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PART I

(Part II begins on page 8113)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

3 CFR

PROCLAMATION:
4203 8114

5 CFR

213 (3 documents) 8049

7 CFR

270 8049
271 8049

PROPOSED RULES:
51 8063
Chapter IX 8063

9 CFR

PROPOSED RULES:
113 8064

14 CFR

39 8050
71 8050
73 8051
91 8051
121 8055
1203a 8056

14 CFR—Continued

PROPOSED RULES:
71 8066
73 8066
75 8067
121 8067
127 8067
135 8067

18 CFR

PROPOSED RULES:
2 8069

19 CFR

16 8057

21 CFR

PROPOSED RULES:
141 8064
148w 8064
149b 8065

33 CFR

175 8114

40 CFR

PROPOSED RULES
180 8069

41 CFR

101–43 8057
101–44 8058
101–45 8058
101–46 8059

45 CFR

1068 8060
1070 8060

46 CFR

24 8116
25 8116
160 8117
351 8061

49 CFR

1033 (2 documents) 8061, 8062

50 CFR

33 8062

REMINDERS

(The items in these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.)

Next Week's Hearings

page no. and date

APRIL 2

AEC—Proposed environmental impact statement guidelines regarding transportation of nuclear fuels and waste materials 3334; 2–5–73; 5351; 2–28–73

APRIL 3

COAST GUARD—Baltimore & Ohio Railroad bridge across the Ohio River. Held at Parkersburg, W. Va. 5361; 2–28–73

TARIFF—Ball bearing imports; possible injury to domestic producers 3358; 2–5–73

Next Week's Deadlines for Comments on Proposed Rules

APRIL 2

AEC—Licenses for those who handle or manufacture special nuclear material, safeguards against the loss or diversion of significant amounts of such material 3077; 2–1–73

FOREST SERVICE—Use of off-road vehicles on National Forest System Lands 5643; 3–2–73

APHIS—Importation of commercial birds; quarantine facilities and handling procedures 5641; 3–2–73

—First published at 2463; 1–26–73

FAA—Control zone and transition area: Alteration at Iliamna, Alaska. Designation at Ketchikan, Alaska 5657, 5658; 3–2–73

FCC—FM broadcast stations in Ocala, Fla.; table of assignments 4676; 2–20–73

REA—Rural telephone facilities; specifications for two-wire voice frequency repeater equipment 5643; 3–2–73

SOCIAL SECURITY ADMINISTRATION—Federal old-age, survivors, and disability insurance; deductions, reductions, nonpayments, increases excess earnings for retirement test. 5656; 3–2–73

SSS—Registration procedures; disqualification and jurisdiction 5667; 3–2–73

APRIL 3

AEC—Special nuclear material; physical security requirement 5659; 3–2–73

—First published at 3073, 3075, 3080, 3082; 2–1–73

COAST GUARD—AIWW, Vero Beach, Fla.; drawbridge operation regulations 5657; 3–2–73

SEC—Net capital requirements for brokers and dealers 56; 1–3–73

APRIL 4

FAA—Control zone; alteration in Victoria, Tex., terminal area 5911; 3–5–73

—Parachute jumping; authorizations 6076; 3–6–73

—First published at 23458; 11–3–72

—Transition areas; alterations: Idabel, Okla 5911; 3–5–73
Oxnard, Calif 5912; 3–5–73

FMC—Requirements for filing of tariffs by common carriers by water in the Foreign Commerce of the United States and by Conferences of such carriers 4779; 2–22–73

—First published at 10389; 5–20–72

HEW—SRS—Medical assistance program; intermediate care facility services 5973; 3–5–73

IRS—Miscellaneous stamp taxes. 6181; 3–7–73

APRIL 5

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED—Procurement, organization, and functions 6076; 3–6–73

APRIL 6

AMS—Cotton; change in base quality in price quotations and differences. 7395; 3–21–73

CHILD DEVELOPMENT OFFICE—Head Start Program; fees to be charged for nonpoor families 6193; 3–7–73

CUSTOMS BUREAU—Cast iron pipe and fittings; revocation of exception from country of origin marking requirements 6181; 3–7–73

DOD—Relocation of Eastern-Central Standard time zone boundary in the State of Michigan 7009; 3–15–73

DEFENSE DEPT.—Use of off-road vehicles 6186; 3–7–73

FAA—Alteration of transition area at Indiana, Pa 6194; 3–7–73

—Designation of transition area at Lockport, Ill 6194; 3–7–73

FCC—FM broadcast stations:
Castalia and Sandusky, Ohio. 5192; 2–26–73
Certain States; table of assignments 5263; 2–27–73

—Licensed local Government radio service mobile stations; installation of communication units in vehicles not operated by licenses. 3338; 2–5–73

—Radio frequency devices, modification of emission limitations for field disturbance sensors 5262; 2–27–73

—Special industrial radio service; use of frequencies 3338; 2–5–73

SOCIAL AND REHABILITATION SERVICE—State plans; preprinted format. 6193; 3–7–73

Rules Going into Effect Today

FCC—Fraudulent licenses for commercial radio operators 5249, 2–27–73

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

Note: There were no laws signed by the President during the last week.

Presidential Documents

Title 3—The President

PROCLAMATION 4203

Senior Citizens Month, 1973

By the President of the United States of America

A Proclamation

Today more than 20 million Americans have six and a half decades or more of life behind them, and rich years of promise still before them. This distinguished generation grew up with the twentieth century, and they came to the fullness of their maturity at the same time America did. They have stood in the forefront of this country's rise to unprecedented national well-being and to the world leadership role which is ours today.

Our older citizens have given their best to America. Now they deserve the best from America.

Senior Citizens Month each year is a time for all our people to renew the recognition, the respect, and the active concern which properly belong to older Americans.

The theme of this year's observance is OLDER AMERICANS IN ACTION. It points our attention to the basic fact that most older people are not mere onlookers in our society—nor are they society's wards. They remain vital, versatile, and highly valued contributors to the quality of American life.

Government's actions on behalf of older Americans must never become mere caretaking. Rather they must be designed to free and assist senior citizens so that they can remain active and involved, in ways of their own choosing. This principle has guided us as Federal spending to help older Americans has increased by almost three-fourths during the past four years.

But Senior Citizens Month 1973 must be something more than a time for renewing our commitment to Government efforts concerning older Americans—important as these efforts are. It must also be a time for strengthening those human bonds which will ensure older Americans

an active and honored place in our families, our communities, and our Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the month of May, 1973, as Senior Citizens Month.

I invite the officials of the Federal, State, and local governments, leaders of voluntary and private organizations, and all Americans everywhere to join in appropriate recognition of OLDER AMERICANS IN ACTION during this month and throughout the coming year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth 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.73-6050 Filed 3-27-73;9:40 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Secretary to the Director, Office of Telecommunications Policy, is excepted under Schedule C.

Effective on March 28, 1973, § 213.3303 (l) (6) is added as set forth below.

§ 213.3303 **Executive Office of the President.**

* * * * *

(l) *Office of Telecommunications Policy.* * * *

(6) One Secretary to the Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5858 Filed 3-27-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that two positions of Confidential Assistant to the Deputy Under Secretary for Congressional Relations are excepted under Schedule C.

Effective on March 28, 1973, § 213.3313 (c) (6) is added as set forth below.

§ 213.3313 **Department of Agriculture.**

* * * * *

(c) *Office of the Under Secretary.* * * *

(6) Two Confidential Assistants to the Deputy Under Secretary for Congressional Relations.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5857 Filed 3-27-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Part 213 is amended to reflect the transfer of functions of and the Office of Consumer Affairs from the Executive Office of the President to the Department of Health, Education, and Welfare.

Effective on March 28, 1973, § 213.3316 (m) is added and § 213.3371 is revoked as set forth below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(m) *Office of Consumer Affairs.*

(1) One Public Affairs Officer.

(2) One Director for Communications.

(3) One Director for Consumer Education.

(4) One Writer-Editor.

(5) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

§ 213.3371 [Reserved]

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5859 Filed 3-27-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 270—GENERAL INFORMATION AND DEFINITIONS

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2025), regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 92–603 (86 Stat. 1329), approved October 30, 1972, revokes the statutory provision that no person shall be charged with a violation on the basis of information contained in the affidavit. Accordingly, this provision of the regulations is deleted. Public Law 92–603 also revokes the legislative authority for the mandatory requirement that the State offer to any household, if it so elects, to have the cost of the total coupon allotment deducted from any federally aided public assistance grant or payment. In lieu thereof, this amendment gives the State agency the option of providing the procedure for the voluntary deduction of the food stamp purchase requirement from the federally aided public assistance grant or payment and distributing the full coupon allotment to the participant.

It is the policy of the Department that 30 days' notice will be given to proposed rule making in the formulation of rules and regulations governing the Food Stamp Program. However, because these provisions of Public Law 92–603 are mandatory and become effective on January 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment.

Section 270.4(c) is revised to read as follows:

§ 270.4 **Coupons as obligations of the United States, crimes and offenses.**

* * * * *

(c) All individuals, partnerships, corporations, or other legal entities including State agencies and their delegatees (referred to in this paragraph as "persons") having custody, care and control of coupons and ATP cards shall at all times, in receiving, storing, transmitting, or otherwise handling coupons and ATP cards, take all precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit coupons and ATP cards and to avoid any unauthorized transfer, negotiation, or use of coupons and ATP cards. Such persons shall also safeguard coupons and ATP cards from theft, embezzlement, loss, damage, or destruction. Any false statement made by any person, in any application or certification required by this subchapter, by the Plan of Operation of any State agency, or by instructions of FNS, may subject such person to criminal prosecution under any applicable provision of Federal law or to civil liability under the provisions of 31 U.S.C. 231 or either, or both, as well as to any legal action as may be maintained under State law.

Section 271.6(d)(2) is revised to read as follows:

§ 271.6 **Methods of distributing, issuing, and accounting for coupons and receipts.**

* * * * *

(d) * * *

(2) The State agency may, at its option, permit any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program, and have its full monthly coupon allotment distributed to it.

* * * * *

(78 Stat. 703, as amended: 7 U.S.C. 2011–2025)

Effective date. This amendment shall become effective March 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 23, 1973.

[FR Doc.73-5939 Filed 3-27-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-NW-5-AD; Amdt. 39-1614]

PART 39—AIRWORTHINESS DIRECTIVES

McKinnon Model G-21 Series Airplanes

Amendment 39-1525 (31 FR 13697), AD 72-20-4 requires inspections of the elevator and rudder torque tubes for corrosion and cracks and replace as necessary on McKinnon Model G-21 series airplanes. After issuing Amendment 39-1525, due to service experience and extreme life and service time on the failed part, the agency has determined that new inspection times and procedures are warranted when new parts have been installed. Therefore, the AD is being superseded by a new AD that requires annual visual inspections and tube replacement every 6,000 hours or 7 years.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

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:

MCKINNON. Applies to Model G-21 series airplanes.

Compliance required as indicated.

Applicable to torque tube assemblies, Grumman Part Nos. 12755-1, 12756-1, 12757-1, and 12758-1, and the support tubes, Part Nos. 12725-1 and -2.

A. Applicable to those torque tube and support tube assemblies having less than 6,000 hours' time in service, or less than 7 years' life since remanufacture:

To prevent hazards in flight associated with the failure of the elevator or rudder torque tubes, unless already accomplished within the last eleven (11) months, visually inspect the external condition of the tubes within one (1) month after the effective date of this AD, and at intervals thereafter not to exceed twelve (12) months from last inspection. Tubes which are cracked or show evidence of corrosion must either be repaired or replaced in accordance with FAR Part 43 and Advisory Circular 43.13-1 prior to further flight.

B. Applicable to those torque tube and support tube assemblies having more than 6,000 hours' time in service, or more than 7 years since remanufacture. Within the next year, unless already accomplished:

(1) Visually inspect the support tubes, Part Nos. 12725-1 and -2 for corrosion. If corrosion is found, repair or replace in accordance with FAR Part 43 and Advisory Circular 43.13-1 before further flight.

(2) Remove all bolted bellcranks, arms, and pedals from the torque tubes. Using visual and dye penetrant methods, or an FAA-approved equivalent inspection, inspect the parts removed from the torque tubes for corrosion and cracking. Repair and replace in accordance with FAR Part 43 and AC 43.13-1.

(3) Discard elevator torque tube, Part No. 12755-1; rudder torque tube, Part No. 12756-1 and the L.H. and R.H. rudder pedal torque tubes, Parts Nos. 12757-1 and 12758-1. Install new manufactured parts or fabricate replacement tubes in accordance with FAR 43 and AC 43.13-1 from new manufacture stock 2024-T3 (material specifications WW-T-700/3 or equivalent) in conformance with the above drawings taking special care to corrosion-proof the interior as well as the exterior surfaces of the tubes.

(4) Reassemble and reinitiate the visual inspection program per (A) until reaching the rebuild threshold per (B).

C. Aircraft with badly corroded but uncracked torque tubes may be flown in accordance with FAR 21.197 to a base where a repair or replacement can be performed.

D. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD.

This supersedes Amendment 39-1525 (31 FR 13697), AD 72-20-4.

