subject matter.

(f) "Department" refers to the Department of the Treasury.

(g) "Face maturity date" is the payment date specified in the text of a security.

(h) "Incompetent" refers to a person under any legal disability except minority.

(i) "Joint owner" and "joint ownership" refer to any permitted form of ownership by two or more persons.

(j) "Nontransferable securities" are those issued only in registered form which according to their terms are payable only to the registered owners or recognized successors in title to the extent and in the manner provided in the offering circulars or special applicable regulations.

(k) "Payment" and "redemption," unless otherwise indicated by the context, are used interchangeably for payment at maturity or payment before maturity pursuant to a call for redemption in accordance with the terms of the securities.

(l) "Prerefunding offer" is an offer to a holder of a security, usually within the year preceding its call or maturity date, to exchange it for another security.

(m) "Redemption-exchange" is any authorized redemption of securities for the purpose of applying the proceeds in payment for other securities offered in exchange.

(n) A "registered" security refers to a security the ownership of which is registered on the books of the Department. It is payable at maturity or call for redemption before maturity in accordance with its terms to the person in whose name it is inscribed, or his assignee.

(o) "Securities assigned in blank" or "securities so assigned as to become in effect payable to bearer" refers to registered securities which are assigned by the owner or his authorized representative without designating the assignee. Registered securities assigned simply to "The Secretary of the Treasury" or in the case of Treasury Bonds, Investment Series B—1975–80, to "The Secretary of the Treasury for exchange for the current Series EA or EO Treasury notes" are considered to be so assigned as to become in effect payable to bearer.

(p) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. A social security account number is composed of nine digits separated by two hyphens, for example, 123–45–6789; an employer identification number is composed of nine digits separated by one hyphen, for example, 12–3456789. The hyphens are an essential part of the numbers and must be included.

(q) "Transferable securities," which may be in either registered or bearer form, refers to securities which may be sold on the market and transfer of title accomplished by assignment and delivery if in registered form, or by delivery only if in bearer form.

(r) "Treasurer's Office" refers to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222.

(s) "Treasury securities," "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills," or simply "securities," "bonds," "notes," "certificates," and "bills," unless otherwise indicated by the context, refer only to transferable securities.

§ 306.3 Transportation charges and risks in the shipment of securities.

The following rules will govern transportation to, from, and between the Department and the Federal Reserve banks and branches of securities issued on or presented for authorized transactions:

(a) The securities may be presented or received by the owners or their agents in person.

(b) Securities issued on original issue, unless delivered in person, will be delivered by registered mail or by other means at the risk and expense of the United States.

(c) The United States will assume the risk and expense of any transportation of securities which may be necessary between the Federal Reserve banks and branches and the Treasury.

(d) Securities submitted for any transaction after original issue, if not presented in person, must be forwarded at the owner's risk and expense.

(e) Bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, unless called for in person by the owner or his agent. Registered securities issued on such transactions will be delivered by registered mail at the risk of, but without expense to, the registered owner. Should delivery by other means be desired, advance arrangements should be made with the official agency to which the original securities were presented.

Subpart B—Registration

§ 306.10 General.

The registration used must express the actual ownership of a security and may not include any restriction on the authority of the owner to dispose of it in any manner, except as otherwise specifically provided in these regulations. The Treasury Department reserves the right to treat the registration as conclusive of ownership. Requests for registration should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include appropriate taxpayer identifying num-

bers.[2] The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by any applicable title, as, for example, "Mrs.," "Miss," "Ms.," "Dr.," or "Rev.," or followed by a designation such as "M.D.," "D.D.," "Sr." or "Jr." Any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from a member of his family. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones." The address should include, where appropriate, the number and street, route, or any other local feature and the Zip Code.

§ 306.11 Forms of registration for transferable securities.

The forms of registration described below are authorized for transferable securities:

(a) *Natural persons in their own right.* In the names of natural persons who are not under any legal disability, in their own right, substantially as follows:

(1) *One person.* In the name of one individual. Examples:

John A. Doe (123-45-6789).
Mrs. Mary C. Doe (123-45-6789).
Miss Elizabeth Jane Doe (123-45-6789).

An individual who is sole proprietor of a business conducted under a trade name may include a reference to the trade name. Examples:

John A. Doe, doing business as Doe's Home Appliance Store (123-45-6789).

or

John A. Doe (123-45-6789), doing business as Doe's Home Appliance Store.

(2) *Two or more persons—general.* Securities will not be registered in the name of one person payable on death to another, or in any form which purports to authorize transfer by less than all the persons named in the registration (or all the survivors).[3] Securities will not be registered in the forms "John A. Doe and Mrs. Mary C. Doe, or either of them" or "William C. Doe or Henry J. Doe, or either of them" and securities so assigned will be treated as though the words "or either of them" do not appear in the assignments. The taxpayer identifying number of any of the joint owners may be shown on securities registered in joint ownership form.

(i) *With right of survivorship.* In the names of two or more individuals with right of survivorship. Examples:

John A. Doe (123-45-6789) or Mrs. Mary C. Doe or the survivor.
John A. Doe (123-45-6789) or Mrs. Mary C. Doe or Miss Mary Ann Doe or the survivors or survivor.
John A. Doe (123-45-6789) or Mrs. Mary C. Doe.
John A. Doe (123-45-6789) and Mrs. Mary C. Doe.
John A. Doe (123-45-6789) and Mrs. Mary C. Doe as joint tenants with right of survivorship and not as tenants in common.

Limited to husband and wife:

John A. Doe (123-45-6789) and Mrs Mary C. Doe, as tenants by the entireties.

(ii) *Without right of survivorship.* In the names of two or more individuals in such manner as to preclude the right of survivorship. Examples:

John A. Doe (123-45-6789) and William B. Doe as tenants in common.
John A. Jones as natural guardian of Henry B. Jones, a minor, and Robert C. Jones (123-45-6789), without right of survivorship.

Limited to husband and wife:

Charles H. Brown (123-45-6789) and Ann R. Brown, as partners in community.

(b) *Minors and incompetents*—(1) *Natural guardians of minors.* A security may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has legally qualified. Example:

John R. Jones as natural guardian of Henry M. Jones, a minor (123-45-6789).

Either parent with whom the minor resides, or if he does not reside with either parent, the person who furnishes his chief support, will be recognized as his natural guardian and will be considered a fiduciary. Registration in the name of a minor in his own right as owner or as joint owner is not authorized. Securities so registered, upon qualification of the natural guardian, will be treated as though registered in the name of the natural guardian in that capacity.

(2) *Custodian under statute authorizing gifts to minors.* A security may be purchased as a gift to a minor under a gifts to minors statute in effect in the State in which either the donor or the minor resides. The security should be registered as provided in the statute, with an identifying reference to the statute if the registration does not clearly identify it. Examples:

William C. Jones, as custodian for John A. Smith, a minor (123-45-6789), under the California Uniform Gifts to Minors Act.
Robert C. Smith, as custodian for Henry L. Brown, a minor (123-45-6789), under the laws of Georgia; Ch. 48-3, Code of Ga. Anno.

(3) *Incompetents not under guardianship.* Registration in the form "John A. Brown, an incompetent (123-45-6789), under voluntary guardianship," is permitted only on reissue after a voluntary guardian has qualified for the purpose of collecting interest. (See §§ 306.37(c)(2) and 306.57(c)(2).) Otherwise, registration in the name of an incompetent not under legal guardianship is not authorized.

(c) *Executors, administrators, guardians, and similar representatives or fiduciaries.* A security may be registered in the names of legally qualified executors, administrators, guardians, conservators, or similar representatives or fiduciaries of a single estate. The names and capacities of all the representatives or fiduciaries, as shown in their letters of appointment, must be included in the registration and must be followed by an adequate identifying reference to the estate. Examples:

John Smith, executor of will (or administrator of estate) of Henry J. Jones, deceased (12-3456789).
William C. Jones, guardian (or conservator, etc.) of estate of James D. Brown, a minor (or an incompetent) (123-45-6789).

(d) *Life tenant under will.* A security may be registered in the name of a life tenant followed by an adequate identifying reference to the will. Example:

Anne B. Smith, life tenant under the will of Adam A. Smith, deceased (12-3456789).

The life tenant will be considered a fiduciary.

(e) *Private trust estates.* A security may be registered in the name and title of the trustee or trustees of a single duly constituted private trust, followed by an adequate identifying reference to the authority governing the trust. Examples:

John Jones and Blank Trust Co., Albany, N.Y., trustees under will of Sarah Jones, deceased (12-3456789).
John Doe and Richard Roe, trustees under agreement with Henry Jones dated February 9, 1970 (12-3456789).

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(1) If there are several trustees designated as a board or authorized to act as a unit, their names should be omitted and the words "Board of Trustees" substituted for the word "trustees." Example:

Board of Trustees of Blank Co. Retirement Fund, under collective bargaining agreement dated June 30, 1970 (12-3456789).

(2) If the trustees do not constitute a board or otherwise act as a unit, and are either too numerous to be designated in the inscription by names and title, or serve for limited terms, some or all of the names may be omitted. Examples:

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[2] Taxpayer identifying numbers are not required for foreign governments, nonresident aliens not engaged in trade or business within the United States, international organizations and foreign corporations not engaged in trade or business and not having an office or place of business or a financial or paying agent within the United States, and other persons or organizations as may be exempted from furnishing such numbers under regulations of the Internal Revenue Service.

[3] *Warning.* Difference Between Transferable Treasury Securities Registered in the Names of Two or More Persons and United States Savings Bonds in Coownership Form. The effect of registering Treasury securities to which these regulations apply in the names of two or more persons differs decidedly from registration of savings bonds in coownership form. Savings bonds are virtually redeemable on demand at the option of either coowner on his signature alone. Transferable Treasury securities are redeemable only at maturity or upon prior call by the Secretary of the Treasury.

John Smith, Henry Jones, et al., trustees under will of Henry J. Smith, deceased (12-3456789).
Trustees under will of Henry J. Smith, deceased (12-3456789).
Trustees of Retirement Fund of Industrial Manufacturing Co., under directors' resolution of June 30, 1950 (12-3456789).

(f) *Private organizations (corporations, unincorporated associations and partnerships).* A security may be registered in the name of any private corporation, unincorporated association, or partnership, including a nominee, which for purposes of these regulations is treated as the owner. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other authority from which its powers are derived, must be included in the registration and may be followed, if desired, by a reference to a particular account or fund, other than a trust fund, in accordance with the rules and examples given below:

(1) *A corporation.* The name of a business, fraternal, religious, or other private corporation must be followed by descriptive words indicating the corporate status unless the term "corporation" or the abbreviation "Inc." is part of the name or the name is that of a corporation or association organized under Federal law, such as a national bank or Federal savings and loan association. Examples:

Smith Manufacturing Co., a corporation (12-3456789).
The Standard Manufacturing Corp. (12-3456789).
Jones & Brown, Inc.—Depreciation Acct. (12-3456789).
First National Bank of Albemarle (12-3456789).
Abco & Co., Inc., a nominee corporation (12-3456789).

(2) *An unincorporated association.* The name of a lodge, club, labor union, veterans' organization, religious society, or similar self-governing organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) must be followed by the words "an unincorporated association." Examples:

American Legion Post No. ——, Department of the D.C., an unincorporated association (12-3456789).
Local Union No. 100, Brotherhood of Locomotive Engineers, an unincorporated association (12-3456789).

Securities should not be registered in the name of an unincorporated association if the legal title to its property in general, or the legal title to the funds with which the securities are to be purchased, is held by trustees. In such a case the securities should be registered in the title of the trustees in accordance with paragraph (e) of this section. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

(3) *A partnership.* The name of a partnership must be followed by the words "a partnership." Examples:

Smith & Brown, a partnership (12-3456789).
Acme Novelty Co., a limited partnership (12-3456789).
Abco & Co., a nominee partnership (12-3456789).

(g) *States, public bodies, and corporations and public officers.* A security may be registered in the name of a State or county, city, town, village, school district, or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody. Examples:

State of Maine.
Town of Rye, N.Y.
Maryland State Highway Administration.
Treasurer, City of Springfield, Ill.
Treasurer of Rhode Island—State Forestry Fund.

(h) *States, public officers, corporations or bodies as trustees.* A security may be registered in the title of a public officer or in the name of a State or county or a public corporation or public body acting as trustee under express authority of law. An appropriate reference to the statute creating the trust may be included in the registration. Examples:

Insurance Commission of Pennsylvania, trustee for benefit of policyholders of Blank Insurance Co. (12-3456789), under Sec. ——, Pa. Stats.
Rhode Island Investment Commission, trustee of General Sinking Fund under Ch. 35, Gen. Laws of R.I.
State of Colorado in trust for Colorado Surplus Property Agency.

§ 306.12 Errors in registration.

If an erroneously inscribed security is received, it should not be altered in any respect, but the Bureau, a Federal Reserve bank or branch, or the Treasurer's Office should be furnished full particulars concerning the error and asked to furnish instructions.

§ 306.13 Nontransferable securities.

Upon authorized reissue, Treasury Bonds, Investment Series B—1975-80, may be registered in the forms set forth in § 306.11.

Subpart C—Transfers, Exchanges and Reissues

§ 306.15 Transfers and exchanges of securities—closed periods.

(a) *General.* The transfer of registered securities should be made by assignment in accordance with Subpart F of this part. Transferable registered securities are eligible for denominational exchange and exchange for bearer securities. Bearer securities are eligible for denominational exchange, and when so provided in the offering circular, are eligible for exchange for registered securities. Specific instructions for issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. (Form PD 3905 or PD 1827, as appropriate, may be used.) Denominational exchanges, exchanges of Treasury Bonds, Investment Series B—1975-80, for the current series of EA or EO 1½ percent 5-year Treasury notes, and optional redemption of bonds at par as provided in § 306.28 may be made at any time. Securities presented for transfer or for exchange for bearer securities of the same issue must be received by the Bureau not less than 1 full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity. Any security so presented which is received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for 1 full month preceding interest payment dates and call or maturity dates. If the date set for closing of the transfer books falls on Saturday, Sunday, or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. The books are reopened on the first business day following the date on which interest falls due. Registered securities which have not matured or been called, submitted for transfer, reissue, or exchange for coupon securities, and coupon securities which have not matured or been called, submitted for exchange for registered securities, which are received during the period the books for that loan are closed, will be processed on or after the date such books are reopened. If registered securities are received for transfer or exchange for bearer securities, or coupon securities are received for exchange for registered securities, during the time the books are closed for payment of final interest at maturity or call, unless otherwise provided in the offering circular or notice of call, the following action will be taken:

(1) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(2) Payment of principal will be made to (i) the assignee under a proper assignment of the securities, or (ii) if the securities have been assigned for exchange for bearer securities, to the registered owner of record on the date the books were closed.