This Amendment becomes effective on or before March 28, 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 Seattle, Wash., on March 20, 1973.

C. B. WALK, Jr.,
Director, FAA Northwest Region.

[FR Doc.73-5825 Filed 3-27-73;8:45 am]

[Airspace Docket No. 72-SO-134]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Control Zone and Transition Areas Designation of Control Zone and Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter Restricted Areas R-5306A, R-5306B, and R-5306C Cherry Point, N.C., the Jacksonville, N.C., control zone and the Jacksonville, N.C., the New Bern, N.C., and the North Carolina transition areas. The altered restricted areas are added to the list of those having airspace included in the Continental Control Area, and both a control zone and a transition area are designated for Cherry Point MCAS, N.C.

These amendments will allow better utilization of airspace. The restricted portion is reduced in size and the excess is returned to public use. Some of the excess is used for specified control zones and transition areas as described herein. The retained restricted airspace is redefined to establish five new restricted areas. These are designated for joint use and when released by the using agency they will be accessible to the public. Redefining the restricted areas also permits the establishment of a straight-in approach to Simmons-Nott Airport, New Bern, N.C. This approach will provide a greater degree of safety for pilots executing an IFR approach to that airport.

Since these amendments restore airspace to the public use and by relieving a restriction provide a public benefit and since these amendments are considered minor in nature, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 73.53 (38 FR 663):

a. The description for R-5306A Cherry Point, N.C., is amended to read as follows:

R-5306A CHERRY POINT, N.C.

Boundaries. Beginning at latitude 35°-23'15" N., longitude 76°34'40" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 34°46'00" N., longitude 76°-30'00" W.; to latitude 35°08'00" N., longitude 76°51'20" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

b. The description for R-5306B Cherry Point, N.C., is amended to read as follows:

R-5306B CHERRY POINT, N.C.

Boundaries. Beginning at latitude 35°-08'00" N., longitude 76°51'20" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; to latitude 35°03'00" N., longitude 76°57'00" W., thence to point of beginning.

Designated altitudes. From 3,000 feet to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

c. The description for R-5306C Cherry Point, N.C., is amended to read as follows:

R-5306C CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°-51'00" N., longitude 77°05'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°37'30" N., longitude 76°56'20" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°34'30" N., longitude 77°09'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; thence to point of beginning.

Designated altitude. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

d. The following restricted areas are added:

(1) R-5306D CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°44'-50" N., longitude 77°14'40" W.; to latitude 34°34'30" N., longitude 77°09'00" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°30'20" N., longitude 77°15'50" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

(2) R-5306E CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°40'-20" N., longitude 77°22'12" W.; to latitude 34°40'00" N., longitude 77°22'00" W. ;to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

2. In § 71.171 (38 FR 351):

a. The following control zone is added:

CHERRY POINT MCAS, N.C.

The airspace within a 5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); within 1.5 miles each side of the 316° bearing from Cherry Point RBN, extending from the 5-mile radius zone to 1.5 miles northwest of the RBN.

b. The description of the Jacksonville, N.C., control zone is amended by deleting the words:

"* * * southwest of the TACAN; excluding the portion within R-5306C * * *" and substituting "* * * southwest of the TACAN * * *" therefor.

3. In § 71.181 (38 FR 435):

a. The following transition area is added:

CHERRY POINT MCAS, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 16°53'00" W.); excluding the portion within the New Bern, N.C., transition area.

b. The description of the Jacksonville, N.C., transition area is amended by deleting the words:

"* * * southwest of the RBN; excluding the portion within R-5306 B and C * * *" and substituting "* * * southwest of the RBN * * *" therefor.

c. The description of the New Bern, N.C., transition area is amended by deleting the words:

"* * * longitude 77°02'35" W.); excluding the portion within R-5306A * * *" and substituting "* * * longitude 77°02'35" W.) * * *" therefor.

d. The description of the North Carolina 1,200-foot transition area is amended by deleting the words:

"* * * excluding that airspace within R-5306 A, B and C, R-5311 * * *" and substituting "* * * excluding the portion within R-5311 * * *" therefor.

4. In § 71.151 (38 FR 341) the following restricted areas are added:

R-5306A	Cherry Point, N.C.
R-5306B	Cherry Point, N.C.
R-5306C	Cherry Point, N.C.
R-5306D	Cherry Point, N.C.
R-5306E	Cherry Point, N.C.

(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 22, 1973.

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

[FR Doc.73-5852 Filed 3-27-73;8:45 am]

[Airspace Docket No. 72-SW-48]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the Socorro, N. Mex., Restricted Area, R-5118.

The Department of the Air Force has requested that the time of designation of R-5118 be extended through September 30, 1973, to accommodate the impact of Athena rockets launched from sites located within the Green River, Utah, Restricted Area, R-6409.

Use of R-5118 was expected to terminate on April 12, 1973. However, aircraft used to support the Athena program were not available from January 15, 1973, through March 1, 1973, and aircraft availability is necessary for the successful completion of the program. Although this action imposes an additional restriction upon airspace users, the Department of the Air Force intends use of the area only to complete the current Athena program. Use of R-5118 will be publicized through the issuance of Notices to Airmen.

Because of an urgent need to have the area available, due and timely action is of the essence; therefore, notice and public procedure hereon are deemed impracticable and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on March 28, 1973, as hereinafter set forth.

In § 73.51 (38 FR 658) the Socorro, N. Mex., Restricted Area, R-5118, is amended as follows:

In the time of designation, "April 12, 1973," is deleted and "September 30, 1973," is substituted therefor.

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

Issued in Washington, D.C., on March 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5826 Filed 3-27-73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 10261, Amdt. 91-112]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Civil Aircraft Sonic Boom

The purpose of this amendment is to afford the public protection from civil aircraft sonic boom. The primary basis for this amendment is section 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1431). This amendment prohibits the supersonic flight of civil aircraft except under the terms of an authorization to exceed mach 1.

This amendment is based on a notice of proposed rule making (Notice 70-16) issued on April 10, 1970, and published in the FEDERAL REGISTER on April 16, 1970 (35 FR 6189). Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented.

Pursuant to 49 U.S.C. 1431(a), the Federal Aviation Administration has consulted with the Secretary of Transportation, concerning all matters contained herein, prior to the adoption of this amendment. Pursuant to section 8(b) of the guidelines of the Council on Environmental Quality concerning statements on proposed Federal actions affecting the environment, published in the FEDERAL REGISTER on April 23, 1971 (36 FR 7724), the Federal Aviation Administration has submitted this amendment to the Environmental Protection Agency for review and comment.

Several comments in response to Notice 70-16 expressed concern for the airport noise levels to be expected from supersonic aircraft. The problem of airport noise levels is distinct from the sonic boom problem and is the subject of separate proposed regulatory action by the FAA (see Notice 70-33, Civil Supersonic Aircraft Noise Type Certification Standards, advance notice of proposed rule making, issued on August 4, 1970, and published in the FEDERAL REGISTER (35 FR 12555) on August 6, 1970).

Comments expressed concern that the exhaust of supersonic transport aircraft could have long-term environmental effects on the upper atmosphere. Under the Clean Air Amendments of 1970 (Public Law 91-604, December 31, 1970), Part B of title II of the Clean Air Act, as amended, provides, in section 231, that the Administrator of the Environmental Protection Agency shall issue "emission standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public

health or welfare." When such standards are issued for supersonic aircraft, the Department of Transportation will comply with section 232 of that Act, which directs the Secretary of Transportation to prescribe regulations to insure compliance with all standards prescribed under section 231. Such regulation, however, is distinct from the purpose of this amendment, which is limited to the control and abatement of sonic boom.

The policy of environmental management underlying this amendment is, first, that the burden of establishing the environmental acceptability of new and potentially harmful actions rests on the proponent of such actions rather than on the potentially affected public, but, second, that where consistent with this objective, reasonable opportunity for demonstrating or developing environmental acceptability should be available to the proponent of action who is willing and able to control his demonstration of acceptability in the public interest. Reasonable opportunity for the operators or manufacturers of civil supersonic aircraft to conduct sonic boom research is thus provided, in this amendment, in the form of closely controlled authorizations to exceed mach 1 in designated test areas (where the test cannot be safely or properly conducted offshore).

However, it is not intended that any of the burden of environmental risk be shifted to the general public in the form of an uncertain probability of sonic boom annoyance. The policy against causing the public at large to bear the risk of annoyance caused by sonic boom experimentation provides the basis for rejecting comments to the notice suggesting that regular air carrier routes be used as experimental sonic boom corridors. Contrary to the concern expressed in some comments, there is no authority whatsoever in this amendment for sonic boom producing flight over the United States except in the designated test areas.

Several comments concerned operation of supersonic aircraft outside of the United States. Two main issues were stressed. First was the concern that sonic booms may be injurious to sea life, damaging to ships, or annoying to persons at sea. In addition, there was considerable concern expressed that, because of the width of the sonic boom swath, the borders of the United States may be subjected to sonic booms generated by supersonic aircraft that are outside of the United States. Both of these issues involve regulation of foreign aircraft in international airspace over the high seas. For this reason, international concern and cooperation is a highly desirable part of any satisfactory resolution of these issues on a worldwide basis. In this connection, the National Environmental Policy Act of 1969 states (section 102(2)(E)) that the proper response to worldwide environmental issues is for Federal agencies, where consistent with U.S. foreign policy, to "lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment." Since before the passage of that Act, the International Civil Aviation Organization (ICAO) has been actively engaged in establishing a basis for international sonic boom control for civil aircraft. To this end, the ICAO sonic boom panel, with U.S. representation, has been meeting since 1969 to study the problem. In March of 1971, the ICAO Council, in further recognition of the importance of the sonic boom problem, replaced the sonic boom panel with a committee having wider scope and reporting directly to the Council. The United States is represented in all proceedings of the Sonic Boom Committee. In response to public comments, the FAA believes that the form of international cooperation now underway provides an appropriate means of orderly investigation of the sonic boom problem over the high seas.

Several comments stated that the notice was unclear with respect to the intent of the FAA to protect the territorial seas of the United States from sonic boom. The intent of this amendment is to provide the territorial seas of the United States with the same degree of sonic boom protection that is provided for the land areas of the United States. For this reason, the words "excluding the territorial waters thereof," which appeared in proposed § 91.55(c), are deleted from this amendment.

One comment requested that the final rule include military aircraft and not be limited to civil aircraft. The limitation to civil aircraft is appropriate at this time to reflect the limits of regulatory authority under title VI of the Federal Aviation Act of 1958, which provides the primary legal basis for this amendment.

Concern was expressed that the general terms of the provisions for the issuance of authorizations to exceed mach 1 will actually authorize what the rule is designed to prohibit. It was stated, for example, that the words "necessary for aircraft development" could be interpreted as permitting almost any sonic boom producing flight desired by those concerned with aircraft development. The FAA agrees that proposed § 91.55(b) could be read as implying that an authorization to exceed mach 1 would be issued upon a mere showing that one of the listed categories (e.g., aircraft development) applies. This was not intended. The intent of the proposal was to require environmental investigation of the effects of the issuance of an authorization to exceed mach 1 for flight in a designated test area. For this reason, proposed § 91.55(e) provided that "an application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment." However, in order to more adequately describe the extent of the environmental investigation that is intended, this amendment requires the applicant for an authorization to exceed mach 1 in a designated test area to submit all information deemed necessary to permit the Administrator to comply with the National Environmental Policy Act of 1969 and related Executive orders, guidelines, and orders, that are determined to apply to the issuance of an authorization or designation of a test area. In addition, in agreement with other comments, the provision for issuance of authorizations to exceed mach 1 for flights "necessary for aircraft development" is eliminated from this amendment for reasons discussed below.

Several comments requested that all opportunity for supersonic airworthiness investigations and sonic boom flight testing be eliminated from the final rule and stated that no provision should exist for the issuance of an authorization to exceed mach 1 under any condition. Abandonment of civil supersonic air transportation technology itself is in effect urged by these comments. The FAA agrees that the rule should not permit environmentally unacceptable authorizations to be issued. However, the FAA does not agree that the legitimate concern for environmental controls on supersonic flight provides a sound policy basis for requiring that the technology of civil supersonic air transportation itself be prevented from developing in forms that are environmentally acceptable and that are also safe, convenient, productive, and profitable to future generations. Such abandonment of emergent technology is not a rational substitute for its controlled growth. Experimentation and research are an inescapable aspect of environmental, as well as technological, improvements in the public interest, where complex technologies and their interactions are involved. Further, such research is also necessary to promote exploration and understanding of the complex interface between technology and quality of life so that both may be maximized, consistent with the policy of "productive harmony" in section 101(a) of the National Environmental Policy Act of 1969. Finally, concerted and controlled research efforts may actually achieve a supersonic vehicle that delivers more transportation more quickly with less total environmental cost than subsonic aircraft delivering the same necessary service volume, and the fruits of this research may have environmentally beneficial secondary impacts in the development of other aircraft classes.

It is believed that environmentally responsible growth, not the abandonment of growth, was intended by that Act, which directs Federal agencies to consider environmental amenities "along with" (not in lieu of) economic and technological considerations. Closely controlled experimentation and research are also consistent with the commitment to responsible growth in the President's state of the Union address of June 22, 1970, which states that "the argument is increasingly heard that a fundamental contradiction has arisen between economic growth and the quality of life, so that to have one we must forsake the other. The answer is not to abandon growth, but to redirect it."

It should also be noted, as stated above, that the detailed provisions for environmental analysis and public coordination

of environmental statements in the guidelines of the Council on Environmental Quality will be complied with in the designation of test areas and in the issuance of authorizations to exceed mach 1 where such actions are determined to be major Federal actions significantly affecting the quality of human environment. The policy of environmental protection in the National Environmental Policy Act of 1969 will be complied with in the issuance of authorizations to exceed mach 1. Therefore, it is not believed that a rule preventing all regulatory opportunity for sonic boom experimentation and research is necessary from an environmental standpoint.

Several comments stressed the current lack of definitive conclusions regarding the effect or acceptability of civil aircraft sonic booms, and urged that steps be taken later to determine whether environmentally acceptable boom generating characteristics can be developed and that the rule be periodically reviewed to take advantage of new knowledge concerning sonic booms. Closely related to this comment was a request that the FAA should now be regulating only the sonic boom characteristics (signatures), not flight conditions such as speed. The FAA agrees that the technology of supersonic air transportation should be given fair opportunity to prove itself fully compatible with the environment. For this reason, the rule contains provisions for flight testing, in designated test areas only, where necessary to establish means of reducing or eliminating the effects of sonic boom (and where the test cannot be safely or properly conducted offshore), subject to FAA's duty to comply with all applicable environmental statutes, Executive orders, and guidelines. The FAA further agrees that the regulation should be reviewed to relieve any restrictions that are demonstrated not to be necessary for consistency with all applicable environmental statutes, Executive orders, and guidelines. However, under the current state of the art of sonic boom control, there is no basis for establishing an "acceptable" overpressure limit, nor is there any assurance that a regulation that addresses only the sonic boom "signature" can provide a predictable basis for protecting the public from sonic boom of any given intensity. Further, it is doubtful that such a rule could be fairly and effectively enforced since, as pointed out in another comment, flight crews at present have no means of monitoring or sensing the surface "signature" of sonic booms. The mach meter, on the other hand, even under today's limited knowledge, can be both an effective shield of the public from sonic boom and a clear and unambiguous indicator of violation to the flight crew. The FAA therefore believes that, under the current limits of sonic boom control technology, control of flight conditions (e.g., speed) is necessary in order to insure effective control of sonic boom generation at the source and believes that the speed limit established as a general operating rule should positively prevent sonic boom generation that could affect the surface. Mach 1 is believed to be such a speed limit. In this connection, the FAA does not agree with other comments suggesting that a high subsonic speed limit, rather than mach 1, is necessary to prevent sonic boom from reaching the surface.

A similar comment concluded that the proposed rule, by banning sonic boom rather than permitting acceptable sonic booms, would so becloud the future operability of small supersonic civil aircraft as to make it unrealistic to seek financing for their development. The commentator stated that, "it would be unacceptably risky to incur the preliminary design, scale model, prototype, and testing costs, without which there could be no prospect of even starting to find out whether the end product of development could operate as far as sonic boom characteristics are concerned." The FAA believes that, until a truly acceptable and controllable sonic boom signature can be conservatively demonstrated, the aircraft industry must weigh the above-cited risk against the market potential for the aircraft. For the company that decides that the potential market is worth the invesment risk, this amendment offers opportunities for that company to demonstrate the environmental acceptability of its sonic boom characteristics. In the meantime, as stated above, it is not believed that the risk cited by the commentator should be shifted to the general public in the form of an uncertain and uncontrolled probability of disturbance from sonic boom. This would be the result of attempting to define an acceptable sonic boom under the limitations of current knowledge.

It should be noted that none of the industry comments recommending an operating authority to create "acceptable" sonic booms contained any evidence that would support a definition of "acceptibility" in terms of specific overpressures, any evidence that industry has developed means of controlling those overpressures, or indeed, any evidence that overpressure itself is a proper index of annoyance.

One comment stated that the proposal was in effect a combination of certification and operating rule, that any showing of sonic boom characteristics should therefore be required of applicants for type certificates (e.g., manufacturers) rather than operators, as in the case of other type certification rules, and that operators should only be required to comply with type certification operating limitations and should not have to go through the environmental or other demonstrations involved in the issuance of an authorization to exceed mach 1. When and if the technology of predicting and closely controlling the generation of clearly acceptable sonic booms reaches a level of certainty comparable to that involved in the airworthiness determinations now made by the FAA during type certification, some provision for approving flight in excess of mach 1 might conceivably become an appropriate aspect of type certification (together with appropriate operating limitations). However, under the current rudimentary state of the art of sonic boom prediction and control, no approval to exceed mach 1 should be given during type certification, particularly since such approval would thereby become protected by the procedural requirements applicable to the amendment, modification, suspension, or revocation of certificates under section 609 of the Federal Aviation Act. At this early stage in the development of civil supersonic air transportation, it is believed that type certification is too cumbersome a procedure to provide the continuous and flexible administrative control and review that is necessary to insure that no unacceptable environmental impacts result from sonic boom research. In the light of the increasing public concern for environmental understanding and control, the flexibility and control inherent in the form of operating rule contained in this amendment (and not available in type certification) is also believed to be necessary to insure that supersonic air transportation is given a fair chance to prove itself compatible with environmental values while at the same time protecting those values as research progresses.

Several comments opposed the proposal not on its specific merits but on the basis that all sonic boom control should be done directly by the Congress. The Department of Transportation appreciates the concern that underlies these comments and has on previous occasions stated to congressional committees that no objections would be interposed to further congressional action per se to protect the public from sonic boom. Any forthcoming statutes concerning sonic boom will be administered by the Department if such is the will of the Congress. In the meantime, the Department recognizes that the question of who provides protection from sonic boom is secondary to the need to provide effective protection, and intends to insure that the public receives the full measure of protection from sonic boom intended by the Congress in Public Law 90–411 and subsequent environmental laws, Executive orders, and guidelines.

One comment stated that the FAA should make clear the right of State and local municipal authorities to enact their own restrictions on supersonic overland flights and sonic booms. This would be inappropriate in view of the Federal preemption of the flight of aircraft as acknowledged in legislative history of Public Law 90–411. Senate Report 1353 (90th Cong. 2d sess., July 1, 1968) accompanying H.R. 3400 specifically states that "since the flight of aircraft has been preempted by the Federal Government, State and local governments can presently exercise no control over sonic boom. The bill makes no change in this regard." (P. 7.)

One comment suggested that the regulation provide an exception to permit operation at speeds in excess of mach 1 for safety, stating that there may be emergency situations where a pilot may have to increase speed (such as in an emergency descent) in order to protect

his aircraft and passengers. The current emergency deviation authority given the pilot in command by § 91.3 is adequate in this regard.

One comment stated that the rule should be clarified to indicate that the "conditions and limitations" referred to in proposed § 91.55(c) include weather or other atmospheric conditions. Atmospheric conditions are a fundamental variable affecting the propagation of sonic boom. They are thus a fundamental portion of the conditions and limitations referred to in § 91.55. It is not believed that further clarification is necessary.

One comment raised a potentially important point with respect to the meaning of the phrase "cause a sonic boom to reach the surface." In this connection, the question was asked whether a pressure event that was not perceptible by man but was detectable by instruments on the surface would be considered a "sonic boom." Perceptibility or audibility are highly subjective variables. These variables are closely related to the equally subjective concept of "acceptability" as applied to sonic boom overpressure control and limitation. As stated above, the technology of sonic boom propagation control had not yet achieved a prediction capability adequate to insure public protection from sonic boom. Thus, while a measurable but imperceptible boom might be demonstrated under one set of atmospheric conditions, an attempt to duplicate the event, under today's limited knowledge, may result in a perceptible boom on the surface. Considering all of the above factors, together with the Department's commitment to provide real and effective sonic boom protection as research proceeds, it is believed reasonable to require public protection from "measurable sonic boom overpressures." This term is therefore adopted in this amendment in response to this comment.

One comment stated that there is no proof of any incompatibility between the quality of the environment and the technical and economic advantages of supersonic transportation, that no civil supersonic transport will be put into service for years, that research should yield much information during this period, and that no emergency requiring this amendment exists at this time. The commentator stated that most activities involved in economic progress "entail favorable consequences for some people and unfavorable for others" and urged that this amendment either be postponed or that it be revised to incorporate language that would permit sonic boom to reach the surface provided that such sonic boom does not "create damage" to people, property, and environment.

With respect to the question of the timing of this amendment the FAA does not believe that the potential for further research justifies postponement of this amendment until supersonic air transportation is imminent. While the FAA agrees that no emergency now exists, early promulgation of this amendment is believed to be appropriate in order to insure that, to the maximum extent possible, persons concerned with the development or future operation of supersonic civil aircraft will not miscalculate and make major technological decisions on the economic assumption that regular overland sonic boom may ultimately be permitted. Also, under the influence of an early regulation, industry efforts to develop environmentally acceptable alternative designs, such as the supercritical wing for efficient cruise at transonic speeds may be further encouraged.

With respect to the request to permit all sonic booms that do not "create damage" on the surface, it is believed that not only is such a standard vague and difficult to enforce since proof of damage is best left to the courts, but such a standard ignores the fact that much annoyance and environmental disturbance might thereby be permitted short of actual damage. The goal of the FAA is to prevent the disturbance itself and not permit the level of public protection to decay to the point of actual damage.

One comment opposed the proposed procedure under which an authorization to exceed mach 1 could be terminated, without notice or other protective process, if the Administrator determines that such action is necessary to protect the environment. The authority to operate supersonically is not viewed as a matter of right but as a privilege conditioned entirely upon demonstrated ability to control the environmental effects of such operation in the public interest. If, at any time and for any reason, the effects of such flight are not being controlled within the conditions and limitations under which an authorization is issued, or those conditions and limitations are determined to be environmentally inadequate, no vested interest in continuing such flight is created by the authorization and its effectiveness must remain within the immediate control of the FAA. However, it is believed that the necessary authority to take immediate action against the authorization can be properly exercised by temporary amendment or suspension pending final amendment or termination, and that procedural fairness can be better served, consistent with environmental protection, by providing for immediate temporary amendment or suspension rather than immediate termination, and by permitting the holder to show, during the period of temporary amendment or suspension, why the authorization should not be finally amended or terminated. This change is incorporated in this amendment.

One comment concluded that, because the flights for which an authorization to exceed mach 1 may be issued are described in the singular, the rule prohibits the grant of an authorization to exceed mach 1 covering more than one flight. This is not correct. In this amendment, as throughout the Federal Aviation Regulations, the singular includes the plural (see § 1.3, Rules of Construction, in Part 1 of the Federal Aviation Regulations). The extent of the coverage of an authorization will be determined, in large part, by the completeness of control over sonic boom demonstrated by the applicant.

One comment pointed out that Part 91 is used by a wide range of general aviation and other subsonic operators and should be kept as useful as possible to them. The FAA agrees. Therefore, the detailed provisions concerning authorizations to exceed mach 1 are issued as new Appendix B of Part 91, leaving in the main body of that part only the prohibition against supersonic flight without an authorization to exceed mach 1.

One comment questioned the provision for issuance of an authorization to exceed mach 1 for flights that are "necessary for aircraft development" (in addition to flights that are necessary to show compliance with airworthiness rules or necessary for sonic boom research). If the flight is neither necessary for airworthiness compliance purposes not necessary for sonic boom research, the FAA agrees that no separate and clear reason for permitting supersonic flight is stated in the words "necessary for aircraft development." These words are therefore omitted from this amendment. Also, since the purposes of § 2(a) (1) and (3) are not limited to pure "research and development," those words are deleted from the section. No substantive change from the notice results.

One comment requested that the rule be modified to eliminate authority to grant permission for overland supersonic flight in designated test areas where the purpose of the flight can be achieved by overocean flight. The FAA agrees that feasibility of overocean testing is a valid consideration in the issuance of authorizations to exceed mach 1 in designated test areas over the United States. This amendment therefore requires applicants for such authorizations to show why the flight test cannot be safely or properly conducted over the ocean.

In consideration of the foregoing, Subchapter F of Chapter I of Title 14 of the Code of Federal Regulations is amended effective April 27, 1973, as to all persons, by amending Part 91 of the Federal Aviation Regulations as hereinafter set forth:

1. Section 91.1(b)(3) is amended to read as follows:

§ 91.1 Applicability.

* * * * *

(b) Each person operating a civil aircraft of U.S. registry outside of the United States shall—

* * * * *

(3) Except for §§ 91.15(b), 91.17, 91.38, 91.43, and 91.55, comply with Subparts A, C, and D of this part so far as they are not inconsistent with applicable regulations of the foreign country where the aircraft is operated or Annex 2 to the Convention on International Civil Aviation.

2. A new § 91.55 is added to read as follows:

§ 91.55 Civil aircraft sonic boom.

No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with condi-

tions and limitations in an authorization to exceed mach 1 issued to the operator under Appendix B of this part.