§ 306.16 Exchanges of registered securities.

No assignments will be required for (a) authorized denominational exchanges of registered securities for like securities in the same names and forms of registration and (b) redemption-exchanges, or prerefundings, or advance refundings in the same names and forms as appear in the registration or assignments of the securities surrendered.

§ 306.17 Exchanges of registered securities for coupon securities.

Registered securities submitted for exchange for coupon securities should be assigned to "The Secretary of the Treasury for exchange for coupon securities to be delivered to (inserting the name and address of the person to whom delivery of the coupon securities is to be made)." Assignments to "The Secretary of the Treasury for exchange for coupon securities," or assignments in blank will also be accepted. The coupon securities issued upon exchange will have all unmatured coupons attached.

§ 306.18 Exchanges of coupon securities for registered securities.

Coupon securities presented for exchange for registered securities should have all matured interest coupons detached. All unmatured coupons should be attached, except that if presented when the transfer books are closed (in which case the exchange will be effected on or after the date on which the books are reopened), the next maturing coupons should be detached and held for collection in ordinary course when due. If any coupons which should be attached are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new registered securities will bear interest from the interest payment date next preceding the date on which the exchange is made.

§ 306.19 Denominational exchanges of coupon securities.

All matured interest coupons and all unmatured coupons likely to mature before an exchange can be completed should be detached from securities presented for denominational exchange. All unmatured coupons should be attached. If any are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new coupon securities will have all unmatured coupons attached.

§ 306.20 Reissue of registered transferable securities.

Assignments are not required for reissue of registered transferable securities in the name(s) of (a) the surviving joint owner(s) of securities registered in the names of or assigned to two or more persons, unless the registration or assignment includes words which preclude the right of survivorship, (b) a succeeding fiduciary or other lawful successor, (c) a remainderman, upon termination of a life estate, (d) an individual, corporation or unincorporated association whose name has been legally changed, (e) a corporation or unincorporated association which is the lawful successor to another corporation or unincorporated association, and (f) a successor in title to a public officer or body. Evidence of survivorship, succession, or change of name, as appropriate, must be furnished. The appropriate taxpayer identifying number also must be furnished if the registration of the securities submitted does not include such number for the person or organization to be named on the reissued securities.

§ 306.21 Reissue of nontransferable securities.

Treasury Bonds, Investment Series B–1975–80, may be reissued only in the names of (a) lawful successors in title, (b) the legal representatives or distributees of a deceased owner's estate, or the distributees of a trust estate, and (c) State supervisory authorities in pursuance of any pledge required of the owner under State law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be accompanied by evidence of entitlement.

§ 306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.

Bonds of this series presented for exchange for 1½ percent 5-year Treasury notes must bear duly executed assignments to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to (inserting the name and address of the person to whom the notes are to be delivered)." The notes will bear the April 1 or October 1 date next preceding the date the bonds, duly assigned with supporting evidence, if necessary, are received by the Bureau or a Federal Reserve Bank or Branch. Interest accrued at the rate of 2¾ percent on the bonds surrendered from the next preceding interest payment date to the date of exchange will be credited, and interest at the rate of 1½ percent on the notes for the same period will be charged and the difference will be paid to the owner.

Subpart D—Redemption or Payment

§ 306.25 Presentation and surrender.

(a) *General.* Securities, whether in registered or bearer form, are payable in regular course of business at maturity unless called for redemption before maturity in accordance with their terms, in which case they will be payable in regular course of business on the date of call. The Secretary of the Treasury may provide for the exchange of maturing or called securities, or in advance of call or maturity, may afford owners the opportunity of exchanging a security for another security pursuant to a prerefunding or an advance refunding offer. Registered securities should be presented and surrendered for redemption to the Bureau, a Federal Reserve bank or branch, or the Treasurer's Office, and bearer securities to a Federal Reserve bank or branch or the Treasurer's Office.[4] No assignments or evidence in support of assignments will be required by or on behalf of the registered owner or assignee for redemption for his or its account, or for redemption-exchange, or exchange pursuant to a prerefunding or an advance refunding offer, if the new securities are to be registered in exactly the same names and forms as appear in the registrations or assignments of the securities surrendered. To the extent appropriate, these rules also apply to securities registered in the titles of public officers who are official custodians of public funds.

(b) *"Overdue" securities.* If a bearer security or a registered security assigned in blank, or to bearer, or so assigned as to become in effect payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury will ordinarily require satisfactory proof of ownership. (Form PD 1073 may be used.) A security shall be considered to be overdue after the lapse of the following periods of time from its face maturity:

(1) One month for securities issued for a term of 1 year or less.

(2) Three months for securities issued for a term of more than 1 year but not in excess of 7 years.

(3) Six months for securities issued for a term of more than 7 years.

§ 306.26 Redemption of registered securities at maturity, upon prior call, or for prerefunding or advance refunding.

Registered securities presented and surrendered for redemption at maturity or pursuant to a call for redemption before maturity need not be assigned, unless the owner desires that payment be made to some other person, in which case assignments should be made to "The Secretary of the Treasury for redemption for the account of (inserting name and address of person to whom payment is to be made)." Specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the securities, unless included in the assignment. (Form PD 3905 may be used.) Payment of the principal will be made either (a) by check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received, or (b) upon appropriate request, by crediting the amount in a member bank's account with the Federal Reserve Bank of its District. Securities presented for prerefunding or advance refunding should be assigned as provided in the prerefunding or advance refunding offer.

§ 306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding or prerefunding.

All interest coupons due and payable on or before the date of maturity or date fixed in the call for redemption before maturity should be detached from coupon securities presented for redemption and should be collected separately in regular course. All coupons bearing dates subsequent to the date fixed in a call for redemption, or offer of prerefunding or advance refunding, should be left attached to the securities. If any such coupons are missing, the full face amount thereof will be deducted from the payment to be made upon redemption or the prerefunding or advance refunding adjustment unless satisfactory evidence of their destruction is submitted. Any amounts so deducted will be held in the Department to provide for adjustments or refunds in the event it should be determined that the missing coupons were subsequently presented or their destruction is later satisfactorily established. In the absence of other instructions, payment of bearer securities will be made by check drawn to the order of the person presenting and surrendering the securities and mailed to him at his address, as given in the advice accompanying the securities. (Form PD 3905 may be used.) A Federal Reserve bank, upon appropri-

[4] See § 306.28 for presentation and surrender of bonds eligible for use in payment of Federal estate taxes.

ate request, may make payment to a member bank from which bearer securities are received by crediting the amount of the proceeds of redemption to the member bank's account.

§ 306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.

(a) *General.* Treasury bonds to be redeemed at par for the purpose of applying the entire amount of principal and accrued interest to payment of the Federal estate tax on a decedent's estate[5] must be presented and surrendered to a Federal Reserve bank or branch or to the Bureau. They should be accompanied by Form PD 1782, fully completed and duly executed in accordance with the instructions on the form, and evidence as described therein. Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve bank or branch or the Bureau within 1 month preceding an interest payment date for redemption before that date, a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full 6 months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the Internal Revenue Service Center designated in Form PD 1782, and the representative of the estate will be notified of the deposit. A formal receipt may be obtained upon request addressed to the Center.

(b) *Conditions.* The bonds presented for redemption under this section must have (1) been owned by the decedent at the time of his death and (2) thereupon constituted part of his estate, as determined by the following rules in the case of joint ownership, partnership, and trust holdings:

(i) *Joint ownerships.* Bonds held by the decedent at the time of his death in joint ownership with another person or persons will be deemed to have met the above conditions either (*a*) to the extent to which the bonds actually became the property of the decedent's estate, or (*b*) in an amount not to exceed the amount of the Federal estate tax which the surviving joint owner or owners is required to pay on account of such bonds and other jointly held property.[6]

(ii) *Partnerships.* Bonds held at the time of the decedent's death by a partnership in which he had an interest will be deemed to have met the above conditions to the extent of his fractional share of the bonds so held proportionate to his interest in the assets of the partnership.

(iii) *Trusts.* Bonds held in trust at the time of the decedent's death will be deemed to have met the above conditions in an amount not to exceed the amount of the Federal estate tax (*a*) if the trust actually terminated in favor of the decendent's estate, or (*b*) if the trustee is required to pay the decedent's Federal estate tax under the terms of the trust instrument or otherwise, or (*c*) to the extent the debts of the decedent's estate, including costs of administration, State inheritance and Federal estate taxes, exceed the assets of his estate without regard to the trust estate.

(c) *Transactions after owner's death.* No transactions involving changes of ownership may be conducted after an owner's death without affecting the eligibility of the bonds for redemption at par for application of the proceeds to payment of the Federal estate tax. Transactions involving no changes of ownership which may be conducted without affecting eligibility are (1) exchange of bonds for those of lower denominations where the bonds exceed the amount of the tax and are not in the lowest authorized denominations, (2) exchange of registered bonds for coupon bonds, (3) exchange of coupon bonds for bonds registered in the names of the representatives of the estate, (4) transfer of bonds from the owner or his nominee to the names of the representatives of the owner's estate, and (5) purchases by or for the account of an owner prior to his death, held in book-entry form, and thereafter converted to definitive bonds. However, any such transactions must be explained on Form PD 1782 or in a supplemental statement.

Subpart E—Interest

§ 306.35 Computation of interest.

The interest on Treasury securities accrues and is payable on a semiannual basis unless otherwise provided in the circular offering them for sale or exchange. If the period of accrual is an exact 6 months, the interest accrual is an exact one-half year's interest without regard to the number of days in the period. If the period of accrual is less than an exact 6 months, the accrued interest is computed by determining the daily rate of accrual on the basis of the exact number of days in the full interest period and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof.[7]

§ 306.36 Termination of interest.

Securities will cease to bear interest on the date of their maturity unless they have been called for redemption before maturity in accordance with their terms, or are presented and surrendered for redemption-exchange or exchange pursuant to an advance refunding or prerefunding offer, in which case they will cease to bear interest on the date of call, or the exchange date, as the case may be.

§ 306.37 Interest on registered securities.

(a) *Method of payment.* The interest on registered securities is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. Interest checks are prepared by the Department in advance of the interest payment data and are ordinarily mailed in time to reach the addresses on that date. Interest on a registered security which has not matured or been called and which is presented for any transaction during the period the books for that loan are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation, or unincorporated association, the removal, resignation, succession, or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on securities do not clearly identify the owners, delivery of interest checks will be withheld pending reissue of the securities in the correct registration. The final installment of interest, unless otherwise provided in the offering circular or notice of call, will be paid by check drawn to the order of the registered owner of record and mailed in advance of the interest payment date in time to reach the addressee on or about that date. Interest on securities presented for prerefunding or advance refunding will be adjusted as provided in the prerefunding or advance refunding offer.

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[5] Certain issues of Treasury bonds are redeemable at par and accrued interest upon the death of the owner, at the option of the representative of, or if none, the persons entitled to, his estate, for the purpose of having the entire proceeds applied in payment of the Federal estate tax on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal Reserve bank or branch, the Bureau of the Public Debt, or the Treasurer's Office.

[6] Substantially the same rule applies to community property except that upon the death of either spouse bonds which constitute part of the community estate are deemed to meet the required conditions to the extent of one-half of each loan and issue of bonds.

[7] The appendix to this subpart contains a complete explanation of the method of computing interest on a semiannual basis on Treasury bonds, notes, and certificates of indebtedness, and an outline of the method of computing the discount rates on Treasury bills. Also included are tables of computation of interest on semiannual and annual basis.

(b) *Change of address.* To assure timely delivery of interest checks, owners should promptly notify the Bureau of any change of address. (Form PD 345 may be used.) The notification must be signed by the registered owner or a joint owner or an authorized representative, and should show the owner's taxpayer identifying number, the old and new addresses, the serial number and denomination of each security, the titles of the securities (for example: 4¼ percent Treasury Bonds of 1987–92, dated August 15, 1962), and the registration of each security. Notifications by attorneys in fact, trustees, or by the legal representatives of the estates of deceased, incompetent, or minor owners should be supported by proof of their authority, unless, in the case of trustees or legal representatives, they are named in the registration.

(c) *Collection of interest checks—(1) General.* Interest checks may be collected in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in the current revision of Department Circular No. 21 (Part 360 of this chapter).

(2) *By voluntary guardians of incompetents.* Interest checks drawn to the order of a person who has become incompetent and for whose estate no legal guardian or similar representative has been appointed should be returned to the Bureau with a full explanation of the circumstances. For collection of interest, the Department will recognize the relative responsible for the incompetent's care and support or some other person as voluntary guardian for the incompetent. (Application may be made on Form PD 1461.)

(d) *Nonreceipt, loss, theft, or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest payment date, the Bureau should be notified. Should a check be lost, stolen, or destroyed after receipt, the Office of the Treasurer of the United States, Check Claims Division, Washington, D.C. 20227, should be notified. Notification should include the name and address of the owner, his taxpayer identifying number, and the serial number, denomination, and title of the security upon which the interest was payable. If the check is subsequently received or recovered, the latter office should also be advised.

§ 306.38 Interest on bearer securities.

Unless the offering circular and notice of call provide otherwise, interest on coupon securities is payable in regular course of business upon presentation and surrender of the interest coupons as they mature. Such coupons are payable at any Federal Reserve bank or branch, or the Treasurer's Office.[*] Interest on Treasury bills, and any other bearer securities which may be sold and issued on a discount basis and which are payable at par at maturity, is represented by the difference between the purchase price and the par value, and no coupons are attached.

[*] Banking institutions will usually cash the coupons without charge as an accommodation to their customers.

Subpart F—Assignments of Registered Securities—General

§ 306.40 Execution of assignments or special endorsements.

(a) *Execution of assignments.* The assignment of a registered security should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. All assignments must be made on the backs of the securities, unless otherwise authorized by the Bureau, a Federal Reserve bank or branch, or the Treasurer of the United States. An assignment by mark (X) must be witnessed not only by a certifying officer but also by at least one other person, who should add an endorsement substantially as follows: "Witness to signature by mark," followed by his signature and address.

(b) *Special endorsement in lieu of assignments.* A security may be presented without assignment for any authorized transaction by a financial institution which is (1) a member of the Federal Reserve System, (2) a member of the Federal Home Loan Bank System, or (3) insured by the Federal Deposit Insurance Corporation, provided full instructions are furnished as to the transaction desired and the security bears the endorsement, under the official seal of the institution, as follows:

Presented in accordance with instructions of the owner(s).
Absence of assignment guaranteed.

_____
(Name of financial institution)

By _____
(Signature and title of officer)

_____
(Date)

This form of endorsement of a security will be an unconditional guarantee to the Department of the Treasury that the institution is acting as attorney in fact for the registered owner, or his assignee, under proper authorization and that the officer is duly authorized to act.

§ 306.41 Form of assignment.

Registered securities may be assigned in blank, to bearer, to a specified transferee, to the Secretary of the Treasury for exchange for coupon securities, or to the Secretary of the Treasury for redemption or for exchange for other securities offered at maturity, upon call or pursuant to an advance refunding or prerefunding offer. Assignments to "The Secretary of the Treasury," "The Secretary of the Treasury for transfer," or "The Secretary of the Treasury for exchange" will not be accepted unless supplemented by specific instructions by or in behalf of the owner.

§ 306.42 Alterations and erasures.

If an alteration or erasure has been made in an assignment, the assignor should appear before an authorized certifying officer and execute a new assignment to the same assignee. If the new assignment is to other than the assignee whose name has been altered or erased, a disclaimer from the first-named assignee should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

§ 306.43 Voidance of assignments.

An assignment of a security to or for the account of another person, not completed by delivery, may be voided by a disclaimer of interest from that person. This disclaimer should be executed in the presence of an officer authorized to certify assignments of securities. Unless otherwise authorized by the Bureau, a Federal Reserve bank or branch, or the Treasurer of the United States, the disclaimer must be written, typed, or stamped on the back of the security in substantially the following form:

The undersigned as assignee of this security hereby disclaims any interest herein.

_____
(Signature)

I certify that the above-named person as described, whose identity is well known or proved to me, personally appeared before me the _____ day of _____
(Month and year)
at _____ and
(Place)
signed the above disclaimer of interest.

(SEAL) _____
(Signature and official designation of certifying officer)

In the absence of a disclaimer, an affidavit or affidavits should be submitted for consideration explaining why a disclaimer cannot be obtained, reciting all other material facts and circumstances relating to the transaction, including whether or not the security was delivered to the person named as assignee and whether or not the affiants know of any basis for the assignee claiming any right, title, or interest in the security. After an assignment has been voided, in order to dispose of the security, an assignment by or on behalf of the owner will be required.

§ 306.44 Discrepancies in names.

The Department will ordinarily require an explanation of discrepancies in the names which appear in inscriptions, assignments, supporting evidence or in the signatures to any assignments. (Form PD 385 may be used for this purpose.) However, where the variations in the name of the registered owner, as inscribed on securities of the same or different issues, are such that both may properly represent the same person, for example, "J. T. Smith" and "John T. Smith," no proof of identity will be required if the assignments are signed exactly as the securities are inscribed and are duly certified by the same certifying officer.

§ 306.45 Officers authorized to certify assignments.

(a) *Officers authorized generally.* The following persons are authorized to act as certifying officers for the purpose of

certifying assignments of, or forms with respect to, securities:

(1) Officers and employees of banks and trust companies incorporated in the United States, its territories or possessions, or the Commonwealth of Puerto Rico, Federal Savings and Loan Associations, or other organizations which are members of the Federal Home Loan Bank System, who have been authorized to: (i) Generally bind their respective institutions by their acts, (ii) unqualifiedly guarantee signatures to assignments of securities, or (iii) expressly certify assignments of securities.

(2) Officers of Federal Reserve banks and branches.

(3) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, the Central Bank for Cooperatives, and Federal Home Loan Banks.

(4) U.S. Attorneys, Collectors of Customs, and Regional Commissioners, District Directors, and Service Center Directors, Internal Revenue Service.

(5) Judges and Clerks of U.S. Courts.

(b) *Authorized officers in foreign countries.* The following are authorized to certify assignments in foreign countries:

(1) U.S. diplomatic or consular representatives.

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies incorporated in the United States, its territories or possessions, or the Commonwealth of Puerto Rico.

(3) Notaries public and other officers authorized to administer oaths. The official position and authority of any such officer must be certified by a U.S. diplomatic or consular representative under seal of his office.

(c) *Officers having limited authority.* The following are authorized to certify assignments to the extent set forth in connection with each class of officers:

(1) Postmasters, acting postmasters, assistant postmasters, inspectors in charge, chief and assistant chief accountants, and superintendents of stations of any post office, notaries public and justices of the peace in the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, but only for assignment of securities for redemption for the account of the assignor, or for redemption exchange, or pursuant to an advance refunding or prerefunding offer for other securities to be registered in his name, or in his name with a joint owner. The signature of any post office official, other than a postmaster, must be in the following form: "John A. Doe, Postmaster, by Richard B. Roe, Superintendent of Station."

(2) Commissioned officers and warrant officers of the Armed Forces of the United States for assignment of securities of any class for any authorized transaction, but only with respect to assignments executed by: (i) Armed Forces personnel and civilian field employees, and (ii) members of the families of such personnel or civilian employees.

(d) *Special provisions for certifying assignments.* The Commissioner of the Public Debt, the Chief of the Division of Securities Operations, any Federal Reserve bank or branch, or the Treasurer of the United States, is authorized to make special provisions for any case or class of cases.

§ 306.46 Duties and responsibilities of certifying officer.

A certifying officer must require execution of an assignment, or a form with respect to securities, in his presence after he has established the identity of the assignor and before he certifies the signature. He must then complete the certification. An employee who is not an officer should insert "Authorized signature" in the space provided for the title. However, an assignment of a security need not be executed in the presence of the certifying officer if he unqualifiedly guarantees the signature thereto, in which case he must place his endorsement on the security, following the signature, in the form "Signature guaranteed, First National Bank of Jonesville, Jonesville, N.H., by A. B. Doe, President," and add the date. The certifying officer and, if he is an officer or employee of an organization, the organization will be held responsible for any loss the United States may suffer as the result of his fault or negligence.

§ 306.47 Evidence of certifying officer's authority.

The authority of an individual to act as a certifying officer is established by affixing to a certification of an assignment, or a form with respect to securities, or an unqualified guarantee of a signature to an assignment, either: (a) The official seal of the organization, or (b) a legible imprint of the issuing agent's dating stamp, if the organization is an authorized issuing agent for U.S. Savings Bonds of Series E. Use of such stamp shall result in the same responsibility on the part of the organization as if its official seal were used. A certification which does not bear a seal or issuing agent's dating stamp will not be accepted. Any post office official must use the official stamp of his office. A commissioned or warrant officer of any of the Armed Forces of the United States should indicate his rank and state that the person executing the assignment is one of the class whose signature he is authorized to certify. A judge or clerk of court must use the seal of the court. Any other certifying officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Department.

§ 306.48 Interested persons not to act as certifying officer or witness.

Neither the assignor, the assignee, nor any person having an interest in a security may act as a certifying officer, or as a witness to an assignment by mark. However, a bank officer may certify an assignment to the bank, or an assignment executed by another officer in its behalf.

§ 306.49 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

Subpart G—Assignments by or in Behalf of Individuals

§ 306.55 Signatures, minor errors and change of name.

The owner's signature to an assignment should be in the form in which the security is inscribed or assigned, unless such inscription or assignment is incorrect or the name has since been changed. In case of a change of name, the signature to the assignment should show both names and the manner in which the change was made, for example, "John Young, changed by order of court from Hans Jung." Evidence of the change will be required. However, no evidence is required to support an assignment if the change resulted from marriage and the signature, which must be duly certified by an authorized officer, is written to show that fact, for example, "Mrs. Mary J. Brown, changed by marriage from Miss Mary Jones."

§ 306.56 Assignment of securities registered in the names of or assigned to two or more persons.

(a) *Transfer or exchange.* Securities registered in the names of or assigned to two or more persons may be transferred or exchanged for coupon bonds during the lives of all the joint owners only upon assignments by all or on their behalf by authorized representatives. Upon proof of the death of one, the Department will accept an assignment by or in behalf of the survivor or survivors, unless the form of registration or assignment includes words which precludes the right of survivorship.* In the latter case, in addition to assignment by or in behalf of the survivor or survivors, an assignment in behalf of the decedent's estate will be required.

(b) *Advance refunding or prerefunding offers.* No assignments are required for exchange of securities registered in the names of or assigned to two or more persons if the securities to be received in the exchange are to be registered in the same names and form. If bearer securities or securities in a different form are to be issued, all persons named must assign, except that in case of death paragraph (a) of this section shall apply.

(c) *Redemption or redemption-exchange.* (1) *Alternative registration or assignment.* Securities registered in the names of or assigned to two or more persons in the alternative, for example, "John B. Smith or Mrs. Mary J. Smith" or "John B. Smith or Mrs. Mary J. Smith or the survivor," may be assigned by one of them at maturity or upon call, for redemption or redemption-exchange, for his own account or otherwise, whether

* See § 306.11(a)(2) for forms of registration expressing or precluding survivorship.

or not the other joint owner or owners are deceased.

(2) *Joint registration or assignment.* Securities registered in the names of or assigned to two or more persons jointly, for example, "John B. Smith and Mrs. Mary J. Smith," or "John B. Smith and Mrs. Mary J. Smith as tenants in common," or "John B. Smith and Mary J. Smith as partners in community," may be assigned by one of them during the lives of all only for redemption at maturity or upon call, and then only for redemption for the account of all. No assignments are required for redemption-exchange for securities to be registered in the same names and forms as appear in the registration or assignment of the securities surrendered. Upon proof of the death of a joint owner, the survivor or survivors may assign securities so registered or assigned for redemption or redemption-exchange for any account, except that, if words which preclude the right of survivorship [*] appear in the registration or assignment, assignment in behalf of the decedent's estate also will be required.

§ 306.57 Minors and incompetents.

(a) *Assignments by natural guardian of securities registered in name of minor.* Securities registered in the name of a minor for whose estate no legal guardian or similar representative has qualified may be assigned by the natural guardian upon qualification. (Form PD 2481 may be used for this purpose.)

(b) *Assignments of securities registered in name of natural guardian of minor.* Securities registered in the name of a natural guardian of a minor may be assigned by the natural guardian for any authorized transaction except one for the apparent benefit of the natural guardian. If the natural guardian in whose name the securities are registered is deceased or is no longer qualified to act as natural guardian, the securities may be assigned by the person then acting as natural guardian. The assignment by the new natural guardian should be supported by proof of the death or disqualification of the former natural guardian and by evidence of his own status as natural guardian. (Form PD 2481 may be used for this purpose.) No assignment by a natural guardian will be accepted after receipt of notice of the minor's attainment of majority, removal of his disability of minority, disqualification of the natural guardian to act as such, qualification of a legal guardian or similar representaitve, or the death of the minor.

(c) *Assignments by voluntary guardians of incompetents.* Registered securities belonging to an incompetent for whose estate no legal guardian or similar representative is legally qualified may be assigned by the relative responsible for his care and support or some other person as voluntary guardian:

(1) For redemption or exchange for bearer securities, if the proceeds of the securities are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the care and support of the incompetent or his legal dependents.

(2) For redemption-exchange, if the securities are matured or have been called, or pursuant to an advance refunding or prerefunding offer, for reinvestment in other securities to be registered in the form "A. an incompetent (123-45-6789) under voluntary guardianship."

An application on Form PD 1461 by the person seeking authority to act as voluntary guardian will be required.

(d) *Assignments by legal guardians of minors or incompetents.* Securities registered in the name and title of the legal guardian or similar representative of the estate of a minor or incompetent may be assigned by the representative for any authorized transaction without proof of his qualification. Assignments by a representative of any other securities belonging to a minor or incompetent must be supported by properly certified evidence of qualification. The evidence must be dated not more than 1 year before the date of the assignments and must contain a statement showing the appointment is in full force unless (1) it shows the appointment was made not more than 1 year before the date of the assignment, or (2) the representative or a corepresentative is a corporation. An assignment by the representative will not be accepted after receipt of notice of termination of the guardianship, except for transfer to the former ward.

§ 306.58 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B-1975-80.

Subpart H—Assignments in Behalf of Estates of Deceased Owners

§ 306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.

Entitlement to, or the authority to dispose of, a small amount of securities and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate amount of securities and checks involved (excluding checks representing interest on the securities), as indicated by the following table:

Amount	Circumstances	Form	To be executed by—
$100	No administration.	PD 2216	Person who paid burial expenses.
500	Estate being administered.	PD 2488	Executor or administrator.
500	Estate settled.	PD 2488-1	Former executor or administrator, attorneys or other qualified person.

§ 306.66 Estates—administration.

(a) *Temporary or special administrators.* Temporary or special administrators may assign securities for any authorized transaction within the scope of their authority. The assignments must be supported by:

(1) *Temporary administrators.* A certificate, under court seal, showing the appointment in full force within thirty days preceding the date of receipt of the securities.

(2) *Special administrators.* A certificate, under court seal, showing the appointment in full force within 6 months preceding the date of receipt of the securities.

Authority for assignments for transactions not within the scope of appointment must be established by a duly certified copy of a special order of court.

(b) *In course of administration.* A security belonging to the estate of a decedent which is being administered by a duly qualified executor or general administrator will be accepted for any authorized transaction upon assignment by such representative. (See § 306.77.) Unless the security is registered in the name of and shows the capacity of the representative, the assignment must be supported by a certificate or a copy of the letters of appointment, certified under court seal. The certificate or certification, if required, must be dated not more than 6 months before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows the appointment was made not more than 1 year before the date of the assignment, or (2) the representative or a corepresentative is a corporation, or (3) redemption is being made for application of the proceeds in payment of Federal estate taxes as provided by § 306.28.

(c) *After settlement through court proceedings.* Securities belonging to the estate of a decedent which has been settled in court will be accepted for any authorized transaction upon assignments by the person or persons entitled, as determined by the court. The assignments should be supported by a copy, certified under court seal, of the decree of distribution, the representative's final account as approved by the court, or other pertinent court records.

§ 306.67 Estates not administered.