3. A new Appendix B is added to read as follows:

APPENDIX B

AUTHORIZATIONS TO EXCEED MACH 1 (§ 91.55)

SECTION 1. *Application.* (a) An applicant for an authorization to exceed mach 1 must apply in a form and manner prescribed by the Administrator and must comply with this appendix.

(b) In addition, each application for an authorization to exceed mach 1 covered by section 2(a) of this appendix must contain all information, requested by the Administrator, that he deems necessary to assist him in determining whether the designation of a particular test area, or issuance of a particular authorization, is a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and to assist him in complying with that Act, and with related Executive orders, guidelines, and orders, prior to such action.

(c) In addition, each application for an authorization to exceed mach 1 covered by section 2(a) of this appendix must contain—

(1) Information showing that operation at a speed greater than mach 1 is necessary to accomplish one or more of the purposes specified in section 2(a) of this appendix, including a showing that the purpose of the test cannot be safely or properly accomplished by overocean testing;

(2) A description of the test area proposed by the applicant, including an environmental analysis of that area meeting the requirements of paragraph (b) of this section; and

(3) Conditions and limitations that will insure that no measurable sonic boom overpressure will reach the surface outside of the designated test area.

(d) An application is denied if the Administrator finds that such action is necessary to protect or enhance the environment.

SEC. 2. *Issuance.* (a) For a flight in a designated test area, an authorization to exceed mach 1 may be issued when the Administrator has taken the environmental protective actions specified in section 1(b) of this appendix, and the applicant shows one or more of the following:

(1) The flight is necessary to show compliance with airworthiness requirements.

(2) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

(3) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a measurable sonic boom overpressure to reach the surface.

(b) For a flight outside of a designated test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively under paragraph (a)(3) of this section that—

(1) The flight will not cause a measurable sonic boom overpressure to reach the surface when the aircraft is operated under conditions and limitations demonstrated under paragraph (a)(3) of this section; and

(2) Those conditions and limitations represent all foreseeable operating conditions.

SEC. 3. *Duration.*

(a) An authorization to exceed mach 1 is effective until it expires or is surrendered, or until it is suspended or terminated by the Administrator. Such an authorization may be amended or suspended by the Administrator at any time if he finds that such action is necessary to protect the environment. Within 30 days of notification of amendment, the holder of the authorization must request reconsideration or the amendment becomes final. Within 30 days of notification of suspension, the holder of the authorization must request reconsideration or the authorization is automatically terminated. If reconsideration is requested within the 30-day period, the amendment or suspension continues until the holder shows why, in his openion, the authorization should not be amended or terminated. Upon such showing, the Administrator may terminate or amend the authorization if he finds that such action is necessary to protect the environment, or he may reinstate the authorization without amendement if he finds that termination or amendment is not necessary to protect the environment.

(b) Findings and actions by the Administrator under this section do not affect any certificate issued under title VI of the Federal Aviation Act of 1958.

(Sec. 307(c), 313(a), 611, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1431; sec. 2(b)(2), 6(c), Department of Transportation Act, 49 U.S.C. 1651(b)(2), 1655(c), title I of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., Executive order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970)

Issued in Washington, D.C., on March 23, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-4870 Filed 3-13-73;8:45 am]

[Amended Filing 3-26-73;8:45 am]

[Docket No. 12240; Amdt. No. 121-102]

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

Use of Certificated Land Airports

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require domestic and flag air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) to conduct their scheduled operations into regular airports certificated by the FAA pursuant to the requirements of Part 139 of this chapter.

This amendment is based on notice of proposed rule making No. 72-25, published in the FEDERAL REGISTER on September 20, 1972 (37 FR 19380). Except for certain clarifying changes, and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in Notice 72-25.

As stated in Notice 72-25, new Part 139 which prescribes certification and operating rules for land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters), was issued on June 12, 1972 (37 FR 12278). The new Part 139 provides, insofar as is pertinent here, that, after May 20, 1973, no person may operate a land airport regularly serving any scheduled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the approved airport operations manual for that airport. In order to be consistent with the safety objectives of new Part 139, an amendment to Part 121 was proposed in Notice 72-25 making the use of certificated regular airports mandatory for domestic and flag air carriers when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States.

The public comments received generally concurred in the proposal. However, the commentators indicated they desired further clarification of the classes of persons that will be subject to the amendment. As stated in the regulation, domestic and flag air carriers certificated by the CAB will be subject to this amendment only when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States. Accordingly, an air carrier when conducting charter or special service operations will not be required to conduct those operations at certificated airports nor would an air carrier be required to designate and use a certificated airport as an alternate, refueling, or provisional airport.

This amendment changes the proposal set forth in Notice 72-25, by adding to the beginning of § 121.590 the phrase "Unless otherwise authorized by the Administrator." This phrase has been added so that air carriers subject to § 121.590 may be granted appropriate relief by the Administrator in the event any exemptions are granted airport operators regarding certification under Part 139.

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

In consideration of the foregoing, and for the reasons given in Notice 72-25, Part 121 of the Federal Aviation Regulations is amended, effective May 21, 1973, by adding a new § 121.590 to Subpart T to read as follows:

§ 121.590 Use of certificated land airports: Domestic and flag air carriers certificated by the CAB.

Unless otherwise authorized by the Administrator, after May 20, 1973, no domestic or flag air carrier, and no pilot being used by them, may operate a large airplane into a regular land airport in scheduled operations in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. For the purposes of this section, a regular airport means one approved as a regular terminal or intermediate stop on an authorized route.

Issued in Washington, D.C., on March 22, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-5909 Filed 3-27-73;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1203a—NASA SECURITY AREAS

This new Part 1203a codifies NASA regulations governing the establishment, maintenance, and revocation of security areas designated for the protection of facilities, property, or classified information and material in the possession or custody of NASA or NASA contractors located at NASA installations and component installations. These regulations also provide for the removal and possible prosecution of unauthorized persons who may enter NASA security areas.

These regulations are effective April 9, 1973.

EDWIN H. STEVENS,
NASA Director of Security.

PART 1203a—NASA SECURITY AREAS

New Part 1203a added:

Sec.
1203a.100 Purpose and scope.
1203a.101 Definitions.
1203a.102 Establishment, maintenance, and revocation of security areas.
1203a.103 Access to security areas.
1203a.104 Violation of security areas.
1203a.105 Implementation by field or component installations.

AUTHORITY: 18 U.S.C. 799.

§ 1203a.100 Purpose and scope.

(a) To insure the uninterrupted and successful accomplishment of the NASA mission, certain designated security areas may be established and maintained by NASA installations and component installations in order to provide appropriate and adequate protection for facilities, property, or classified information and material in the possession or custody of NASA or NASA contractors located at NASA installations and component installations.

(b) This Part 1203a sets forth:

(1) The designation and maintenance of security areas,

(2) The responsibilities and procedures in connection therewith, and

(3) The penalties that may be enforced through court actions against unauthorized persons entering security areas.

§ 1203a.101 Definitions.

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

(a) *Security area.* A physically defined area, established for the protection or security of facilities, property, or classified information and material in the possession or custody of NASA or a NASA contractor located at a NASA installation or component installation, entry to which is subject to security measures, procedures, or controls. Security areas which may be established are:

(1) *Restricted area.* An area wherein security measures are applied primarily for the safeguarding or the administrative control of property or to protect operations and functions which are vital or essential to the accomplishment of the mission assigned to a NASA installation or component installation.

(2) *Limited area.* An area wherein security measures are applied primarily for the safeguarding of classified information and material or unclassified property warranting special protection and in which the uncontrolled movement of visitors would permit access to such classified information and material or property, but within which area such access may be prevented by appropriate visitor escort and other internal restrictions and controls.

(3) *Closed area.* An area wherein security measures are applied primarily for the purpose of safeguarding classified information and material; entry to the area being equivalent, for all practical purposes, to access to such classified information and material.

(b) *Temporary security area.* A designated interim security area, the need for which will not exceed 30 days from date of establishment. A temporary security area may also be established on an interim basis, pending approval of its establishment as a permanent security area.

(c) *Permanent security area.* A designated security area, the need for which will exceed 30 days from date of establishment.

§ 1203a.102 Establishment, maintenance, and revocation of security areas.

(a) *Establishment.* (1) Directors of NASA field and component installations, and the Director of Headquarters Administration for NASA Headquarters (including component installations) may establish, maintain, and protect such areas as restricted, limited, or closed depending upon the opportunity available to unauthorized persons either to:

(i) Obtain knowledge of classified information,

(ii) Damage or remove property, or to

(iii) Disrupt Government operations.

(2) The concurrence of the Director of Security, NASA Headquarters, will be obtained prior to the establishment of a permanent security area.

(3) (i) As a minimum, the following information will be submitted to the Director of Security 15 workdays prior to establishment of each permanent security area:

(*a*) The name and specific location of the NASA field or component installation, facility, or property to be protected.

(*b*) A statement that the property is owned by, or leased to, the United States for use by NASA or is the property of a NASA contractor located on a NASA installation or component installation.

(*c*) Designation desired: i.e., restricted, limited, or closed.

(*d*) Specific purpose(s) for the establishment of a security area.

(ii) For those areas currently designated by the installation as "permanent security areas," the information set forth in subparagraph (d)(3)(i) of this section will be furnished to the Security Division, NASA Headquarters, within 30 workdays of the effective date of this part.

(b) *Maintenance.* The security measures which may be utilized to protect such areas will be determined by the requirements of individual situations. As a minimum such security measures will:

(1) Provide for the posting of signs at entrances and at such intervals along the perimeter of the designated area as to provide reasonable notice to persons about to enter thereon. The Director of Security, NASA Headquarters, upon request, may approve the use of signs that are now being used pursuant to a State statute.

(2) Regulate authorized personnel entry and movement within the area.

(3) Deny entry of unauthorized persons or property.

(4) Prevent unauthorized removal of classified information and material or property from a NASA installation or component installation.

(c) *Revocation.* Once the need for an established permanent security area no longer exists, the area will be returned immediately to normal controls and procedures or as soon as practicable. The Director of Security will be informed of permanent security area revocations within 15 workdays.

§ 1203a.103 Access to security areas.

(a) Only those NASA employees, NASA contractor employees, and visitors who have a need for such access and who meet the following criteria may enter a security area:

(1) *Restricted area.* Be authorized to enter the area alone or be escorted by or under the supervision of a NASA employee or NASA contractor employee who is authorized to enter the area.

(2) *Limited area.* Possess a security clearance equal to the level of the classified information or material involved or be the recipient of a satisfactorily completed national agency check if classified material or information is not involved. Personnel who do not meet the requirements for unescorted access may be escorted by a NASA employee or NASA contractor employee who meets the access requirements and has been authorized to enter the area.

(3) *Closed area.* Possess a security clearance equal to the classified information or material involved.

(b) The directors of NASA field and component installations, and the Director of Headquarters Administration for NASA Headquarters (including component installations) may rescind previously granted authorizations to enter a security area when an individual's continued presence therein is no longer required, threatens the security of the property therein, or is disruptive of Government operations.

§ 1203a.104 Violation of security areas.

(a) *Removal of unauthorized persons.* The directors of NASA field and component installations (or their designees) and the Director of Headquarters Administration for NASA Headquarters (including component installations) or his designee may order the removal or eviction of any person whose presence in a designated security area is in violation of the provisions of this part or any regu-

lation or order established pursuant to the provisions of this part.

(b) *Criminal penalties for violation.* Whoever willfully violates, attempts to violate, or conspires to violate any regulation or order establishing requirements or procedures for authorized entry into an area designated restricted, limited, or closed pursuant to the provisions of this part may be subject to prosecution under 18 U.S.C. 799 which provides penalties for a fine of not more than $5,000 or imprisonment for not more than 1 year, or both.

§ 1203a.105 Implementation by field and component installations.

If a Director of a NASA field or component installation finds it necessary to issue supplemental instructions to any provision of this part, the instructions must first be published in the FEDERAL REGISTER. Therefore, the proposed supplemental instructions will be sent to the Security Division (Code DHZ), NASA Headquarters, in accordance with NASA Management Instruction 1410.10 for processing.

[FR Doc.73-5847 Filed 3-27-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-85]

PART 16—LIQUIDATION OF DUTIES

Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy

In the FEDERAL REGISTER of November 10, 1972 (37 FR 23928), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of Italy on the exportation from Italy of refrigerators, freezers, other refrigerating equipment, and parts thereof constitute the payment or bestowed of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments concerning the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of refrigerators, freezers, other refrigerating equipment, and parts thereof from Italy are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants under the information presently available has been ascertained and determined or estimated to be as specified in Appendix A. Because information regarding the exact amount of bounties or grants is incomplete, further declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of refrigerators, freezers, other refrigerating equipment, and parts thereof from Italy will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy which benefit from these bounties or grants and are subject to the order shall be suspended pending further declaration of the net amount of the bounties or grants paid. A deposit of the estimated countervailing duty, in the appropriate amount, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such refrigerators, freezers, other refrigerating equipment, and parts thereof.

The table in § 16.24(f) of the Customs regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Italy, the words "Refrigerators, freezers, other refrigerating equipment, and parts thereof" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)

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

Approved: March 23, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

APPENDIX A

The amounts set forth below will be collected as estimated countervailing duties unless satisfactory evidence is provided with respect to any particular importation that a lesser amount is applicable.

	Per kilogram (Lire)
Complete refrigerators (cabinets, chests, and refrigerated counters, refrigerated display cases, water coolers, and the like)	17.85
Insulated cold cabinets (unequipped), isothermal cabinets, ice-cream storage cabinets, and the like	14.82
Refrigerating apparatus and components, thereof, fixed on a common baseplate, including freezers and parts	21.24

[FR Doc.73-6037 Filed 3-27-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

CONTROLLED SUBSTANCES

Parts 101-43, 101-44, 101-45, and 101-46 are amended to update certain references and to provide revised instructions relating to the utilization and disposal of controlled substances pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513, approved October 27, 1970).

The table of contents for Subchapter H is amended to provide new and revised entries as follows:

101-43.104-4	Controlled substances.
101-43.104-12	(Reserved)
101-43.309	Controlled substances.
101-43.313-1	Controlled substances.
101-43.313-8	Drugs, biologicals, and reagents other than controlled substances.
101-44.201-1a	Controlled substances.
101-44.201-12	(Reserved)
101-44.321	Drugs, biologicals, and reagents other than controlled substances.
101-45.204a	Controlled substances.
101-45.216	(Reserved)
101-45.309-6	Controlled substances.
101-45.309-7	Drugs, biologicals, and reagents other than controlled substances.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101-43.1—General Provisions

Section 101-43.104-4 is added, and the text of § 101-43.104-12 is deleted and the section reserved as follows:

§ 101-43.104-4 Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other

drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–43.104–12 [Reserved]

Subpart 101–43.3—Utilization of Excess

Sections 101–43.306, 101–43.309, 101–43.313–1, 101–43.313–8, 101–43.313–9a(e), and 101–43.316–1(a)(5) are revised as follows:

§ 101–43.306 Property not required to be reported.

Excess property which is not required to be formally reported to GSA in accordance with this Part 101–43 is nonetheless a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer to them. Federal holding agencies shall cooperate with GSA representatives in making information available and in providing access to their nonreportable excess property. To the extent such property is not covered by the utilization screening processes of GSA, executive agencies shall make reasonable efforts to obtain utilization among Federal agencies of that property having utilization potential. In the case of controlled substances (as defined in § 101–43.104–4), this solicitation shall be limited to those agencies specified in § 101–43.309.

§ 101–43.309 Controlled substances.

Holding agencies shall arrange for transfers in accordance with § 101–43.315–5. In effecting the utilization of excess controlled substances, the holding agencies shall transfer excess controlled substances only to those Federal agencies which certify that they are registered with the Bureau of Narcotics and Dangerous Drugs (BNDD), Department of Justice, and are authorized to procure the particular controlled substances being transferred. The certification shall include the registration number of the BND Form 223, certificate of registration, issued by BNDD.

§ 101–43.313–1 Controlled substances.

All controlled substances that the holding agency determines to be excess shall become surplus after the holding agency has complied with the utilization requirements of §§ 101–43.102 and 101–43.309. It is not required that the holding agency report the controlled substance to GSA as excess personal property.

§ 101–43.313–8 Drugs, biologicals, and reagents other than controlled substances.

Drugs, biologicals, and reagents in Federal Supply Class 6505, excluding controlled substances which will be handled as provided in §§ 101–43.309 and 101–43.313–1, which are from time to time determined to be excess and fit for human use shall be handled as provided in § 101–43.306. Such items may be separately packaged or may be components of a drug kit. The holding agency shall destroy, as provided in § 101–45.505, those separately packaged items which have been determined by the holding agency to be unfit for human use. Reports of the availablility of any usable items which are in kits with other items that are unfit for human use shall clearly indicate which items are unfit for human use.

§ 101–43.313–9a Medical shelf-life items held for national emergency purposes.

* * * * *

(e) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months and which are not reportable in accordance with § 101–43.4901 shall be made available for use by other Federal agencies as provided in § 101–43.306. Upon determination that such items are excess a surplus release date shall be established by the holding agency providing a minimum of 15 calendar days for selection of the items for Federal use. In the instance of controlled substances (as defined in § 101–43.104–4), each executive agency shall comply with the provisions of §§ 101–43.309 and 101–43.313–1.

* * * * *

§ 101–43.316–1 Utilization.

(a) * * *

(5) Controlled substances.

* * * * *

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

Section 101–43.402–5(d)(1) is revised as follows:

§ 101–43.402–5 Property required to be reported.

* * * * *

(d) * * *

(1) Controlled substances (as defined in § 101–43.104–4), regardless of quantity, condition, or acquisition cost, shall be reported to the Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

* * * * *

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.2—Definition of Terms

Section 101–44.201–1a is added, and the text of § 101–44.201–12 is deleted and the section reserved as follows:

§ 101–44.201–1a Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812), except exempt chemical preparations and mixtures and excluded substances listed in Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–44.201–12 [Reserved]

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

Sections 101–44.321(a) and 101–44.322(b) are revised as follows:

§ 101–44.321 Drugs, biologicals, and reagents other than controlled substances.

(a) Surplus drugs, biologicals, and reagents which are in Federal Supply Class 6505 and which are not required to be destroyed as provided in § 101–45.505 may be donated for educational, public health, and civil defense purposes. If the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer such items for donation. Controlled substances (as defined in § 101–44.201–1a), shall not be donated for any purpose.

* * * * *

§ 101–44.322 Donation of shelf-life items.

* * * * *

(b) Prior to donation, drugs, biologicals, and reagents other than controlled substances except those requiring refrigeration or deep freeze and which are excepted from the provisions of § 101–43.313–9 shall be processed as provided in § 101–44.321.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.2—Definition of Terms

Section 101–45.204a is added, and the text of § 101–45.216 is deleted and the section reserved as follows:

§ 101–45.204a Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in

Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–45.216 [Reserved]

Subpart 101–45.3—Sale of Personal Property

Section 101–45.309–6 is revised and § 101–45.309–7 is amended as follows:

§ 101–45.309–6 Controlled substances.

Surplus controlled substances (as defined in § 101–45.204a) which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided*, That the following safeguards and instructions are observed:

(a) The invitation for bids shall:

(1) Consist only of surplus controlled substances;

(2) Require the normal bid deposit prescribed in § 101–45.304–10;

(3) Be distributed only to bidders who are registered with the Bureau of Narcotics and Dangerous Drugs, Department of Justice, to manufacture, distribute, or dispense the controlled substances for which the bid is being submitted; and

(4) Contain the following special condition of sale:

The Bidder shall complete, sign, and return with his bid the certificate as contained in this invitation. No award will be made or sale consummated until after this agency has obtained from the Bureau of Narcotics and Dangerous Drugs, Department of Justice, verification that the Bidder is registered to manufacture, distribute, or dispense those controlled substances which are the subject of the award.

(b) The following certification shall be made a part of the invitation for bids (and contract) to be completed and signed by the bidder and returned with the bid:

The Bidder certifies that he is registered with the Bureau of Narcotics and Dangerous Drugs, Department of Justice, as a manufacturer, distributor, or dispenser of the controlled substances for which bids are submitted and that the registration number is _____.

_____
Name of bidder (print or type).

_____
Signature of bidder.

_____
Address of bidder (print or type).

_____
City State Zip code

(c) As a condition precedent to making an award for surplus controlled substances, the following shall be submitted to the Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537:

(1) The name and address of the bidder(s) to whom an award is proposed to be made and the bidder(s) registration number(s);

(2) The name and address of both the holding activity and the selling activity;

(3) A description of the controlled substances, how those substances are packaged, and the quantity of substances proposed to be sold to the bidder;

(4) The identification of the invitation for bids by its number and time within which such bid(s) remains valid; and

(5) A request for advice as to whether the bidder is a registered manufacturer, distributor, or dispenser.

§ 101–45.309–7 Drugs, biologicals, and reagents other than controlled substances.

Surplus drugs, biologicals, and reagents other than controlled substances which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided*, That the following safeguards and instructions are observed to insure stability, potency, and suitability of the product and its labeling for use in civilian channels:

* * * * *

(d) Sales of surplus drugs, biologicals, and reagents other than controlled substances shall be processed as follows:

* * * * *

Subpart 101–45.5—Abandonment or Destruction of Surplus Property

Section 101–45.505 is amended as follows:

§ 101–45.505 Destruction of surplus drugs, biologicals, and reagents.

(a) * * *

(1) *Controlled substances.* (i) Controlled substances in a deteriorated condition or otherwise unusable.

(ii) Quantities of controlled substances determined to be surplus at one time and one place having an acquisition cost of less than $500.

(iii) Controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–6 but for which no satisfactory or acceptable bid or bids have been received.

(2) *Drugs, biologicals, and reagents.* (i) Surplus drugs, biologicals, and reagents other than controlled substances (*a*) determined by the holding agency to be unsafe because of deterioration or overage condition, (*b*) in open or broken containers, or (*c*) recommended for destruction by the Food and Drug Administration.

(ii) Surplus drugs, biologicals, and reagents other than controlled substances with an acquisition cost of less than $500 per manufacturers' lot/batch number.

(iii) Surplus drugs, biologicals, and reagents other than controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–7 but for which no satisfactory or acceptable bid or bids have been received.

(b) When surplus drugs, biologicals, and reagents, including controlled substances, are required to be destroyed by the holding agency, they shall be destroyed in such a manner as to insure total destruction of the substance to preclude the utilization of any portion thereof. The destruction shall be in accordance with Federal, State, and local air and water pollution control standards. When major amounts are to be destroyed, the action shall be coordinated with local air and water pollution control authorities. As to controlled substances, in addition to the requirements set forth herein, each executive agency shall comply with the provisions of 21 CFR 307.21 of the Bureau of Narcotics and Dangerous Drugs (BNDD) regulations or with equivalent procedures approved by the Bureau of Narcotics and Dangerous Drugs (BNDD).

(c) Destruction of surplus drugs, biological, and reagents, including controlled substances, shall be performed by an employee of the holding agency in the presence of two additional employees of the agency as witnesses to that destruction, unless, in the case of controlled substances, the Regional Director of the Bureau of Narcotics and Dangerous Drugs directs otherwise.

(d) When surplus drugs, biologicals, and reagents, including controlled substances, have been destroyed, the fact, manner, and date of the destruction and the type and quantity so destroyed shall be certified to by the agency employee charged with the responsibility for that destruction. The two agency employees who witnessed the destruction shall sign the following statement which shall appear on the certification below the signature of the certifying employee:

I have witnessed the destruction of the (controlled substances) (drugs, biologicals, and reagents other than controlled substances) described in the foregoing certification in the manner and on the date stated herein:

_____

witness_____ date_____

_____

witness_____ date_____

* * * * *

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.2—Authorization

Section 101–46.202(d)(7) is revised as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(d) * * *

(7) The sale or exchange of controlled substances, except in accordance with Part 101–45.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective on March 28, 1973.

Dated: March 20, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-5908 Filed 3-27-73;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowability of Costs for Organization Dues, Membership Fees, and Donations

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by me as Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding four new sections, reading as follows:

Sec.
1068.7-1 Purpose.
1068.7-2 Applicability of this subpart.
1068.7-3 Policy.
1068.7-4 Form of requests for authorization.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1068.7-1 Purpose.

The purpose of this subpart is to establish restrictions on charging donations, organization dues, and membership fees to project funds.

§ 1068.7-2 Applicability of this subpart.

This subpart applies to all programs affording legal assistance which are funded until title II of the Economic Opportunity Act as amended, if the assistance is administered by OEO.

§ 1068.7-3 Policy.

Project funds shall not be expended to pay for membership fees or dues or make contribution to any person, organization, association, or entity without the written authorization of the Associate Director for the Office of Legal Services, or his designee. (Project funds include both funds derived from the Federal grant and required matching share.)

§ 1068.7-4 Form of requests for authorization.

Requests for authorization shall state the name and address of the organization, function and nature of the organization's activities, the purpose of the request, and the itemized cost to be charged against project funds.

This subpart shall become effective on March 28, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-5941 Filed 3-27-73;8:45 am]

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

Subpart—Use of OEO Grant Funds for the Purpose of Program or Other Involvement in All Communications Media

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of the OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

Sec.
1070.4-1 Purpose.
1070.4-2 Applicability.
1070.4-3 Background.
1070.4-4 Definitions.
1070.4-5 Policy.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1070.4-1 Purpose.

This subpart provides policy governing the funding by OEO of all grantees in relation to all communications media, as defined herein, and all newsletters or house organs of OEO grantees.

§ 1070.4-2 Applicability.

This subpart applies to all grantees funded by OEO.

§ 1070.4-3 Background.

(a) The earlier draft Instruction 7044-1, which this subpart supersedes, covered only newspapers and newsletters or house organs. Further, it was applicable only to grantees funded under title II and title III-B of the Economic Opportunity Act of 1964, as amended. This did not provide a policy for title VII grants for Community Economic Development, nor for Special Impact grants under former title I-D, which has been repealed. Funding of such other communications media as general coverage magazines, radio, television and cable television, are, in effect and in terms of policy, no different than funding newspapers. This policy is set forth under § 1070.4-5(a) below.