(a) *Special provisions under State laws.* If, under State law, a person has been recognized or appointed to receive or distribute the assets of a decedent's estate without regular administration, his assignment of securities belonging to the estate will be accepted provided he submits appropriate evidence of his authority.

(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or is to be appointed, securities belonging to the estate may be duly disposed of pursuant to an agreement and assignment by all persons entitled to share in the decedent's personal estate. (Form PD 1646 may be used.) However, all debts of the decedent and his estate must be paid or provided for and the interests of any minors or incompetents must be protected.

[*] See § 306.11(a)(2) for forms of registration expressing or precluding survivorship.

§ 306.68 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

§ 306.75 Individual fiduciaries.

(a) *General.* Securities registered in, or assigned to, the names and titles of individual fiduciaries will be accepted for any authorized transaction upon assignment by the designated fiduciaries without proof of their qualification. If the fiduciaries in whose names the securities are registered, or to whom they have been assigned, have been succeeded by other fiduciaries, evidence of successorship must be furnished. If the appointment of a successor is not required under the terms of the trust instrument or otherwise and is not contemplated, assignments by the surviving or remaining fiduciary or fiduciaries must be supported by appropriate proof. This requires (1) proof of the death, resignation, removal or disqualification of the former fiduciary and (2) evidence that the surviving or remaining fiduciary or fiduciaries are fully qualified to administer the fiduciary estate, which may be in the form of a certificate by them showing the appointment of a successor has not been applied for, is not contemplated and is not necessary under the terms of the trust instrument or otherwise. Assignments of securities registered in the titles, without the names of the fiduciaries, for example, "Trustees of the George E. White Memorial Scholarship Fund under deed of trust dated 11/10/40, executed by John W. White," must be supported by proof that the assignors are the qualified and acting trustees of the designated trust estate, unless they are empowered to act as a unit in which case the provisions of § 306.76 shall apply. (Form PD 2446 may be used to furnish proof of incumbency of fiduciaries.) Assignments by fiduciaries of securities not registered or assigned in such manner as to show that they belong to the estate for which the assignors are acting must also be supported by evidence that the estate is entitled to the securities.

(b) *Life tenants.* Upon termination of a life estate by reason of the death of the life tenant in whose name a security is registered, or to whom it has been assigned, the security will be accepted for any authorized transaction upon assignment by the remainderman, supported by evidence of entitlement.

§ 306.76 Fiduciaries acting as a unit.

Securities registered in the name of or assigned to a board, committee or other body authorized to act as a unit for any public or private trust estate may be assigned for any authorized transaction by anyone authorized to act in behalf of such body. Except as otherwise provided in this section, the assignments must be supported by a copy of a resolution adopted by the body, properly certified under its seal, or, if none, sworn to by a member of the body having access to its records. (Form PD 2495 may be used.) If the person assigning is designated in the resolution by title only, his incumbency must be duly certified by another member of the body. (Form PD 2446 may be used.) If the fiduciaries of any trust estate are empowered to act as a unit, although not designated as a board, committee or other body, securities registered in their names or assigned to them as such, or in their titles without their names, may be assigned by anyone authorized by the group to act in its behalf. Such assignments may be supported by a sworn copy of a resolution adopted by the group in accordance with the terms of the trust instrument, and proof of their authority to act as a unit may be required. As an alternative, assignments by all the fiduciaries, supported by proof of their incumbency, if not named on the securities, will be accepted.

§ 306.77 Corepresentatives and fiduciaries.

If there are two or more executors, administrators, guardians or similar representatives, or trustees of an estate, all must unite in the assignment of any securities belonging to the estate. However, when a statute, a decree of court, or the instrument under which the representatives or fiduciaries are acting provides otherwise, assignments in accordance with their authority will be accepted. If the securities have matured or been called and are submitted for redemption for the account of all, or for redemption-exchange or pursuant to an advance refunding or prerefunding offer, and the securities offered in exchange are to be registered in the names of all, no assignment is required.

§ 306.78 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern assignments of Treasury Bonds, Investment Series B–1975–80.

Subpart J—Assignments in Behalf of Private or Public Organizations

§ 306.85 Private corporations and unincorporated associations (including nominees).

Securities registered in the name of, or assigned to, an unincorporated association, or a private corporation in its own right or in a representative or fiduciary capacity, or as nominee, may be assigned in its behalf for any authorized transaction by any duly authorized officer or officers. Evidence, in the form of a resolution of the governing body, authorizing the assigning officer to assign, or to sell, or to otherwise dispose of the securities will ordinarily be required. Resolutions may relate to any or all registered securities owned by the organization or held by it in a representative or fiduciary capacity. (Form PD 1010, or any substantially similar form, may be used when the authority relates to specific securities; Form PD 1011, or any substantially similar form, may be used for securities generally.) If the officer derives his authority from a charter, constitution or bylaws, a copy, or a pertinent extract therefrom, properly certified, will be required in lieu of a resolution. If the resolution or other supporting document shows the title of an authorized officer, without his name, it must be supplemented by a certificate of incumbency. (Form PD 1014 may be used.)

§ 306.86 Change of name and succession of private organizations.

If a private corporation or unincorporated association changes its name or is lawfully succeeded by another corporation or unincorporated association, its securities may be assigned in behalf of the organization in its new name or that of its successor by an authorized officer in accordance with § 306.85. The assignment must be supported by evidence of the change of name or successorship.

§ 306.87 Partnerships (including nominee partnerships).

An assignment of a security registered in the name of or assigned to a partnership must be executed by a general partner. Upon dissolution of a partnership, assignment by all living partners and by the persons entitled to assign in behalf of any deceased partner's estate will be required unless the laws of the jurisdiction authorize a general partner to bind the partnership by any act appropriate for winding up partnership affairs. In those cases where assignments by or in behalf of all partners are required this fact must be shown in the assignment; otherwise, an affidavit by a former general partner must be furnished identifying all the persons who had been partners immediately prior to dissolution. Upon voluntary dissolution, for any jurisdiction where a general partner may not act in winding up partnership affairs, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

§ 306.88 Political entities and public corporations.

Securities registered in the name of, or assigned to, a State, county, city, town, village, school district or other political entity, public body or corporation, may be assigned by a duly authorized officer, supported by evidence of his authority.

§ 306.89 Public officers.

Securities registered in the name of, or assigned to, a public officer designated by title may be assigned by such officer, supported by evidence of incumbency. Assignments for the officer's own apparent individual benefit will not be recognized.

§ 306.90 Nontransferable securities.

The provisions of this subpart apply to Treasury Bonds, Investment Series B–1975–80.

Subpart K—Attorneys in Fact

§ 306.95 Attorneys in fact.

(a) *General.* Assignments by an attorney in fact will be recognized if supported by an adequate power of attorney. Every power must be executed in the

presence of an authorized certifying officer under the conditions set out in § 306.45 for certification of assignments. Powers need not be submitted to support redemption-exchanges or exchanges pursuant to advance refunding or prerefunding offers where the securities to be issued are to be registered in the same names and forms as appear in the inscriptions or assignments of the securities surrendered. In all other cases, the original power, or a photocopy showing the grantor's autograph signature, properly certified, must be submitted, together with the security assigned on the owner's behalf by the attorney in fact. An assignment by a substitute attorney in fact must be supported by an authorizing power of attorney and power of substitution. An assignment by an attorney in fact or a substitute attorney in fact for the apparent benefit of either will not be accepted unless expressly authorized. (Form PD 1001 or 1003, as appropriate, may be used to appoint an attorney in fact. An attorney in fact may use Form PD 1006 or 1008 to appoint a substitute. However, any form sufficient in substance may be used.) If there are two or more joint attorneys in fact or substitutes, all must unite in an assignment, unless the power authorizes less than all to act. A power of attorney or of substitution not coupled with an interest will be recognized until the Bureau receives proof of revocation or proof of the grantor's death or incompetency.

(b) *For legal representatives and fiduciaries.* Assignments by an attorney in fact or substitute attorney in fact for a legal representative or fiduciary, in addition to the power of attorney and of substitution, must be supported by evidence, if any, as required by §§ 306.57 (d), 306.66(b), 306.75, and 306.76. Powers must specifically designate the securities to be assigned.

(c) *For corporations or unincorporated associations.* Assignments by an attorney in fact or a substitute attorney in fact in behalf of a corporation or unincorporated association, in addition to the power of attorney and power of substitution, must be supported by one of the following documents certified under seal of the organization, or, if it has no seal, sworn to by an officer who has access to the records:

(1) A copy of the resolution of the governing body authorizing an officer to appoint an attorney in fact, with power of substitution, if pertinent, to assign, or to sell, or to otherwise dispose of, the securities, or

(2) A copy of the charter, constitution, or bylaws, or a pertinent extract therefrom, showing the authority of an officer to appoint an attorney in fact, or

(3) A copy of the resolution of the governing body directly appointing an attorney in fact.

If the resolution or other supporting document shows only the title of the authorized officer, without his name, a certificate of incumbency must also be furnished. (Form PD 1014 may be used.) The power may not be broader than the resolution or other authority.

(d) *For public corporations.* A general power of attorney in behalf of a public corporation will be recognized only if it is authorized by statute.

§ 306.96 Nontransferable securities.

The provisions of this subpart shall apply to nontransferable securities, subject only to the limitations imposed by the terms of the particular issues.

Subpart L—Transfer Through Judicial Proceedings

§ 306.100 Transferable securities.

The Department will recognize valid judicial proceedings affecting the ownership of or interest in transferable securities, upon presentation of the securities together with evidence of the proceedings. In the case of securities registered in the names of two or more persons, the extent of their respective interests in the securities must be determined by the court in proceedings to which they are parties or must otherwise be validly established.[10]

§ 306.101 Evidence required.

Copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings must be submitted. Assignments by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by evidence of his qualification. Assignments by a receiver in equity or a similar court officer must be supported by a copy of an order authorizing him to assign, or to sell, or to otherwise dispose of, the securities. Where the documents are dated more than 6 months prior to presentation of the securities, there must also be submitted a certificate dated within 6 months of presentation of the securities, showing the judgment, decree, or order, or evidence of qualification, is in full force. Any such evidence must be certified under court seal.

§ 306.102 Nontransferable securities.

The provisions of this subpart shall apply to Treasury Bonds, Investment Series B–1975–80, except that prior to maturity any reference to assignments shall be deemed to refer to assignments of the bonds for exchange for the current series of 1½ percent 5-year EA or EO Treasury notes.

Subpart M—Requests for Suspension of Transactions

§ 306.105 Requests for suspension of transactions in registered securities.

(a) *Timely notice.* If prior to the time a registered security bearing an apparently valid assignment has been functioned, a claim is received from the owner or his authorized representative showing that (1) the security was lost, stolen, or destroyed and that it was unassigned, or not so assigned as to have become in effect payable to bearer, or (2) the assignment was affected by fraud, the transaction for which the security was received will be suspended. The interested parties will be given a reasonable period of time in which to effect settlement of their interests by agreement, or to institute judicial proceedings.

(b) *Late notice.* If, after a registered security has been transferred, exchanged, or redeemed in reliance on an apparently valid assignment, an owner notifies the Bureau that the assignment was affected by fraud or that the security had been lost or stolen, the Department will undertake only to furnish available information.

(c) *Forged assignments.* A claim that an assignment of a registered security is a forgery will be investigated. If it is established that the assignment was in fact forged and that the owner did not authorize or ratify it, or receive any benefit therefrom, the Department will recognize his ownership and grant appropriate relief.

§ 306.106 Requests for suspension of transactions in bearer securities.

(a) *Securities not overdue.* Neither the Department nor any of its agents will accept notice of any claim or of pending judicial proceedings by any person for the purpose of suspending transactions in bearer securities, or registered securities so assigned as to become in effect payable to bearer which are not overdue as defined in § 306.25.[11] However, if the securities are received and retired, the department will undertake to notify persons who appear to be entitled to any available information concerning the source from which the securities were received.

(b) *Overdue securities.* Reports that bearer securities, or registered securities so assigned as to become in effect payable to bearer, were lost, stolen, or possibly destroyed after they became overdue as defined in § 306.25 will be accepted by the Bureau for the purpose of sus-

[10] Title in a finder claiming ownership of a registered security will not be recognized. A finder claiming ownership of a bearer security or a registered security assigned in blank or so assigned as to become in effect payable to bearer must perfect his title in accordance with the provisions of State law. If there are no such provisions, the Department will not recognize his title to the security.

[11] It has been the longstanding policy of the Department to assume no responsibility for the protection of bearer securities not in the possession of persons claiming rights therein and to give no effect to any notice of such claims. This policy was formalized on April 27, 1867, when the Secretary of the Treasury issued the following statement:

"In consequence of the increasing trouble, wholly without practical benefit, arising from notices which are constantly received at the Department respecting the loss of coupon bonds, which are payable to bearer, and of Treasury notes issued and remaining in blank at the time of loss, it becomes necessary to give this public notice, that the Government cannot protect and will not undertake to protect the owners of such bonds and notes against the consequences of their own fault or misfortune.

"Hereafter all bonds, notes, and coupons, payable to bearer, and Treasury notes issued and remaining in blank, will be paid to the party presenting them in pursuance of the regulations of the Department, in the course of regular business; and no attention will be paid to caveats which may be filed for the purpose of preventing such payment."

pending redemption of the securities if the claimant establishes his interest. If the securities are presented, their redemption will be suspended and the presenter and the claimant will each be given an opportunity to establish ownership.

Subpart N—Relief for Loss, Theft, Destruction, Mutilation, or Defacement of Securities

§ 306.110 Statutory authority and requirements.

Relief is authorized, under certain conditions, for the loss, theft, destruction, mutilation or defacement of U.S. securities, whether before, at, or after maturity. A bond of indemnity, in such form and with such surety, sureties or security as may be required to protect the interests of the United States, is required as a condition of relief on account of any bearer security or any registered security assigned in blank or so assigned as to become in effect payable to bearer, and is ordinarily required in the case of unassigned registered securities.

§ 306.111 Procedure for applying for relief.

Prompt report of the loss, theft, destruction, mutilation or defacement of a security should be made to the Bureau. The report should include:

(a) The name and present address of the owner and his address at the time the security was issued, and, if the report is made by some other person, the capacity in which he represents the owner.

(b) The identity of the security by title of loan, issue date, interest rate, serial number and denomination, and in the case of a registered security, the exact form of inscription and a full description of any assignment, endorsement or other writing.

(c) A full statement of the circumstances.