(b) Experience also indicated that it is necessary and desirable to define further and reiterate OEO policy concerning the publishing with OEO funds of newsletters and house organs in order to establish clear lines of responsibility for same. This policy is set forth under § 1070.4-5(b) below.

(c) With specific reference to cable television (CATV) it should be noted that based on discussion between Federal Communications Commission (FCC) staff and OEO, there is reason to doubt that the FCC would issue necessary certificates of compliance for CATV projects subject to the restrictions contained in section 603(b) of the Economic Opportunity Act and the OEO implementing regulations.

§ 1070.4-4 Definition.

"Communications media" as used herein is confined to communications that are directed, or made readily available, to the general public. It specifically

includes all radio broadcasting and telecasting, general coverage newspapers and magazines. The term "Communications media" excepts house organs or newsletters, bulletins, etc. which are specifically addressed to an organization's constituency and which are not given external distribution by the organization beyond its constituency. Policy on such publications, based largely on former draft Instruction 7044–1 which has been in effect, is covered in this subpart under § 1070.4–5(b).

§ 1070.4–5 Policy.

(a) Concerning *"communications media."* It is OEO policy not to provide funds to establish or operate any mass communication medium such as a general coverage newspaper or magazine, radio station or television station including a cable television system. However, under special circumstances and with the express written approval of the Director, OEO may make grants to help establish such a medium if such action is in furtherance of the grantee's approved OEO program, by assisting in the planning and initial expenses provided that: (1) The grantee agrees that OEO funds are to be provided only on a minimum, one-time basis, and not to provide long-term (over 1 year) operational or other support. (2) The grantee shall make a showing of interest by other investors and assure early divestiture from the grantee to a local public corporation with community-wide ownership not under the control of the CDC or other OEO grantee. (3) Ownership and management of the physical assets be separated from control of publishing or programing and the latter be under the control of a separate entity over whom the grantee cannot exercise any influence. This may be effected by the use of an "arms length" contract with some independent organization, or by the grantee-owner of the physical assets subcontracting the use of its assets to such an organization. In either event, OEO shall have the right of prior approval or disapproval of the entity which would control the output of the medium.

(b) *Concerning newsletters or house organs.* (1) OEO grantees may determine that publishing newsletters or house organs is essential to the accomplishment of the grantee's approved program. The OEO grant office reserves the right to review the grantee's justification of its need to publish a newsletter or house organ. Newsletters are under local grantee control as are all other program activities. While they reflect the policies and opinions of the local grantee, newsletters also are subject to the same laws and regulations, such as those restricting political activity, which govern all OEO funded programs.

(2) The grantee's principal representative board and boards of limited purpose agencies and community development corporations have the ultimate responsibility of insuring that the content of all grantee publications coming under their jurisdiction reflect the policies and opinions of the local program and are in accord with OEO policy. To accomplish this, the board may elect to delegate the review function to the Executive Director. In all cases, publications must be reviewed prior to printing to assure compliance with this policy and the sanction of the board.

(3) Responsibility for the content and distribution of such publication must be established. Arrangements shall be made by the grantee with each of its delegate agencies, neighborhood councils, and any other group it funds which are or may be publishing a newsletter or house organ to expediate this review process.

(4) Newsletters or house organs shall not be prepared or circulated for purposes other than informing the grantee's constituency on the program of the grantee and reporting information of direct use to the grantee's constituency in the accomplishment of the grantee's stated program.

(5) Project funds will not be spent for newsletters or house organs unless a review procedure has been established in accordance with this subpart.

(c) *Use of advertising time and space as non-Federal share.* OEO does not credit as an in-kind contribution for a grantee's non-Federal share requirement any news coverage, editorial comment, advertising or public service time or space in any communications media such as radio, television, magazines, wire services and news services. This policy does not, however, prohibit a grantee from suing Federal or non-Federal funds for publicizing or advertising program activities when the grantee can show that the expense is the best way of achieving a legitimate program purpose. This is an allowable expenditure although not an allowable in-kind contribution for a grantee's non-Federal share requirement. This policy also does not prohibit a grantee from accepting public service time or notices in the mass media, as long as such activities are not treated as in-kind, non-Federal share contributions.

Effective date. This subpart shall become effective April 1, 1973.

HOWARD PHILLIPS,
Actign Director.

[FR Doc.73-5840 Filed 3-27-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER J—MISCELLANEOUS

PART 351—DEPOSITORIES

In FR Doc. 71-17943, appearing in the FEDERAL REGISTER of December 8, 1971 (36 FR 23317), the Maritime Administration, Department of Commerce, invited comments with respect to a rule governing criteria for approval of a depository under any program authorized by the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.). No comments were submitted.

The final rule has been modified so as to remove the requirements that the depository be a U.S. citizen within the meaning of the Merchant Marine Act and that it be a corporation. These requirements are unnecessary because they tend to duplicate requirements of the Federal Deposit Insurance Corporation.

A new Part 351 is therefore added to Subchapter J, Title 46, Chapter II, Code of Federal Regulations as follows:

Sec.
351.1 Purpose.
351.2 Qualification of depository.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 351.1 Purpose.

The purpose of this part is to set forth the criteria necessary for depositories of funds under all programs authorized by the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.) (Act).

§ 351.2 Qualifications of depository.

(a) *General qualification.* Any depository which is a member of the Federal Deposit Insurance Corporation will be approved for deposit of funds under the maritime programs authorized by the Act.

(b) *Limitation on amount of deposits.* No person making deposits under the programs authorized by the Act shall make or maintain deposits which exceed 5 percent of the depository's total deposits.

Effective date. This regulation shall be effective on April 1, 1973.

Dated: March 21, 1973.

By order of Assistant Secretary for Maritime Affairs.

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

[FR Doc.73-5943 Filed 3-27-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1128]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of March 1973.

It appearing, that there is a substantial movement of coal and other traffic routed via the lines of the Louisville and Nashville Railroad Co. (L&N) and the Clinchfield Railroad Co. (CRR); that there is no connection between the L&N and the CRR; that a line of the Norfolk and Western Railway Co. (N&W) connects with the L&N at Norton, Va., and with the CRR at St. Paul, Va., a distance of approximately 22.46 miles; that the N&W has agreed to use of such line by the L&N; that operation by the L&N over the aforementioned trackage of the N&W will facilitate and expedite movements of traffic routed via the L&N and the CRR; that such operation by the L&N is necessary in the interest of the public and the commerce of the people, pending disposition of the application of the L&N, in Finance Docket No. 27320,

seeking permanent authority to operate over these tracks of the N&W; 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:

§ 1033.1128 Service Order No. 1128.

(a) *Louisville and Nashville Railroad Co. authorized to operate over tracks of Norfolk and Western Railway Co.* The Louisville and Nashville Railroad Co. (L&N) be, and it is hereby, authorized to operate over tracks of the Norfolk and Western Railway Co. (N&W) between N&W milepost N 442.90, in the vicinity of St. Paul, Va., and N&W milepost N 465.36, in the vicinity of Norton, Va., a distance of approximately 22.46 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the L&N over tracks of the N&W is deemed to be due to carrier's disability, the rates applicable to traffic moved by the L&N over these tracks of the N&W 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 25, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 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), 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.73-5929 Filed 3-27-73;8:45 am]

[S.O. 1129]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of March 1973.

It appearing, that the Chicago, Rock Island and Pacific Railroad Co. (RI) is unable to operate over its line between Trenton, Mo., and St. Joseph, Mo., because of damage resulting from flooding and excessive rainfall; that RI operations to and from St. Joseph, Mo., can be accomplished by use of tracks of the Burlington Northern Inc. (BN) between BN milepost 0.0 at Kansas City, Mo., and BN milepost 62.6 at St. Joseph, Mo., a distance of approximately 62.6 miles; that the BN has consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the BN 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:

§ 1033.1129 Service Order No. 1129.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Burlington Northern Inc.* The Chicago, Rock Island and Pacific Railroad Co. (RI) be, and it is hereby, authorized to operate over tracks of the Burlington Northern Inc. (BN) between BN milepost 0.0 at Kansas City, Mo., and BN milepost 62.6 at St. Joseph, Mo., a distance of approximately 62.6 miles.

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

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the BN is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the BN 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 25, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 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.73-5930 Filed 3-27-73;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

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on March 28, 1973.

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

UTAH

OURAY NATIONAL WILDLIFE REFUGE

The Green River channel within Ouray National Wildlife Refuge, Uintah County, Utah, shall be open to sport fishing by rod, reel, and pole from April 1, 1973, through December 31, 1973. Vehicle access is limited to existing routes delineated on maps available at refuge headquarters and from the Area Manager, Federal Building, Room 2215, 125 South State Street, Salt Lake, City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

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.

H. J. JOHNSON, *Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.*

FEBRUARY 8, 1973.

[FR Doc.73-5822 Filed 3-27-73;8:45 am]

Proposed Rule Making

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

Proposed U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Fresh Plums and Prunes[1] (7 CFR 51.1520–51.1538). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 30, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendment of the grade standards. The U.S. Standards for Grades of Fresh Plums and Prunes were last revised April 23, 1966. They were amended May 9, 1969, to change the standard pack section.

Late in 1971 a grower-shipper organization in the State of Washington requested a change in the method of determining the diameter of Italian-type prunes.

The U.S. Standards for Fresh Plums and Prunes now provide for ring sizing, the greatest diameter at center cross section, except that Italian-type prunes must be caliper sized, the shortest diameter at center cross section. The Washington State request would have all fresh plums and prunes measured by ring sizers.

A size comparison study between suture and check diameters (shortest versus greatest) made during the 1971 season at Washington State University indicates that, on the average, an Italian-type prune with a suture (shortest) diameter of 1⅛ inches will have a cheek (greatest) diameter of 1¼ inches. Thus, the weight of 100 prunes will remain constant whether sized by the shortest diameter to a 1⅛ inch minimum or by the greatest diameter to a 1¼ inch minimum.

Upon inquiry in other prune producing States early in 1972 it was learned that some producers and packers believed there was need for further investigation before proposing the requested change. Consequently, no action was taken to amend the standards at that time.

Additional data comparing the ring sizing and caliper sizing of prunes were obtained in Idaho during the 1972 season. This data confirmed the results of the previous study in Washington and indicated that changing to ring sizing and a 1¼-inch minimum diameter would not materially change the size of prunes marketed.

Late in 1972 the request by the State of Washington organization for amendment of the standards was renewed. It was supported by the Idaho-Oregon Prune Marketing Committee. Inquiries indicate that the change would create few, if any, new problems. It would have the benefit of simplifying sizing under the grade standards in that plums and prunes would be sized by the same method.

Copies of a study draft to consider amendment of the standards, explaining the suggested changes, were sent to representatives of the prune industry, including receivers, in January 1973.

Comments received on the suggested changes in measurement and minimum size requirements were generally favorable. One adverse comment resulted from not understanding that the specified minimum size would be increased when the method of measuring diameter was changed.

This request to change the method of determining diameter appears reasonable and desirable if the minimum diameter requirement in the U.S. Fancy and U.S. No. 1 grades is increased from 1⅛ to 1¼ inches.

The sections proposed to be amended presently read as follows:

Section 51.1520, paragraph (a): Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

Section 51.1521, paragraph (a): Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

Section 51.1537: "Diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit, except that in the case of Italian type prunes diameter means the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end.

As proposed to be amended, paragraphs (a) of §§ 51.1520, 51.1521, and 51.1537 and set forth below:

§ 51.1520 U.S. Fancy.

* * * * *

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (See § 51.1525.)

* * * * *

§ 51.1521 U.S. No. 1.

* * * * *

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (See § 51.1525.)

§ 51.1537 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: March 22, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-5938 Filed 3-27-73;8:45 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Ch. IX]

[Docket No. AO-377]

RYEGRASS SEED GROWN IN OREGON

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings, and conclusions on the record of the public hearing held January 30–February 1, 1973, at Albany, Oreg., with respect to a proposed marketing agreement and order regulating the handling of ryegrass seed grown in Oregon, originally published January 10, 1973, 38 FR 1197, pursuant to the order of the presiding administrative law judge issued at the hearing is hereby extended to May 1, 1973.

At the hearing, the Administrative Law Judge directed that briefs be filed on or before March 19, 1973, on the understanding that a copy of the transcript of the hearing would be available

at the Portland office of the Agricultural Marketing Service on or about February 15, 1973. A copy of said record was not made so available until March 12, 1973, due to unavoidable causes, including delay in the mailing services. It is believed that an extension of time as indicated will be fair and equitable to all interested persons.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on March 22, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5937 Filed 3-27-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Extension of Time To Submit Written Data, Views, or Arguments

Notice is hereby given in accordance with section 553(b) of title 5, United States Code (1966), that the time for filing data, views, and arguments with respect to the proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, as published in the FEDERAL REGISTER on February 9, 1973 (73-2627), is extended to May 22, 1973.

Interested persons are invited to submit written data, views, or arguments regarding the proposed amendment to Deputy Administrator, Veterinary Services, USDA, Washington, D.C. All comments received on or before May 22, 1973, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of March 1973.

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

[FR Doc.73-5838 Filed 3-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 148w, and 149b]

AMPICILLIN

Certain Proposed Technical Revisions Regarding Ampicillin and Cephaloglycin; Additional Proposed Certification Requirements for Ampicillin

On November 22, 1972, the Commissioner of Food and Drugs issued a notice of proposed rulemaking to provide for the recodification and technical revisions of the ampicillin monographs. In addition, it was also proposed that for all ampicillin trihydrate products the designation "trihydrate" be deleted from the nonproprietary name and that the word "chewable" be excluded from the names of both the anhydrous and trihydrate dosage forms to conform with the policy of the official compendia.

The Commissioner of Food and Drugs now proposes new requirements for the same monographs that were the subject of the November 22, 1972 proposal.

This new proposal would amend the proposed nonaqueous titration procedure for determining ampicillin content of bulk drugs by providing for a potentiometric determination of the endpoint. The revised method eliminates the visual determination of endpoints, thus resulting in greater sensitivity and precision. The procedure for determining the cephaloglycin content of cephaloglycin dihydrate is the same as that used for determining the ampicillin content of sodium ampicillin and accordingly, the cephaloglycin bulk monograph has been amended to provide for the potentiometric titration.

This new proposal also provides additional requirements for certification of ampicillin and sodium ampicillin. A maximum potency limit has been established for all ampicillin bulk drugs. An additional restriction has been added which limits to 6 percent the difference between the potency assay when converted to a percent figure and the percent ampicillin content. When both the nonaqueous acid and base titrations are performed, as is the case with ampicillin and ampicillin trihydrate, the difference between the results obtained by the titrations is also limited to 6 percent. The proposed limits of 6 percent are based on results of a collaborative study and on certification experience.

The Commissioner of Food and Drugs intends to publish one final order incorporating both the changes in the November 22, 1972 proposed order and the changes proposed in this notice of proposed rulemaking.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to revise Part 148w and proposed portions of Parts 141 and 149b, as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 141 is amended by revising proposed § 141.544 to read as follows:

§ 141.544 Nonaqueous titrations.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of a suitable titrimeter equipped with a potentiometer, an automatic burette, a chart recorder, and a glass calomel combination electrode (with saturated methanolic potassium chloride as the electrolyte).

(2) *Titration vessel.* Use a 100-milliliter tall form beaker without a spout.

(b) *Reagents*—(1) Methyl alcohol, reagent grade, anhydrous.

(2) Dimethylsulfoxide, A.C.S., reagent grade.

(3) Glacial acetic acid, A.C.S., reagent grade.

(4) Lithium methoxide reagent: 0.02*N* lithium methoxide in methyl alcohol, standardized against primary grade benzoic acid.

(5) Perchloric acid reagent: 0.02*N* perchloric acid in glacial acetic acid, standardized against primary grade potassium acid phthalate.

(c) *Preparation of sample solutions.* Select the weight of the sample and the solvent listed for each antibiotic. Transfer the accurately weighed sample to a titration vessel. Add the appropriate solvent, cover, and stir magnetically until the sample is dissolved. Proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

Antibiotic	Weight in milligrams of sample	Solvent
Ampicillin-acid titration.	100	20 milliliters dimethylsulfoxide and 30 milliliters methyl alcohol.*
Ampicillin-base titration.	100	50 milliliters glacial acetic acid.
Ampicillin sodium-base titration.	50	50 milliliters glacial acetic acid.
Cephaloglycin-base titration.	50	50 milliliters glacial acetic acid.

*The methyl alcohol is added after the sample has dissolved in dimethylsulfoxide.

(d) *Blank determination.* Place the same volume of solvent used to prepare the sample solution into a titration vessel and proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

(e) *Titration procedures*—(1) *Acid titration.* Equilibrate the electrode by soaking it overnight in the solvent used for preparing the sample solution. Start the magnetic stirrer and titrate the sample solution with the lithium methoxide reagent. Record the change in potential of the solution with the addition of the titrant. Determine the number of milliliters of reagent consumed at neutralization (the inflection point of the titration curve). Calculate the antibiotic content as directed in the individual section.

(2) *Base titration.* Proceed as directed in subparagraph (1) of this paragraph, except use the perchloric acid reagent as the titrant and calculate the antibiotic content as directed in the individual section.

PART 148w—CEPHALOSPORIN

2. Part 148w is amended in § 148w.3 by revising paragraph (b)(5) to read as follows:

§ 148w.3 Nonsterile cephaloglycin dihydrate.

* * * * *

(b) * * *

(5) *Cephaloglycin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e) (2) of that section. Calculate the cephaloglycin content as follows:

$$\text{Percent cephaloglycin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (405.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A=Milliliters of perchloric acid reagent used in titrating the sample;

B=Milliliters of perchloric acid reagent used in titrating the blank;

m=Percent moisture content of the sample.

* * * * *

PART 149b—AMPICILLIN

3. Part 149b is amended:

a. In proposed § 149b.1 by additionally revising paragraphs (a) (1), (a) (3), and (b) (5), and by inserting a new subdivision (vi) in paragraph (a) (1) to read as follows:

§ 149b.1 Ampicillin trihydrate.

(a) * * *

(1) * * *

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin trihydrate.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e) (1) and (e) (2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A=Milliliters of lithium methoxide reagent used in titrating the sample;

B=Milliliters of lithium methoxide reagent used in titrating the blank;

m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A=Milliliters of perchloric acid reagent used in titrating the samples;

B=Milliliters of perchloric acid reagent used in titrating the blank;

m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

* * * * * * *

b. In the proposed revision of § 149b.2 by additionally revising paragraphs (a) (1), (a) (3), and (b) (7), and by inserting a new subdivision (viii) in the revision of paragraph (a) (1) to read as follows:

§ 149b.2 Sterile ampicillin trihydrate.

(a) * * *

(1) * * *

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

* * * * * *

(viii) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(ix) It is crystalline.

(x) It gives a positive identity test for ampicillin trihydrate.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e) (1) and (e) (2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A=Milliliters of lithium methoxide reagent used in titrating the sample;

B=Milliliters of lithium methoxide reagent used in titrating the blank;

m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:

A=Milliliters of perchloric acid reagent used in titrating the samples;

B=Milliliters of perchloric acid reagent used in titrating the blank;

m=Percent moisture content of the sample.

Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

* * * * * * *

c. In the proposed revision of § 149b.3 by additionally revising paragraphs (a) (1), (a) (3), and (b) (5), and by inserting a new subdivision (vi) in the revision of paragraph (a) (1) to read as follows:

§ 149b.3 Ampicillin.

(a) * * *

(1) * * *

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

* * * * *

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than six. The potency-acid titration concordance is such that the differ-

ence between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than six. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, safety, loss on drying, ph, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

d. In the proposed revision of § 149b.4 additionally revising paragraphs (a)(1), (a)(3), and (b)(7), and by inserting a new subdivision (viii) in the revision of paragraph (a)(1) to read as follows:

§ 149b.4 Sterile sodium ampicillin.

(a) * * *

(1) * * *

(i) Its potency is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram. If it is packaged for dispensing, it contains not less than 90 percent and not more than 115 percent of the number of milligrams of ampicillin that it is represented to contain.

* * * * *

(viii) The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(ix) It is crystalline.

(x) It passes the identity test for sodium ampicillin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the ampicillin content as follows:

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (174.7)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

§§ 149b.11, 149b.12, 149b.13, 149b.14, 149b.15, 149b.16, 149b.17, 149b.18, 149b.19, and 149b.20. [Amended]

e. In the proposed revision of §§ 149b.11, 149b.12, 149b.13, 149b.14, 149b.15, 149b.16, 149b.17, 149b.18, 149b.19, and 149b.20 by inserting the word "concordance," between "ampicillin content," and "crystallinity," in paragraph (a)(3)(i)(*a*) in each of these sections.

Interested persons may, on or before May 28, 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: March 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–5758 Filed 3–27–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–SO–20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 27, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Toccoa transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * longitude 83°17'40" W.) * * *" would be deleted and "* * * longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (latitude 34°30'20" N., longitude 83°33'15" W.) * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Habersham County Airport. A prescribed instrument approach procedure to this airport, utilizing the Toccoa VOR, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73–5827 Filed 3–27–73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 73–WA–15]

EXTENSION OF TEMPORARY RESTRICTED AREAS R–5116 A AND B

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to

Part 73 of the Federal Aviation Regulations which would extend the period of designation of temporary Restricted Areas R–5116 A and B at White Sands Proving Grounds, N. Mex.

Interested persons may participate in the proposed rulemaking by submitting 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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101.

All communications received on or before April 27, 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 Division Chief.

On August 5, 1972, an amendment to Part 73 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (37 FR 15857) which designated temporary Restricted Areas R–5116 A and B for the period October 1, 1972, through March 31, 1973.

On January 19, 1973, an amendment to Part 73 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (38 FR 1923) which extended the time of designation of Restricted Areas R–5116 A and B from April 1, 1973, through June 30, 1973.

Subsequent to the publication of these amendments, the Department of the Air Force submitted a further request for the designation of R–5116 A and B, from sunrise to sunset, for the period July 1, 1973, through September 30, 1973. This extension is needed to make up launch missions which were canceled because of adverse weather conditions, conflicting events, or system malfunctions. The area would be activated for only the minimum time needed for each launch mission, and the same procedures which are currently in effect would apply to this proposed designation. These procedures include: (1) Advance notification to the public, through all available news media and scheduled flight service station broadcasts, of the activation of these areas, and (2) coordination by the Air Force with the Albuquerque ARTC Center so the missile launchings will have a minimum impact on air traffic operations.

The proposed amendment would extend the time of designation of Restricted Areas R–5116 A and B from July 1, 1973, through September 30, 1973.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on March 16, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5828 Filed 3-27-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 72-WA-70]

AREA HIGH ROUTES

Proposed Alterations

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the following RNAV routes:

1. J951R from Washington, D.C., to St. Louis, Mo.
2. J974R from Washington, D.C., to Los Angeles, Calif.
3. J981R from Los Angeles, Calif., to Washington, D.C.
4. J982R from Los Angeles, Calif., to Kansas City, Mo.

Interested persons may participate in the proposed rulemaking by submitting 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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018. All communications received on or before April 27, 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 Division Chief.

The proposed amendment would:

1. Realine J951R from Front Royal, Va., via Henderson, W. Va.; thence via the present J951R to Mounds, Ill.

2. Realine J974R from Front Royal, Va., via Henderson, W. Va.; Minerva, Ky.; Marine, Ill.; thence via the present J981R (which will be renumbered J974R) to Springer, N. Mex.; Gallup, N. Mex.; thence via the present J974R to Morrow, Calif.

3. Realine J981R from Parker, Calif., via Prescott, Ariz.; Two Wells, N. Mex.; Mora, N. Mex.; Canadian, Tex.; thence via existing J974R (proposed for renumbering to J981R) to Irwin, Mo.; Sprott, Mo. (37°56'21" N., 90°16'20" W.); Canter, Ky. (38°16'02" N., 85°35'26" W.); Sanderson, W. Va.; to Diana, W. Va. (38°29'44" N., 80°11'01" W.).

4. Realine J982R so as to coincide with J981R as proposed herein from Parker, Calif., to Tangier, Okla.; thence via Wichita, Kans., to Factory, Kans.

J951R is established for Washington, D.C., to St. Louis, Mo., service and the route currently begins at Casanova, Va. The Washington center plans to use Casanova as an east flow inbound fix and plans to use Front Royal, Va., as a west flow outbound fix. Therefore, it is proposed herein to realine J951R from Front Royal to Henderson rather than Casanova to Henderson.

J974R is established for Washington to Los Angeles, Calif., service and the route begins at Casanova. This route is proposed for realinement from Front Royal to Henderson rather than Casanova to Henderson in order to coincide with Washington terminal flows. J974R currently crosses J981R (used for Los Angeles to Washington service) at Torreon, N. Mex. In order to eliminate this crossing, it is proposed to realine J974R so as to remain north of and laterally separated from J981R. This would require renumbering parts of the existing J981R as J974R and vice versa. In addition, some new segments are proposed to provide route continuity.

J981R is established for Los Angeles to Washington service and currently crosses J974R (used for Washington to Los Angeles service) at Torreon, N. Mex. In order to eliminate this crossing, it is proposed herein to realine J981R so as to remain south of and laterally separated from J974R. The existing initial segment of J981R between Seal Beach, Calif., and Parker, Calif., would be revoked since it is not used for en route traffic. The eastern end of the route would terminate at Diana, W. Va., rather than at Front Royal, Va., so as to properly coincide with Washington terminal flows.

J982R is established for Los Angeles to Kansas City service. Its current alinement conflicts with the proposed westbound traffic flow between Wichita, Kans., and Springer, N. Mex. The proposed realinement would make the route compatible with established and proposed traffic flows east of Los Angeles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5830 Filed 3-27-73;8:45 am]

[14 CFR Parts 121, 127, 135]

[Docket No. 12650; Notice No. 73-10]

SUPPLEMENTAL AIR CARRIERS, SCHEDULED AIR CARRIERS WITH HELICOPTERS, AND CERTAIN AIR TAXI OPERATIONS

Use of Certificated Land Airports

The Federal Aviation Administration is considering amending Parts 121, 127, and 135 of the Federal Aviation Regulations to require supplemental air carriers, scheduled air carriers with heli-

copters that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board, and air taxi operators when conducting operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier to conduct their operations into airports certificated by the FAA under the airport certification and operation rules when amended.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 17, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket, for examination by interested persons.