All available portions of a mutilated, defaced or partially destroyed security must also be submitted.

§ 306.112 Type of relief granted.

(a) *Prior to call or maturity.* After a claim on account of the loss, theft, destruction, mutilation, or defacement of a security which has not matured or been called has been satisfactorily established and the conditions for granting relief have been met, a security of like description will be issued to replace the original security.

(b) *At or after call or maturity.* Payment will be made on account of the loss, theft, destruction, mutilation, or defacement of a called or matured security after the claim has been satisfactorily established and the conditions for granting relief have been met.

(c) *Interest coupons.* Where relief has been authorized on account of a destroyed, mutilated or defaced coupon security which has not matured or been called, the replacement security will have attached all unmatured interest coupons if it is established to the satisfaction of the Secretary of the Treasury that the coupons were attached to the original security at the time of its destruction, mutilation or defacement. In every other case only those unmatured interest coupons for which the Department has received payment will be attached. The price of the coupons will be their value as determined by the Department at the time relief is authorized using interest rate factors based on then current market yields on Treasury securities of comparable maturities.

§ 306.113 Cases not requiring bonds of indemnity.

A bond of indemnity will not be required as a condition of relief for the loss, theft, destruction, mutilation, or defacement of registered securities in any of the following classes of cases unless the Secretary of the Treasury deems it essential in the public interest:

(a) If the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred while the security was in the custody or control of the United States, or a duly authorized agent thereof (not including the Postal Service when acting solely in its capacity as public carrier of the mails), or while in the course of shipment effected under regulations issued pursuant to the Government Losses in Shipment Act (Parts 260, 261, and 262 of this chapter).

(b) If substantially the entire security is presented and surrendered and the Secretary of the Treasury is satisfied as to the identity of the security and that any missing portions are not sufficient to form the basis of a valid claim against the United States.

(c) If the security is one which by the provisions of law or by the terms of its issue is nontransferable or is transferable only by operation of law.

(d) If the owner or holder is the United States, a Federal Reserve bank, a Federal Government corporation, a State, the District of Columbia, a territory or possession of the United States, a municipal corporation, or, if applicable, a political subdivision of any of the foregoing, or a foreign government.

Subpart O—Book-Entry Procedure

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve bank and its branches acting as Fiscal Agent of the United States and when indicated acting in its individual capacity.

(b) "Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under to Second Liberty Bond Act, as amended, in engraved or printed form.

(d) "Book-entry Treasury security" means a Treasury bond, note certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Treasury securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER * * * on which the obligor will make payment of the security before maturity in accordance with its terms."

(g) "Member bank" means any national bank, State bank or bank or trust company which is member of a Reserve Bank.

§ 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

§ 306.117 Scope and effect of book-entry procedure.

(a) A Reserve bank as fiscal agent of the United States may apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited: [12]

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the

[12] The appendix to this subpart contains rules of identification of book-entry securities for Federal income tax purposes.

relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depositary with respect to such Treasury securities.

(b) A Reserve bank, as fiscal agent of the United States, shall apply the book-entry procedure to Treasury securities deposited as collateral pledged to the United States under current revisions of Department of the Treasury Circulars Nos. 92 and 176 (Parts 203 and 202 of this chapter), and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with a Reserve bank, as fiscal agent of the United States.

(c) Any person having an interest in Treasury securities which are deposited with a Reserve bank (in either its individual capacity or as fiscal agent) for any purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 306.118 Transfer or pledge.

(a) A transfer or a pledge of book-entry Treasury securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall (1) have the effect of a delivery in bearer form of definitive Treasury securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Treasury securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Treasury securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under § 306.117(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Treasury securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Treasury securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry Treasury securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this subsection, or a third person in possession for purposes of acknowledgment of transfers thereof under this subsection. Where transferable Treasury securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Treasury securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this subsection, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in acocrdance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this subsection.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Treasury securities or any interest therein.

(d) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Treasury securities.

(e) A transfer of book-entry Treasury securities within a Reserve bank shall be made in accordance with procedures established by the bank not inconsistent with this subpart. The transfer of book-entry Treasury securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 306.119 Withdrawal of Treasury securities.

(a) A depositor of book-entry Treasury securities may withdraw them from a Reserve bank by requesting delivery of like definitive Treasury securities to itself or on its order to a transferee.

(b) Treasury securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form, except that Treasury bills and EA and EO series of Treasury notes will be issued in bearer form only.

§ 306.120 Delivery of Treasury securities.

A Reserve bank which has received Treasury securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this subpart by the delivery of Treasury securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain Treasury securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve bank (in either its individual capacity or as fiscal agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of this part, so far as applicable, shall be to "Federal Reserve Bank of _____, as fiscal agent of the United States, for conversion to book-entry Treasury securities."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest-due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity or call, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

Subpart P—Miscellaneous Provisions

§ 306.125 Additional requirements.

In any case or any class of cases arising under these regulations the Secretary of the Treasury may require such

additional evidence and a bond of indemnity, with or without surety, as may in his judgment be necessary for the protection of the interests of the United States.

§ 306.126 Waiver of regulations.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 306.127 Preservation of existing rights.

Nothing contained in these regulations shall limit or restrict existing rights which holders of securities heretofore issued may have acquired under the circulars offering such securities for sale or under the regulations in force at the time of acquisition.

§ 306.128 Supplements, amendments or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional supplemental, amendatory or revised regulations with respect to U.S. securities.

APPENDIX TO SUBPART E—INTEREST—COMPUTATION OF INTEREST ON TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS, AND COMPUTATION OF DISCOUNT ON TREASURY BILLS—INTEREST TABLES

COMPUTATION OF INTEREST ON ANNUAL BASIS

One Day's Interest is 1/365 or 1/366 of 1-Year's Interest

Computation of interest on Treasury bonds, notes, and certificates of indebtedness will be made on an annual basis in all cases where interest is payable in one amount for the full term of the security, unless such term is an exact half-year (6 months), and it is provided that interest shall be computed on a semiannual basis.

If the term of the securities is exactly 1 year, the interest is computed for the full period at the specified rate regardless of the number of days in such period.

If the term of the securities is less than 1 full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is less than 1 full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is more than 1 full year, computation is made on the basis of one full annual interest period, ending with the maturity date, and a fractional part of the preceding full annual interest period.

The computation of interest for any fractional part of an annual interest period is made on the basis of 365 actual days in such period, or 366 days if Februray 29 falls within such annual period.

COMPUTATION OF INTEREST ON SEMIANNUAL BASIS

One Day's Interest is 1/181, 1/182, 1/183 or 1/184 or 1/2 Year's Interest

Computation of interest on Treasury bonds, notes, and certificates of indebtedness will be made on a semiannual basis in all cases where interest is payable for one or more full half-year (6 months) periods, or for one or more full half-year periods and a fractional part of a half-year period. A semiannual interest period is an exact half-year or 6 months, for computation purposes, and may comprise 181, 182, 183 or 184 actual days.

An exact half-year's interest at the specified rate is computed for each full period of exactly 6 months, irrespective of the actual number of days in the half-year.

If the initial interest covers a fractional part of a half-year, computation is made on the basis of the actual number of days in the half-year (exactly 6 months) ending on the day such initial interest becomes due. If the initial interest covers a period in excess of 6 months, computation is made on the basis of one full half-year period, ending with the interest due date, and a fractional part of the preceding full half-year period.

Interest for any fractional part of a full half-year period is computed on the basis of the exact number of days in the full period, including February 29 whenever it falls within such a period.

The number of days in any half-year period is shown in the following table:

FOR THE HALF-YEAR

Interest period	Beginning and ending days are 1st or 15th of months listed under interest period (number of days)		Beginning and ending days are last days of months listed under interest period (number of days)	
	Regular year	Leap year	Regular year	Leap year
January to July	181	182	181	182
February to August	181	182	184	184
March to September	184	184	183	183
April to October	183	183	184	184
May to November	184	184	183	183
June to December	183	183	184	184
July to January	184	184	184	184
August to February	184	184	181	182
September to March	181	182	182	183
October to April	182	183	181	182
November to May	181	182	182	183
December to June	182	183	181	182
1 year (any 2 consecutive half-years)	365	366	365	366

The following are dates for end-of-the-month interest computations.

When interest period ends on—	*Interest-computation period will be from but will not include—*
Jan. 31	July 31.
Feb. 28 in 365-day year.	Aug. 31.
Feb. 29	Do.
Mar. 30, 31	Sept. 30.
Apr. 30	Oct. 31.
May 30, 31	Nov. 30.
June 30	Dec. 31.
July 31	Jan. 31.
Aug. 29, 30 or 31	Feb. 28 in 365-day year. Feb. 29 in leap year.
Sept. 30	Mar. 31.
Oct. 30, 31	Apr. 30.
Nov. 30	May 31.
Dec. 30, 31	June 30.

USE OF INTEREST TABLES

In the appended tables decimals are set forth for use in computing interest for fractional parts of interest periods. The decimals cover interest on $1,000 for 1 day in each possible semiannual (Table I), and annual (Table II) interest period, at all rates of interest, in steps of ⅛ percent, from ⅛ to 9 percent. The amount of interest accruing on any date (for a fractional part of an interest period) on $1,000 face amount of any issue of Treasury bonds, Treasury notes, or Treasury certificates of indebtedness may be ascertained in the following way:

(1) The date of issue, the dates for the payment of interest, the basis (semiannual or annual) upon which interest is computed, and the rate of interest (percent per annum) may be determined from the text of the security, or from the official circular governing the issue.

(2) Determine the interest period of which the fraction is a part, and calculate the number of days in the full period to determine the proper column to be used in selecting the decimal for 1 day's interest.

(3) Calculate the actual number of days in the fractional period from but not including the date of issue or the day on which the last preceding interest payment was made, to and including the day on which the next succeeding interest payment is due or the day as of which the transaction which terminates the accrual of additional interest is effected.

(4) Multiply the appropriate decimal (1 day's interest on $1,000) by the number of days in the fractional part of the interest period. The appropriate decimal will be found in the appended table for interest payable semiannually or annually, as the case may be, opposite the rate borne by the security, and in the column showing the full interest period of which the fractional period is a part. (For interest on any other amount, multiply the amount of interest on $1,000 by the other amount expressed as a decimal of $1,000.)

TREASURY BILLS

The methods of computing discount rates on U.S. Treasury bills are given below:

Computation will be made on an annual basis in all cases. The annual period for bank discount is a year of 360 days, and all computations of such discount will be made on that basis. The annual period for true discount is 1 full year from but not including the date of issue to and including the anniversary of such date. Computation of true discount for a fractional part of a year will be made on the basis of 365 days in the year, or 366 days if February 29 falls within the year.

BANK DISCOUNT

The bank discount rate on a Treasury bill may be ascertained by (1) subtracting the sale price of the bill from its face value to obtain the amount of discount; (2) dividing the amount of discount by the number of days the bill is to run to obtain the amount of discount per day; (3) multiplying the amount of discount per day by 360 (the number of days in a commercial year of 12 months

of 30 days each) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the face value of the bill to obtain the bank discount rate.

For example:

91-day bill:

Principal amount—maturity value	$100.00
Price at issue—amount received	99.50
Amount of discount	.50

$0.50 ÷ 91 × 360 ÷ $100 = .01978 or 1.978 percent

TRUE DISCOUNT

The true discount rate on a Treasury bill of not more than one-half year in length may be ascertained by (1 and 2) obtaining the amount of discount per day by following the first two steps described under "Bank Discount"; (3) multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29 falls within the year from date of issue) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.

For example:

91-day bill:

Principal amount—maturity value	$100.00
Price at issue—amount received	99.50
Amount of discount	.50

$0.50 ÷ 91 × 365 ÷ $99.50 = .02016 or 2.016 percent

TABLE I—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE SEMIANNUALLY OR ON A SEMIANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS (TO DETERMINE APPLICABLE NUMBER OF DAYS, SEE "COMPUTATION OF INTEREST ON SEMIANNUAL BASIS")

Rate per annum (percent)	Half-year of 184 days	Half-year of 183 days	Half-year of 182 days	Half-year of 181 days
⅛	$0.003 396 739	$0.003 415 301	$0.003 434 066	$0.003 453 039
¼	.006 793 478	.006 830 601	.006 868 132	.006 906 077
⅜	.010 190 217	.010 245 902	.010 302 198	.010 359 116
½	.013 586 957	.013 661 202	.013 736 264	.013 812 155
⅝	.016 983 696	.017 076 503	.017 170 330	.017 265 193
¾	.020 380 435	.020 491 803	.020 604 396	.020 718 232
⅞	.023 777 174	.023 907 104	.024 038 462	.024 171 271
1	.027 173 913	.027 322 404	.027 472 527	.027 624 309
1⅛	.030 570 652	.030 737 705	.030 906 593	.031 077 348
1¼	.033 967 391	.034 153 005	.034 340 659	.034 530 387
1⅜	.037 364 130	.037 568 306	.037 774 725	.037 983 425
1½	.040 760 870	.040 983 607	.041 208 791	.041 436 464
1⅝	.044 157 609	.044 398 907	.044 642 857	.044 889 503
1¾	.047 554 348	.047 814 208	.048 076 923	.048 342 541
1⅞	.050 951 087	.051 229 508	.051 510 989	.051 795 580
2	.054 347 826	.054 644 809	.054 945 055	.055 248 619
2⅛	.057 744 565	.058 060 109	.058 379 121	.058 701 657
2¼	.061 141 304	.061 475 410	.061 813 187	.062 154 696
2⅜	.064 538 043	.064 890 710	.065 247 253	.065 607 735
2½	.067 934 783	.068 306 011	.068 681 319	.069 060 773
2⅝	.071 331 522	.071 721 311	.072 115 385	.072 513 812
2¾	.074 728 261	.075 136 612	.075 549 451	.075 966 851
2⅞	.078 125 000	.078 551 913	.078 983 516	.079 419 890
3	.081 521 739	.081 967 213	.082 417 582	.082 872 928
3⅛	.084 918 478	.085 382 514	.085 851 648	.086 325 967
3¼	.088 315 217	.088 797 814	.089 285 714	.089 779 006
3⅜	.091 711 957	.092 213 115	.092 719 780	.093 232 044
3½	.095 108 696	.095 628 415	.096 153 846	.096 685 083
3⅝	.098 505 435	.099 043 716	.099 021 978	.100 138 122
3¾	.101 902 174	.102 459 016	.103 021 978	.103 591 160
3⅞	.105 298 913	.105 874 317	.106 456 044	.107 044 199
4	.108 695 652	.109 289 617	.109 890 110	.110 497 238
4⅛	.112 092 391	.112 704 918	.113 324 176	.113 950 276
4¼	.115 489 130	.116 120 219	.116 758 242	.117 403 315
4⅜	.118 885 870	.119 535 519	.120 192 308	.120 856 354
4½	.122 282 609	.122 950 820	.123 626 374	.124 309 392
4⅝	.125 679 348	.126 366 120	.127 060 440	.127 762 431
4¾	.129 076 087	.129 781 421	.130 494 505	.131 215 470
4⅞	.132 472 826	.133 196 721	.133 928 571	.134 668 508
5	.135 869 565	.136 612 022	.137 362 637	.138 121 547
5⅛	.139 266 304	.140 027 322	.140 796 703	.141 574 586
5¼	.142 663 043	.143 442 623	.144 230 769	.145 027 624
5⅜	.146 059 783	.146 857 923	.147 664 835	.148 480 663
5½	.149 456 522	.150 273 224	.151 098 901	.151 933 702
5⅝	.152 853 261	.153 688 525	.154 532 967	.155 386 740
5¾	.156 250 000	.157 103 825	.157 967 033	.158 839 779
5⅞	.159 646 739	.160 519 126	.161 401 099	.162 292 818
6	.163 043 478	.163 934 426	.164 835 165	.165 745 856

TABLE II—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE ANNUALLY OR ON AN ANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

Rate per annum (percent)	Regular year, 365 days	Leap year, 366 days
⅛	$0.003 424 658	$0.003 415 301
¼	.006 849 315	.006 830 601
⅜	.010 273 973	.010 245 902
½	.013 698 630	.013 661 202
⅝	.017 123 288	.017 076 503
¾	.020 547 945	.020 491 803
⅞	.023 972 603	.023 907 104
1	.027 397 260	.027 322 404
1⅛	.030 821 918	.030 737 705
1¼	.034 246 575	.034 153 005
1⅜	.037 671 233	.037 568 306
1½	.041 095 890	.040 983 607
1⅝	.044 520 548	.044 398 907
1¾	.047 945 205	.047 814 208
1⅞	.051 369 863	.051 229 508
2	.054 794 521	.054 644 809
2⅛	.058 219 178	.058 060 109
2¼	.061 643 836	.061 475 410
2⅜	.065 068 493	.064 890 710
2½	.068 493 151	.068 306 011
2⅝	.071 917 808	.071 721 311
2¾	.075 342 466	.075 136 612
2⅞	.078 767 123	.078 551 913
3	.082 191 781	.081 967 213
3⅛	.085 616 438	.085 382 514
3¼	.089 041 096	.088 797 814
3⅜	.092 465 753	.092 213 115
3½	.095 890 411	.095 628 415
3⅝	.099 315 068	.099 043 716
3¾	.102 739 726	.102 459 016
3⅞	.106 164 384	.105 874 317
4	.109 589 041	.109 289 617
4⅛	.113 013 699	.112 704 918
4¼	.116 438 356	.116 120 219
4⅜	.119 863 014	.119 535 519
4½	.123 287 671	.122 950 820
4⅝	.126 712 329	.126 366 120
4¾	.130 136 986	.129 781 421
4⅞	.133 561 644	.133 196 721
5	.136 986 301	.136 612 022
5⅛	.140 410 959	.140 027 322
5¼	.143 835 616	.143 442 623
5⅜	.147 260 274	.146 857 923
5½	.150 684 932	.150 273 224
5⅝	.154 109 589	.153 688 525
5¾	.157 534 247	.157 103 825
5⅞	.160 958 904	.160 519 126
6	.164 383 562	.163 934 426

APPENDIX TO SUBPART O—BOOK-ENTRY PROCEDURE

RECORDS FOR FEDERAL INCOME TAX PURPOSES

There are attached three documents in connection with the book-entry procedure which simplify recordkeeping for Federal income tax purposes. They apply to transferable Treasury bonds, notes, certificates of indebtedness, or bills issued under the Second Liberty Bond Act, as amended, and to "any other security of the United States." The quoted term is defined to include a bond, note, certificate of indebtedness, bill, debenture, or similar obligation which is subject to the provisions of 31 CFR Part 306, or other comparable Federal regulations and which is issued by any department or agency of the Government of the United States, or the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, or the Tennessee Valley Authority.

The three documents are:

(1) The substance of Treasury Department Decision 7081, published in the FEDERAL REGISTER on December 31, 1970; [1]

(2) Revenue Ruling 71-21, published in Internal Revenue Bulletin 1971-3, dated January 18, 1971; and

(3) Revenue Ruling 71-15, published in Internal Revenue Bulletin 1971-3, dated January 18, 1971.

The first document modifies the tax identification rules regarding the determination of basis and holding period of securities held as investments. It applies to the sale or transfer of book-entry securities pursuant to a written instruction by a taxpayer. It permits the taxpayer in its written instruction to its bank or to the person through whom the taxpayer makes the sale or transfer to identify the securities being sold or transferred by specifying the unique lot number which he has assigned to the lot containing them.

The taxpayer may make the specification either—(a) in the written instruction, or (b) in the case of a taxpayer having a book-entry account at a Reserve bank, in a list of lot numbers with respect to all book-entry securities on the books of the Reserve bank sold or transferred by him on that date: *Provided*, The list is mailed to or received by the Reserve bank on or before the latter's next business day.

These provisions apply only if the taxpayer assigns lot numbers in numerical sequence to successive purchases of securities in the same loan title (series) and maturity date, except that securities of the same loan title (series) and maturity date which are purchased at the same price on the same date may be included within the same lot.

The written advice of transaction furnished to the taxpayer by the Reserve bank, or by his bank or any other person through whom the taxpayer makes the sale or transfer, which specifies the amount and the description of the securities sold or transferred and the date of the transaction is sufficient confirmation. The Reserve bank need not use or refer to the lot number.

The second document concerns an owner of securities who has assigned sequential numbers to his successive purchases. The owner retains full interest in the securities but transfers them to a bank which has a book-entry account with a Reserve bank, or

[1] Filed as part of the original document. See 26 CFR 1.1012-1(c)(7).

to another party which transfers them to a bank which has a book-entry account with a Reserve bank.

When at a later date the bank instructs the Reserve bank to sell or transfer securities held in book entry for its customer, the bank need not refer to the sequential number which had been assigned on the owner's books.

The tax identification requirements are satisfied if the owner's written instruction to his bank or to the person through whom the taxpayer makes the sale or transfer sufficiently identifies the securities to be sold or transferred and refers to the lot number assigned to them in the owner's books. The bank's instruction to the Reserve bank will not refer to lot numbers; the Reserve bank will confirm the sale to the bank in the manner it deems appropriate. The member bank will confirm the sale or transfer to its customer by furnishing a written advice of transaction specifying the amount and description of the securities sold and the date of sale. The confirmation need not refer to lot number.

This document also permits substantially the same kind of identification and confirmation procedures when securities are purchased through the book-entry account for the bank's customers.

The third document provides that a dealer, who properly holds securities in inventory in accordance with § 1.471–5 of the Income Tax Regulations and proposes to transfer them to a book-entry system in a Reserve bank, will continue to maintain his books and records for Federal income tax purposes with respect to such securities in accordance with § 1.471–5 of the regulations and not § 1.1012–1 of the regulations.

SECTION 1012—BASIS OF PROPERTY—COST

26 CFR 1.1012.1 *Basis of property. Rev. Rul. 71–21.*[1] A taxpayer owns as investments Treasury securities and certain other securities described in the new § 1.1012–1(c)(7)(iii)(a) of the Income Tax Regulations. The taxpayer owner will assign a lot number to the securities in his books. The numbers will be assigned in numerical sequence to successive purchases of the same loan title (series) and maturity date, except that securities of the same loan title (series) and maturity date which are purchased at the same price on the same date may be included in the same lot.

The owner proposes to retain full interest in the securities but he will transfer possession of them to a bank. That bank will not keep records of the securities by use of the above-described lot numbers. The bank will also take possession of like securities for other taxpayers.

The bank will transfer all of these securities to a book-entry system of a Federal Reserve bank. The securities will be entries in the book-entry account of the bank and, as such, the securities will no longer exist in definitive form. That account will not reflect the fact that the bank holds securities for several taxpayers.

When the owner wishes to sell certain securities, he will so instruct the bank in writing. The owner's instruction will sufficiently identify the securities to be sold, and will also refer to the lot number assigned in the books of the owner to the securities to be sold. The bank will then instruct, in writing, the Federal Reserve bank to transfer the securities. The latter instruction will not refer to the pertinent lot number. The Federal Reserve bank will confirm the sale to the bank in the manner it deems appropriate. The bank will confirm the sale to the owner by furnishing a written advice of transaction specifying the amount and description of the securities sold and the date of the sale. The confirmation will not refer to lot numbers.

When the owner desires to buy additional securities as investments of the kind described in the new § 1.1012–1(c)(7)(iii)(a) of the regulations, he will order the bank to purchase them. The bank will instruct the Federal Reserve bank to obtain the securities and to put them in the bank's book-entry account. The confirmation of the purchase from the Federal Reserve bank to the bank and from the bank to the owner will be of the nature used for the sale of securities. The owner will assign lot numbers in the manner described above to these purchased securities:

Held, the above procedure is consistent with the tax record requirements of new § 1.1012–1(c)(7) of the regulations. This procedure exemplifies the tax record requirements when securities are transferred by parties to a bank who has an account in the book-entry system of a Federal Reserve bank. The tax record requirements in the case of a bank who puts its own investment securities in the book-entry system are set forth in new § 1.1012–1(c)(7) of the regulations.

SECTION 471—GENERAL RULE FOR INVENTORIES

26 CFR 1.471–5 *Inventories by dealers in securities. Rev. Rul. 71–15*[1] *(Also section 1012; 1.1012–1.)* A dealer, as defined in section 1.471–5 of the Income Tax Regulations, holds Treasury securities and other securities of the United States. "Other securities of the United States" means a transferable bond, note, certificate of indebtedness, bill, debenture, or similar obligation which is subject to the provisions of 31 CFR Part 306 or other comparable Federal regulations and which is issued by (1) any department or agency of the Government of the United States, or (2) the Federal National Mortgage Association, the Federal Home Loan Bank, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, or the Tennessee Valley Authority.

The dealer properly holds such securities in inventory in accordance with § 1.471–5 of the Income Tax Regulations. He proposes to transfer those securities to a book-entry system maintained by a Federal Reserve bank. The dealer will continue to maintain his books and records for Federal income tax purposes with respect to such securities in accordance with § 1.471–5 of the regulations.

Held, the dealer is not subject to the provisions of § 1.1012–1 of the regulations relating to identification of property with respect to such securities. Such a dealer must, however, comply with the provisions of § 1.471–5 of the regulations relating to inventory by dealers in securities.

[FR Doc.73–4897 Filed 3–14–73;8:45 am]

[1] Also released as Technical Information Release 1063, dated Dec. 30, 1970.

[1] Also released as Technical Information Release 1064, dated Jan. 14, 1971.

federal register

THURSDAY, MARCH 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 50

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling Requirements and Procedures for Development

Title 21—Food and Drugs

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

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling Requirements and Procedures for Development of Standards for In Vitro Diagnostic Products for Human Use

In the FEDERAL REGISTER on August 17, 1972 (37 FR 16613) a proposal was published to establish procedures to develop standards for in vitro diagnostic products. Interested persons were invited to submit comments on the proposal within 60 days. A total of 47 responses was received. These included comments from manufacturer associations, user associations, manufacturers of diagnostic systems, and comments from a consulting firm and an individual consumer. The Diagnostic Products Advisory Committee has met and has provided significant assistance to the agency in the development of this program. At their first meeting the committee considered broad scientific questions concerning the proposed approach and also commented on the question of priorities for the establishment of product class standards. These sources have provided useful information for the development of reasonable regulations governing the manufacture, labeling and performance of in vitro diagnostic products. The comments and conclusions of the Commissioner of Food and Drugs, based on his evaluation, are summarized as follows:

1. A number of comments state that the proposed order purports to be authorized by sections 201, 501, 502, 505, 508, 510, or 701 of the Federal Food, Drug, and Cosmetic Act, and none of these sections explicitly authorizes the promulgation of in vitro diagnostic product standards that constitute substantive rules. Comments were made that the act contains no provision conferring authority on the Food and Drug Administration to determine the new-drug/old-drug status of a product. It was also stated that the FDA does not have authority to make substantive determinations of adulteration or misbranding, and it was claimed that the fact that a product does not conform to an applicable standard does not cause the product to be misbranded or adulterated without regard to the adulteration or misbranding provisions in the act. The question of the authority of the FDA to promulgate regulations of this nature was previously raised and discussed in connection with establishing procedures for classification of over-the-counter drugs, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), and the conclusions reached there are equally applicable here. The standards to be established under these procedural regulations, if upheld by the courts, will prescribe the conditions which an in vitro diagnostic product must meet if it is not to be in violation of the misbranding and/or adulteration and/or new-drug provisions of the act.

2. In response to other comments, the definition of "product class" has been amended to permit the development of product class standards for products with common or related characteristics or those intended for common or related uses in addition to those for use for a particular determination or related group of determinations.

3. Several comments stated that the Federal Food, Drug, and Cosmetic Act does not provide authority for lot-by-lot certification. The Commissioner concludes that such certification is authorized only where it is necessary to assure compliance with the act, and the regulations have been revised to clarify this point. Such certification, where required, may be conducted by the FDA, by the Center for Disease Control, by independent laboratories, or by other organizations, as designated in the standard.

4. Some of the comments objected to the handling of in vitro diagnostic products as a class, without any attempt to classify them as drugs or devices. It is the position of the FDA that as a matter of law it has the authority administratively to determine whether products are drugs or devices; it has made clear its position that until new device legislation is enacted and where the authority inherent in section 505 of the Federal Food, Drug, and Cosmetic Act is necessary to protect the public health, products will be regarded and classified as drugs under the Act. The FDA believes it is not in the public interest to spend time determining which in vitro diagnostic products are drugs and which are devices for the purposes of this regulation. Such a determination will be made only when necessary to bring violative products into compliance.

5. Some comments stated that the FDA has no authority to impose the requirements of the Federal Hazardous Substances Act (FHSA) on in vitro diagnostic products, whether or not they are intended or packaged for use in the household. The regulations do not impose the requirements of the FHSA. The requirement of appropriate warnings is based upon section 502 of the Federal Food, Drug, and Cosmetic Act. The warnings prescribed in 21 CFR Part 191 are appropriate in many cases for in vitro diagnostic products and therefore are incorporated by reference.

6. The section of the proposal dealing with labeling drew the largest number of comments. Several substantive objections to the wording of this section have been accommodated, and several items have been restated for clarification. Many firms commented that specific items were not applicable to certain products; the regulation has been changed to allow flexibility and to permit omissions where certain items of information are inapplicable. The requirement for a fixed format and order for presentation of labeling information has been retained in the interest of uniformity.

7. There was objection to the requirement of a declaration of the quantity or proportion of each reactive, catalytic or inactive ingredient in the labeling accompanying each product. These objections were based primarily on the position that such declaration would disclose valuable trade secrets and proprietary information. The FDA concludes, based in part on its evaluation of these comments and in part on the advice of the Diagnostic Products Advisory Committee, that there is no demonstrated need, as a general requirement, for a declaration of the quantity or proportion of each catalytic or inactive ingredient in the labeling accompanying these products. Such requirements may be determined to be necessary for a particular product or class of products as part of specific product class standards in the future. Therefore, this subparagraph has been amended to require the declaration of the established name (common or usual name), if any, and the quantity or proportion only of each reactive ingredient, unless a standard requires otherwise. Except where such provision is contained in a standard, a general statement indicating the presence of, and characterizing, any catalytic or nonreactive ingredients will be sufficient.

8. A significant number of respondents objected to § 167.2(a)(3) (21 CFR 167.2) stating that information including the quantity or proportion of reactive ingredients is not necessary for the user of these products and that the quantitative description of the reactive ingredients on the label would constitute disclosure of trade secrets. It is the position of the FDA, after consultation with its Advisory Committee, that knowledge of this information is important as a part of adequate directions for use of these products. Therefore, no change has been made in this provision.

9. A large number of comments stated that the requirement that the label bear a statement that the product is intended for in vitro diagnostic use only is unduly restrictive since many of these products are legitimately used for other purposes. This section has been revised to eliminate the word "only". There is nothing in this language that would preclude the use of the product for other legitimate purposes.

10. Several comments indicated concern with the requirement of a statement of the declaration of net quantity or contents in metric terms. This provision has been revised to state a preference, instead of a requirement, for this terminology.

11. Several respondents perceived and stated that the requirement for a lot or control number on the label of products did not reflect an appreciation of the distinct problems associated with multiple-unit products or instruments. This provision as reworded provides for this distinction.

12. The provision relating to exceptions to requirements for certain information on immediate container labels was the subject of many comments. After discussion with the Diagnostic Products Advisory Committee, § 167.2(a)(10)(i)

has been revised to allow the omission of the information on the intended use of the product, proportion of reactive ingredients, warnings, storage conditions, and net contents, required by § 167.2(a) (2), (3), (4), (5), and (7), from the immediate container label under certain specified conditions.

13. A large number of persons objected to the statement in § 167.2(b)(3) that if the product labeling refers to any other procedure, the appropriate literature citations shall be included, and the labeling shall explain the reason for and nature of any differences from the original and their effect on the results, on the basis that this represented comparative labeling. There is no requirement for comparison of one product with another in the regulation as proposed or as finalized. If a manufacturer does make such a comparison, however, it is incumbent upon him to justify it fully in his labeling. The requirement for an explanation of the reason for the change from an original procedure has been deleted, since little benefit would accrue to the intended user of these products from the possession of this information.

14. There were numerous comments received concerning the requirement under §§ 167.2(b)(7)(i) and 167.3(c)(12) (21 CFR 167.2 and 167.3) that any statement on "special preparation of the patient" involved an intrusion into the practice of medicine. The FDA does not believe that this provision represents an intrusion into the practice of medicine, but rather is required for adequate directions for use of the product. To further clarify the intent of these two subparagraphs they have been revised to indicate that such special preparation is needed as it bears on the validity of the test.

15. The same basic objection was raised with respect to the provisions in §§ 167.2(b)(10) and 167.3(c)(15) which requested a statement that additional tests may be required in certain instances. An example of the application of this provision would be to indicate the availability of a confirmatory procedure if the product in question is intended for use as a screening determination. This requirement has been retained since it appears necessary that the user be provided adequate information concerning limitations of the procedure.

16. Other comments requested exclusion of products intended for research and investigational use. The Advisory Committee also made recommendations concerning exceptions from the labeling requirements when diagnostic products are shipped for investigational purposes. The FDA recognizes that adequate information to fulfill the requirements of § 167.2 (a) and (b) may not be available at the time of the earliest testing. It is agreed that a provision to cover the labeling of products prior to commercial marketing is appropriate, and § 167.2(c) has been added to cover this matter. Notification prior to the time of commercial marketing will be required in order to assist the agency in planning its activities and anticipating the needs for the development of product class standards. The agency does not wish to place burdensome requirements upon researchers or other investigators. A simple form for providing such notification will be developed with the advice of the Advisory Committee and other interested persons and made available at a later date. An additional use for the information provided in this notification procedure is to inform field unit of the agency concerning the legitimacy of products shipped with less than full labeling and to minimize the possibility of the unnecessary initiation of compliance activities for products prior to marketing. When commercial marketing is begun, notification to this effect will be required as provided in the procedures for implementation of the Drug Listing Act.

17. Several comments were addressed to the problem of including general purpose laboratory reagents and other multiple-purpose materials in the requirement of 21 CFR Part 167. The Commissioner recognizes that there are hundreds of common laboratory reagents and equipment (e.g., hydrochloric acid and glass beakers), the use of which is generally known by persons trained in their use in laboratory procedures. The inclusion in their labeling of all of the information required by § 167.2 (a) and (b) is not feasible or necessary for the proper use of these general purpose laboratory articles. Therefore, the Commissioner has added a new § 167.2(d) to the regulations to identify the information which must be included in the labeling for those products. New § 167.2(d) is applicable to general purpose laboratory reagents and equipment which may also be used as part of an in vitro diagnostic procedure.

18. Many comments expressed a need for a time period within which to develop and effect the necessary labeling changes in order to avoid imposing an undue hardship on the affected industry. Considering that these regulations require labeling revisions for all products and the development of data in many cases, a period of 12 months from the date of publication of this document will be allowed for compliance with the general labeling requirements of § 167.2 (a) and (b) for all products. Since the problems of labeling for products subject to the requirements of § 167.2(c) are of a lesser magnitude, 6 months from the date of publication will be allowed for compliance.

19. A significant number of respondents objected to the requirement for the disclosure of the complete product formulation in the submission of data to establish a standard. This paralleled the objections to the disclosure of certain formula information in product labeling. The FDA requires information of this kind to establish standards. Quantitative formulae are recognized as valuable trade secrets and are protected from public disclosure by the FDA under the confidentiality statutes governing information obtained by the government.

20. Many respondents objected to the requirement of a specification of the degree of skill, education, and training needed by the "analyst". This section has been reworded. The intention of this requirement is to describe the minimum qualifications for the user of the product. This information is necessary for the agency to develop product class standards appropriate for the intended user.

21. The Diagnostic Products Advisory Committee noted that the provisions for the submission of information under § 167.3(c) might impose an unnecessary burden on an interested person who wished to provide comment more limited than that called for in § 167.3(c). The Commissioner agrees that a more informal submission should be acceptable and the regulation is revised accordingly.

22. In response to comments that the proposed usual period of 60 days for submission of information pertaining to a product standard requested under § 167.3(c) was inadequate, this requirement has been revised to allow a usual period of 90 days for these submissions. However, this will vary for individual product class standards. In view of the notice given in the August 17, 1972, proposal that the first request for information would be for those products used in the determination of glucose, the time for submission of this information will be 60 days.

23. Several comments objected to the provision that after a standard is promulgated or amended the FDA will make data available to the public within 30 days unless the submitter of the data can show that the data are confidential. The applicable statutes (18 U.S.C. 1905; 21 U.S.C. 331(j)) provide for the confidentiality of trade secrets obtained from a person. The FDA is bound by these statutes and will treat as confidential all information that has been demonstrated by the submitter as falling within the confidentiality provisions of one or more of those statutes. Information not exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552 (b)) may not be withheld from public disclosure. Section 167.4 (21 CFR 167.4) of the regulation has been revised to clarify the position of the FDA with respect to the confidentiality of submitted information.

24. Among the product groups considered by the Diagnostic Products Advisory Committee to be of the highest priority for developing product class standards were microbiological antigens, antibodies, and adjuncts; transport and growth media; products for the measurement of immunoglobulins; calibration, reference, and quality control materials; laboratory water; clinical chemistry products used in the determination of glucose, calcium, bilirubin, enzymes, sodium, potassium, chloride, urea, uric acid, cholesterol, and triglycerides; and products used in the determination of hemoglobins. Further deliberation will be required in order to refine and designate or delineate product classes and to place them in appropriate order according to priorities for develop-

ing and establishing product class standards.

25. These regulations do not preclude the imposition of additional requirements under the Act when the Commissioner concludes that such requirements are necessary to protect the public health.

26. Since the provisions of Part 167 apply to those products subject to the exemption from the labeling requirements of section 502(f)(1) of the Act in § 1.106(j), the Commissioner is revising § 1.106(j) to indicate that in vitro diagnostic products subject to that section which are in compliance with the provisions of Part 167 will be deemed to meet the labeling requirements of § 502(f)(1).

27. The provisions of these regulations, including both the requirements for labeling and development of standards, apply to all in vitro diagnostic products, including biologics. All questions concerning in vitro diagnostic products, except for biologicals subject to an existing license under section 351 of the Public Health Service Act, should be addressed to the Diagnostic Products Staff, Bureau of Drugs, BD-207.

Existing licenses for biological products issued under section 351 of the Public Health Service Act will remain in effect until applicable standards are promulgated pursuant to Part 167. For in vitro diagnostic products which are biologics but which have not previously been licensed, compliance with the requirements of Part 167 shall be deemed to constitute compliance with section 351. Such unlicensed products need obtain a license under section 351 only if the Commissioner determines and so informs the manufacturer or distributor pursuant to § 167.6 that a license under section 351 is required in order to protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 560, 571) and the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commission (21 CFR 2.120), Chapter 1 is amended in Part 1 by revising § 1.106(j) and by adding a new Part 167, as follows:

1. In Part 1 by revising § 1.106(j) to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(j) *Exemption for in vitro diagnostic products.* A product intended for use in the diagnosis of disease and which is an in vitro diagnostic product as defined in § 167.1(a) of this chapter shall be deemed to be in compliance with the requirements of this section and section 502(f)(1) of the act if it meets the requirements of Part 167 of this chapter.

* * * * *

2. By adding a new Part 167, In Vitro Diagnostic Products For Human Use, to Subchapter C as follows:

Subpart A—Procedural Regulations

Sec.
167.1 Definitions.
167.2 Labeling for in vitro diagnostic products.
167.3 Procedure for establishing, amending or repealing standards.
167.4 Confidentiality of submitted information.
167.5 Court appeal.
167.6 Regulatory action.
167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

AUTHORITY: Secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371.

§ 167.1 Definitions.

(a) "In vitro diagnostic products" are those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. Such products are intended for use in the collection, preparation and examination of specimens taken from the human body. These products are drugs or devices as defined in section 201(g) and 201(h), respectively, of the Federal Food, Drug, and Cosmetic Act (the act) or are a combination of drugs and devices, and may also be a biological product subject to section 351 of the Public Health Service Act.

(b) A "product class" is all those products intended for use for a particular determination or for a related group of determinations or products with common or related characteristics or those intended for common or related uses. A class may be further divided into subclasses when appropriate.

(c) A "product class standard" is a statement describing performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements necessary for the proper use of a particular class, and procedures for testing the product to assure its satisfactory performance.

(d) "Act" means the Federal Food, Drug, and Cosmetic Act.

§ 167.2 Labeling for in vitro diagnostic products.

(a) The label for an in vitro diagnostic product shall state the following information, except where such information is not applicable, or as otherwise specified in a standard for a particular product class. Section 201(k) of the act provides that "a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper."

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product.

(3) For a reagent, a declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of each reactive ingredient; and for a reagent derived from biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(4) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(5) For a reagent, appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product which is to be stored in the original container. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(6) For a reagent, a means by which the user may be assured that the product meets appropriate standards of identity, strength, quality and purity at the time of use. This shall be provided, both for the product as provided and for any resultant reconstituted or mixed product, by including on the label one or more of the following:

(i) An expiration date based upon the stated storage instructions.

(ii) A statement of an observable indication of an alteration of the product (e.g., turbidity, color change, precipitate) beyond its appropriate standards.

(iii) Instructions for a simple method by which the user can reasonably determine that the product meets its appropriate standards.

(7) For a reagent, a declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate. If more than a single determination my be performed using the product, any statement of the number of tests shall be consistent with instructions for use and amount of material provided.

(8) Name and place of business of manufacturer, packer, or distributor.

(9) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(i) If it is a multiple unit product, the lot or control number shall permit tracing the identity of the individual units.

(ii) For an instrument, the lot or control number shall permit tracing the identity of all functional subassemblies.

(iii) For multiple unit products which require the use of included units together as a system, all units should bear the same lot or control number, if appropriate, or other suitable uniform identification should be used.

(10) Except that for items in paragraph (a) (1) through (9) of this section: (i) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information and which are packaged within an outer container from which they are removed for use, the information required by paragraph (a) (2), (3), (4), (5), (6) (ii) (iii) and (7) of this section may appear in the outer container labeling only.

(ii) In any case in which the presence of this information on the immediate container will interfere with the test, the information may appear on the outside container or wrapper rather than on the immediate container label.

(b) Labeling accompanying each product (e.g., a package insert) shall state in one place the following information in the format and order specified below, except where such information is not applicable, or as specified in a standard for a particular product class. The labeling for a multiple-purpose instrument used for diagnostic purposes, and not committed to specific diagnostic procedures or systems, may bear only the information indicated in paragraph (b) (1), (2), (6), (14), and (15) of this section. The labeling for a reagent intended for use as a replacement in a diagnostic system may be limited to that information necessary to identify the reagent adequately and to describe its proper use in the system.

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product and the type of procedure (e.g., qualitative or quantitive).

(3) Summary and explanation of the test. Include a short history of the methodology, with pertinent references and a balanced statement of the special merits and limitations of this method or product. If the product labeling refers to any other procedure, appropriate literature citations shall be included and the labeling shall explain the nature of any differences from the original and their effect on the results.

(4) The chemical, physical, physiological, or biological principles of the procedure. Explain concisely, with chemical reactions and techniques involved, if applicable.

(5) Reagents. (i) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration or each reactive ingredient; and for biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.). A statement indicating the presence of and characterizing any catalytic or nonreactive ingredients (e.g., buffers, preservatives, stabilizers).

(ii) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(iii) Adequate instructions for reconstitution, mixing, dilution, etc.

(iv) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(v) A statement of any purification or treatment required for use.

(vi) Physical, biological, or chemical indications of instability or deterioration.

(6) Instruments: (i) Use or function.

(ii) Installation procedures and special requirements.

(iii) Principles of operation.

(iv) Performance characteristics and specifications.

(v) Operating instructions.

(vi) Calibration procedures including materials and/or equipment to be used.

(vii) Operational precautions and limitations.

(viii) Hazards.

(ix) Service and maintenance information.

(7) Specimen collection and preparation for analysis, including a description of: (i) Special precautions regarding specimen collection including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances.

(iv) Recommended storage, handling or shipping instructions for the protection and maintenance of stability of the specimen.

(8) Procedure: A step-by-step outline of recommended procedures from reception of the specimen to obtaining results. List any points that may be useful in improving precision and accuracy. (i) A list of all materials provided (e.g., reagents, instruments and equipment) with instructions for their use.

(ii) A list of all materials required but not provided: Include such details as sizes, numbers, types, and quality.

(iii) A description of the amounts of reagents necessary, times required for specific steps, proper temperatures, wavelengths, etc.

(iv) A statement describing the stability of the final reaction material to be measured and the time within which it shall be measured to assure accurate results.

(v) Details of calibration: Identify reference material. Describe preparation of reference sample(s), use of blanks, preparation of the standard curve, etc. The description of the range of calibration should include the highest and the lowest values measureable by the procedure.

(vi) Details of kinds of quality control procedures and materials required. If there is need for both positive and negative controls, this should be stated. State what are considered satisfactory limits of performance.

(9) Results: Explain the procedure for calculating the value of the unknown. Give an explanation for each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. The values shall be expressed to the appropriate number of significant figures. If the test provides other than quantitative results, provide an adequate description of expected results.

(10) Limitation of the procedure: Include a statement of limitations of the procedure. State known extrinsic factors or interfering substances affecting results. If further testing, either more specific or more sensitive, is indicated in all cases where certain results are obtained, the need for the additional test shall be stated.

(11) Expected values: State the range(s) of expected values as obtained with the product from studies of various populations. Indicate how the range(s) was established and identify the population(s) on which it was established.

(12) Specific performance characteristics: Include, as appropriate, information describing such things as accuracy, precision, specificity, and sensitivity. These shall be related to a generally accepted method using biological specimens from normal and abnormal populations. Include a statement summarizing the data upon which the specific performance characteristics are based.

(13) Bibliography: Include pertinent references keyed to the test.

(14) Name and place of business of manufacturer, packer, or distributor.

(15) Date of issuance of the last revision of the labeling identified as such.

(c) A shipment or other delivery of an in vitro diagnostic product shall be exempt from the requirements of paragraphs (a) and (b) of this section and from a standard promulgated pursuant to this part provided the following conditions are met:

(1) For a product in the laboratory research phase of development, and not represented as an effective in vitro diagnostic product, all labeling bears the statement, prominently placed: "For Research Use Only. Not for use in diagnostic procedures."

(2) For a product being shipped or delivered for product testing prior to full commercial marketing (e.g., for use on

specimens derived from humans to compare the usefulness of the product with other products or procedures which are in current use or recognized as useful), all labeling bears the statement, prominently placed: "For Investigational Use Only. The performance characteristics of this product have not been established."

(3) The person making a shipment or delivery under paragraph (c)(2) of this section shall submit to the FDA a notification that such shipments are being made.

(4) Within 30 days after the first commercial shipment of an in vitro diagnostic product, the person making such shipment shall submit the information required by the Drug Listing Act as provided in § 132.5 of this chapter.

(d) The labeling of general purpose laboratory reagents (e.g., hydrochloric acid) and equipment (e.g., test tubes and pipettes) whose uses are generally known by persons trained in their use need not bear the directions for use required by § 167.2 (a) and (b), if their labeling meets the requirements of this paragraph.

(1) The label of a reagent shall bear the following information:

(i) The proprietary name and established name (common or usual name), if any, of the reagent.

(ii) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of the reagent ingredient (e.g., hydrochloric acid: Formula weight 36.46, assay 37.9 percent, specific gravity 1.192 at 60° F.); and for a reagent derived from biological material, the source and where applicable a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(iii) A statement of the purity and quality of the reagent, including a quantitative declaration of any impurities present. The requirement for this information may be met by a statement of conformity with a generally recognized and generally available standard which contains the same information (e.g., those established by the American Chemical Society, U.S. Pharmacopeia, National Formulary, National Research Council).

(iv) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For Laboratory Use."

(v) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. The basis for such information shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(vi) A declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate.

(vii) Name and place of business of manufacturer, packer, or distributor.

(viii) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(ix) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, and which are packaged within an outer container from which they are removed for use, the information required by paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(7) of this section may appear in the outer container labeling only.

(2) The label of general purpose laboratory equipment (e.g., a beaker or a pipette) shall bear a statement adequately describing the product, its composition, and physical characteristics if necessary for its proper use.

§ 167.3 Procedure for establishing, amending or repealing standards.

(a) *Basis for standards and available approaches to developing standards.* Whenever in the judgment of the Commissioner the establishment of a product class standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of an in vitro diagnostic product and there are no other more practicable means to protect the public from such risk, he may propose such a standard. In proposing a product class standard he shall consider, and publish in the FEDERAL REGISTER findings on, the degree of risk or injury associated with the use of the product, the availability of information relating to the sciences upon which the products or their uses are based, the approximate number of products subject to the standard, the medical need for the products, and the probable effect of the standard upon the utility, cost, or availability of the product, and available means of achieving the objective of the standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices. Three procedures are available for developing product class standards and may be proposed on the initiative of the Commissioner or by petition of interested persons: (1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard. If a petition is filed by an interested person, it shall be in the form prescribed in § 2.65 of this chapter with the number of copies specified therein.

(b) *Advisory committee.* An advisory committee of qualified experts shall be appointed to advise the Food and Drug Administration on the priorities for establishing product class standards, the scientific basis for in vitro diagnostic products, the selection of reference methodologies and reference materials, the adequacy and reasonableness of proposed standards and other related matters as determined by the Commissioner.

(c) *Request for information and comment.* Whenever a new standard is to be developed, the Commissioner will publish a notice in the FEDERAL REGISTER requesting the submission of all information, data, and views relevant to a specific product class for review and evaluation. Any interested person may submit comments and views on any matter relevant to the development of the standard, including the factors required by paragraph (a) of this section, to be considered by the Commissioner. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or intended for marketing. For information submitted by a manufacturer of a product which will be affected by the standard, the specific product information requested and the format for submission shall be as described below unless changed in the FEDERAL REGISTER notice. The time allotted for submission will ordinarily be 90 days. Four copies of the information and data on any product within the designated class shall be submitted, indexed, and bound.

(1) Name of product class and date of FEDERAL REGISTER statement.

(2) Proprietary name of product.

(3) Name of person responsible for submission.

(4) Intended use or uses of the product.

(5) A statement categorizing the procedure (e.g., qualitative or quantitative).

(6) Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.

(7) Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name (common or usual name), if any, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.

(8) Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation (e.g., reconstitution or mixing), stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the

container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light humidity.

(9) Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in Part 191 of this chapter.

(10) History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

(11) Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

(12) Specimen collection and preparation: A description of the specimen to be subjected to analysis: (i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

(13) Procedure: A detailed, step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Give the exact details of calibration. Identify reference material. Describe preparation of reference sample, use of blanks, etc. Include a description of methods to be used in determining the standard curve.

(14) Results: Explain the procedure for calculating the value of the unknown. Give an explanation of each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of nonquantitative test results.

(15) Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions, interfering substances, likelihood of obtaining false positive or false negative results, etc. Positive data showing a lack of interference by commonly occurring substances shall be supplied. If a more specific or more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

(16) Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or populations studies. State, for each claim: (i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

(17) Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall be included.

(18) If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information as well as any favorable information, known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

(d) *Review and evaluation.* Any existing standard or petition for a product class standard, together with any information and comments submitted pursuant to a published notice, will be reviewed and evaluated by the Food and Drug Administration in consultation with its advisory committee and the Center for Disease Control.

(e) *Proposed product class standard.* When the Commissioner has concluded that the criteria in paragraph (a) of this section are met and the information available has been reviewed and found to justify the establishment of a product class standard, he shall publish in the FEDERAL REGISTER a proposed product class standard establishing conditions under which the products in the class are safe and effective and not adulterated or misbranded. The standard shall include a statement of the performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements for the proper use of the products in the class, and procedures for testing the products to assure satisfactory performance at the time of marketing. The standard may include, where necessary to assure the accuracy and reliability of results, individual lot testing by or at the direction of the Food and Drug Administration, in addition to that normally required of the manufacturer; except that the Commissioner shall exempt any particular product from such a requirement upon a showing that the manufacturer has demonstrated such consistency in the production of that product, in compliance with the regulations, as is adequate to insure the accuracy and reliability of results, and the Commissioner shall revoke the requirement of individual lot testing under the standard when it is no longer necessary to the accuracy and reliability of the results of the product class covered by the standard. Any interested person may, within 60 days after publication of the proposed standard in the FEDERAL REGISTER, file written comments on the proposal, in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the Office of the Hearing Clerk during regular working hours, Monday through Friday.

(f) *Referral to an independent advisory committee.* The Commissioner may, in his discretion, refer a proposal under paragraph (e) of this section to an independent advisory committee of experts qualified in the subject matter at issue, for a report and recommendations with respect to any matter involved in such proposal which involves the exercise of scientific judgment. The Commisioner shall designate the chairman of each panel. The independent advisory committee may consult any person in connection with the matter referred to it. Any interested person may request, in writing, an opportunity to present oral views to the committee. Any interested person may present written data and views which shall be considered by the committee. The full report(s) of the committee and summary minutes of its meetings shall be made available upon request after submission of the report(s) to the Commissioner.

(g) *Final product class standard.* After reviewing all comments received in response to the proposal and considering al available relevant information, the Food and Drug Administration, in consultation with its advisory committee and the Center for Disease Control, and after consideration of any report of an independent advisory committee if the

matter involved has been so referred, will publish in the FEDERAL REGISTER a final order containing a product class standard. This order shall state the reasons for promulgating the product class standard and the date the standard will become effective.

(h) *Petition to amend or repeal standards.* The Commissioner may propose to amend or repeal any standard established pursuant to this procedure or any interested person may petition the Commissioner for such action. A petition shall set forth the action requested and a detailed statement in support of the action. After review of the petition, the Commissioner may deny the petition if he finds a lack of reasonable support or he may publish a proposed amendment of or proposed repeal of the established standard in the FEDERAL REGISTER if adequate support has been presented. The petition shall be in the form specified in § 2.65 of this chapter with the number of copies and other information as specified therein. A new drug application submitted for an in vitro diagnostic product which does not comply with an applicable effective product class standard will be considered as a petition to amend the standard. Petitions for repeal or amendment for which reasonable support has been furnished will be handled pursuant to the procedures established in paragraphs (e)–(g) of this section.

§ 167.4 Confidentiality of submitted information.

(a) Data and information submitted pursuant to the provisions of § 167.3 or § 167.2(c) and falling within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j) shall be treated as confidential by the Food and Drug Administration and any consultant to whom it is referred. Confidentiality of information will be determined in accordance with the provisions of Part 4 of this chapter.

(b) Data and information submitted pursuant to § 167.3 in connection with the establishment, amendment or repeal of a product class standard will be made publicly available at the Office of the Hearing Clerk of the Food and Drug Administration 30 days after publication of a proposed product class standard, except for the identity of inactive ingredients, any quality control or other manufacturing data or information, or other data and information to the extent that the person submitting it has demonstrated that it falls wihin the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j).

§ 167.5 Court appeal.

The product class standard promulgated in the final order represents final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner, at his discretion, may stay the effective date for part or all of the standard pending appeal and final court adjudication, and may establish a new effective date after final court adjudication.

§ 167.6 Regulatory action.

Any in vitro diagnostic product is subject to regulatory action if it fails to conform to an applicable product class standard or the general labeling requirements of § 167.2. If the product is a device, it is adulterated in violation of section 501 and it is misbranded in violation of section 502 of the act. If the product is a drug, it is in violation of section 505 as well as sections 501 and 502 of the act. If the product is a biological, it is in violation of sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Deviations from an established standard may be justified only by an amendment to the standard. Compliance with this part shall be deemed to constitute compliance with the labeling and new drug requirements of the act and with the labeling and licensing requirements of section 351 of the Public Health Service Act, unless the Commissioner otherwise informs the manufacturer or distributor of an in vitro diagnostic product of additional requirements imposed pursuant to either statute in order to protect the public health.

§ 167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under Part 132 of this chapter. Any such establishment not currently registered should register within 30 days of the effective date of this regulation. Any such establishment currently registered as a drug establishment shall at the next period for reregistration use the appropriate registration form indicating that it is a producer of in vitro diagnostic products. Registration forms may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or at any Food and Drug Administration district office. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

(b) *Compliance with good manufacturing practices.* In vitro diagnostic products shall be manufactured in accordance with current good manufacturing practices. The principles established in Part 133 of this chapter, "Drugs; Current Good Manufacturing Practice in Manufacturing Processing, Packing, or Holding", should be followed as a guideline.

Effective date. This order shall be effective on March 15, 1973, except that § 167.2 (a), (b), and (d) shall be effective on March 15, 1974, and § 167.2(c) shall be effective on September 17, 1973.

(Secs. 201, 501, 502, 505, 508, 510, 701; 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371)

Dated: March 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-5057 Filed 3-14-73;8:45 am]