Part 139, Certification and Operations: Land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters), was issued on June 12, 1972, as an amendment to the Code of Federal Regulations effective July 21, 1972 (37 FR 12278). That part provides, insofar as is pertinent here, that, after May 20, 1973, no person may operate a land airport regularly serving any scheduled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the approved airport operations manual for that airport.

Subsequent to the issuance of Part 139, and in accordance with Notice 72-25 published in the FEDERAL REGISTER on September 20, 1972 (37 FR 19380), the FAA is amending Part 121 of the Federal Aviation Regulations by adding a new § 121.590 to Subpart T of Part 121 to require that domestic and flag air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) conduct their scheduled operations into regular airports certificated by the FAA under Part 139.

In Notice No. 73-8, published in the FEDERAL REGISTER March 12, 1973 (38 FR 6692), the FAA proposed to amend Part 139 of the Federal Aviation regulations to: (1) Broaden the applicability of Part 139 to make it applicable to all airports serving air carriers certificated by the Civl Aeronautics Board; (2) provide for the issuance of airport operating certificates to the airports that would be required by this proposal to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

Part 139 is currently applicable to land airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) into those airports. The preamble to Part 139 stated that further rules would be developed as soon as possible and in such depth as would comply with the legislative mandate of section 612 of the Federal Aviation Act of 1958, as to all other airports serving air carriers certificated by the Civil Aeronautics Board.

The proposed changes in the title of Part 139, as implemented by appropriate changes in the affected sections, would eliminate the original limitations of that part. Airport operating certificates would be required for all airports serving air carriers certificated by the Civil Aeronautics Board. Airports that do not regularly serve CAB-certificated scheduled air carriers operating large aircraft but do provide service to CAB-certificated air carriers include airports that serve: (1) Certificated supplemental air carriers; (2) certificated air carriers operating small aircraft (12,500 pounds or less maximum certificated takeoff weight); (3) certificated air carrier charter operations; (4) operators that conduct operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier; or (5) certificated air carriers operating helicopters.

Accordingly, the FAA considers it appropriate to supplement new § 121.590 with a proposal to extend the requirement for the use of airports certificated under part 139. Consistent with the safety objective of Part 139 and with the proposed changes, this proposal would require, in addition to domestic and flag air carriers already covered by § 121.590, supplemental air carriers governed by Part 121 and scheduled air carriers using helicopters that are governed by Part 127 to use certificated airports for their operations conducted in any State of the United States, the District of Columbia, or any territory or possession of the United States. Since not only regular airports, but also provisional and fueling airports, serve air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board, they will be required by Part 139, if amended, to be certificated. Consequently, the amendment proposed herein would require Part 121 supplemental air carriers and Part 127 scheduled air carriers with helicopters, when conducting operations governed by those parts, to operate exclusively at airports and heliports that are certificated under Part 139. In addition, the FAA proposes to extend the requirement for the use of airports certificated under Part 139 to Part '35 air taxi operators but only when they conduct operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier.

It should be noted that Part 121 of the Federal Aviation Regulations requires that under certain prevailing weather conditions an alternate airport alternate to the departure or destination airport) be designated in dispatching an air carrier flight, to be used in the event that weather conditions at the departure or destination airport are below landing minimums. With the improved weather forecasting techniques and radio navigation aids currently available, such airports are very infrequently used, and are therefore not considered as "serving" air carriers. Accordingly, air carriers that would otherwise be required to operate at airports certificated under Part 139 will not be required under this proposal to use certificated airports as alternates.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 121, 127, and 135 of the Federal Aviation Regulations as follows:

1. By amending § 121.590 of Part 121 to read as follows:

§ 121.590 Use of certificated land airports: Domestic, flag, and supplemental air carriers certificated by the CAB including their charter operations and their operations with small aircraft.

Unless otherwise authorized by the Administrator, after May 20, 1973, no domestic, flag, or supplemental air carrier and no pilot being used by them may, in the conduct of operations governed by this part, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. However, an air carrier may designate and use as a required alternate airport for departure or destination an airport that is not certificated under Part 139 of this chapter.

2. By adding a new § 127.218 to Subpart N of Part 127 to read as follows:

§ 127.218 Use of certificated heliports: Scheduled helicopter air carriers.

Unless otherwise authorized by the Administrator, after May 20, 1973, no scheduled helicopter air carrier and no pilot being used by it may, in the conduct of operations governed by this part, operate a helicopter into a heliport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that heliport is certificated under Part 139 of this chapter.

3. By adding a new § 135.120 to Subpart C of Part 135 to read as follows:

§ 135.120 Use of certificated airports: Operations conducted pursuant to a route substitution agreement.

Unless otherwise authorized by the Administrator after May 20, 1973, no ATCO certificate holder and no pilot

being used by it may, in the conduct of operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter.

However, a certificate holder may designate and use as a required alternate airport one that is not certificated under Part 139 of this chapter.

Issued in Washington, D.C., on March 16, 1973.

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

[FR Doc.73-5910 Filed 3-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

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

4,6-Dinitro-o-Cresol and Its Sodium Salt; Proposed Interim Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of California, Idaho, Oregon, Utah, and Washington; the U.S. Department of Agriculture; and the Northwest Horticultural Council submitted a petition (PP 1E1067) proposing establishment of an exemption from the requirement of a tolerance for residues of 4,6-dinitro-*o*-cresol and its sodium salt as plant regulators in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

This Agency has concluded that an interim tolerance of 0.02 part per million for residues of 4,6-dinitro-*o*-cresol and its sodium salt in or on apples should be established until processing of the pending petition is completed and action taken thereon.

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

1. 4,6-dinitro-*o*-cresol and its sodium salt are useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed interim tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.319 be amended by alphabetically inserting a new item in the table as follows:

§ 180.319 **Interim tolerances.**

* * * * *

Substance	Use	Tolerances in parts per million	Raw agricultural commodity
* * *	* * *	* * *	* * *
4,6-Dinitro-o-cresol and its sodium salt.	Plant regulator	0.02	Apples from application to apple trees at the blossom stage as a fruit-thinning agent.
* * *	* * *	* * *	* * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before April 27, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before April 27, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: March 22, 1973.

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

[FR Doc.73-5800 Filed 3-27-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-474]

UTILIZATION AND CONSERVATION OF NATURAL RESOURCES

Natural Gas

MARCH 26, 1973.

This notice, issued pursuant to 5 U.S.C. 553 and sections 4, 5, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717d, 717g), submits for public comment a proposed new section of our regulations (18 CFR 2.78(c)) that will define certain terms used by the Commission in orders issued in its Statement of Policy in Docket No. R-469 and in its Notice of Proposed Policy Statement in Docket No. R-467 (18 CFR 2.78 (a) and (b)) and its notice of proposed rulemaking in Docket No. R-468. These definitions are intended to standardize end use classifications and service priorities and thereby aid the industry in meeting its responsibilities to serve the public's needs during a critical nationwide gas supply shortage, and also to assist the Commission in discharging its regulatory responsibility to effectuate curtailment plans in a uniform, nondiscriminatory manner. In enunciating these definitions, we believe that the uniformity obtained will enhance the attainment of those goals.

In reaching the proposed definitions, the following considerations and objectives were involved:

Residential. In defining this category of service the primary consideration involves separating gas usage within a household unit from the central type of facilities associated with an apartment development. A problem may arise when considering multiunit complexes wherein service is rendered through a single meter. Such service may include the requirements of a central heating and air conditioning facility or individual types of uses such as gas stoves or separate space heating units. In this situation that portion of the requirement that is utilized on an individual dwelling unit basis should be considered as a residential service and that portion utilized within a central facility considered as a commercial use.

Commercial. This category is composed of those consumers whose primary function is the sale of goods or services either wholesale or retail and who purchase gas for their own use. Institutions such as hospitals, schools, etc., either public or private and Federal, State, and local government facilities would also fit within this category as providing a service. However, government facilities such as arsenals or publicly owned electric power generating facilities may provide several categories of service within the confines of the installation such as that to base housing, post exchanges and commissaries, offices, and steam or electric power generation. In this situation, the purchaser, although not actually involved in the resale of natural gas, does

perform a service similar to a distributor and, therefore, should report requirements on the same basis. Volumes should be segregated as to actual use within the facilities where possible.

Industrial. Aside from the usual industrial type of service (such as mining, manufacturing, prefabrication, and assembly) electric power generation for sale or distribution and agricultural utilization should also be considered within this category. There may be industrial customers that serve, within their industrial complex, residential and commercial facilities not specifically related to the plant operation such as company towns. These requirements should be treated similar to those uses within a defense installation and classified within each applicable category of end use.

Firm and interruptible service. The differentiation between firm and interruptible service centers primarily around the seller's obligation to deliver a specific volume of gas within a definite time frame. Another consideration would be whether or not the contract in question anticipated interruption on a regular basis or required installation of alternate fuel capability. A contract that provides for service subordinate to the maintenance of a higher priority of service on an emergency basis only would be considered as firm. Service provided at seller's option or on an "when, as, and if available" basis would be considered interruptible.

Plant protection. Plant protection volumes should be defined as the minimum gas requirements needed to protect equipment from physical harm or to prevent danger to human safety. It may include gas needed to protect materials in process but should not be construed to include deliveries to maintain plant production on a "business as usual" basis.

Feedstock gas. Feedstock gas is defined as gas used for its chemical properties in creating an end product rather than being utilized as a fuel.

Process gas. Process gas should be very narrowly defined and limited to those applications of natural gas as a fuel for which there is no technically feasible alternative. It appears that consideration of a broader definition would involve complicated economic judgments which may be beyond the scope of the objective to classify markets by end use.

Boiler fuel. The basic concept of boiler fuel is the use of gas as a fuel to raise steam. However, it appears necessary to include within this category industrial use of gas for turbine generation of electricity where the existence of the turbine unit could subvert a curtailment plan by diverting gas that would normally have been utilized in a boiler for the same ultimate purpose.

Alternate fuel capabilities. In order to provide a maximum incentive for natural gas consumers to install alternate facilities where possible, this term should be defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed. If such definition were to include only existing facilities, installed and operative, the consumer, with the foresight to do so, would be penalized and those without would be inclined to delay such installation.

Accordingly, it is proposed that, in considering curtailment and certificate matters coming within the context of Docket Nos. R-467, R-468 and R-469, certain terms used in § 2.78 (a) and (b) of our general policy and interpretations (18 CFR § 2.78 (a) and (b)) will be uniformly defined. To accomplish that end, we propose to amend our regulations under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f), to include a new section 2.78(c) that will read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

(c) When used in paragraphs (a) and (b) of this section, the following terms will be defined as follows:

(1) *Residential.* Service to customers which consists of direct natural gas usage in a residential dwelling for space heating, air conditioning, cooking, water heating, and other residential uses.

(2) *Commercial.* Service to customers engaged primarily in the sale of goods or services including institutions and local and Federal government agencies for uses other than those involving manufacturing or electric power generation.

(3) *Industrial.* Service to customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of electric power.

(4) *Firm service.* Service from schedules or contracts under which seller is expressly obligated to deliver specific volumes within a given time period and which anticipates no interruptions, but which may permit unexpected interruption in case the supply to higher priority customers is threatened.

(5) *Interruptible service.* Service from schedules or contracts under which seller is not expressly obligated to deliver specific volumes within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of alternate fuel capability.

(6) *Plant protection gas.* Is defined as minimum volumes required to prevent physical harm to the plant facilities or danger to plant personnel when such protection cannot be afforded through the use of an alternate fuel. This includes the protection of such material in process as would otherwise be destroyed, but shall not include deliveries required to maintain plant production.

(7) *Feedstock gas.* Is defined as gas used for its chemical properties, of natural gas as a raw material in creating an end product.

(8) *Process gas.* Is defined as gas use for which alternate fuels are not technically feasible such as in applications requiring precise temperature controls and precise flame characteristics.

(9) *Boiler fuel.* Is considered to be natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity.

(10) *Alternate fuel capabilities.* Is defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed.

Any interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 12, 1973, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5989 Filed 3-27-73;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 STATE

[Public Notice CM-18]

RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS STUDY GROUP

Notice of Meeting

A meeting of the Recognition and Enforcement of Foreign Judgments Study Group, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Monday, April 2, 1973, in room 231, Langdell Hall West, Harvard Law School, Cambridge, Mass. The meeting, which will begin at 10:30 a.m., will be open to the public.

The primary purpose of the meeting is to study the question of recognition and enforcement of foreign judgments, with particular emphasis on identifying the problems that should be resolved in bilateral treaties that the United States plans to negotiate on the subject in the near future.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room.

ROBERT E. DALTON,
Executive Director.

MARCH 23, 1973.

[FR Doc.73-5868 Filed 3-27-73;8:45 am]

[Public Notice CM-19]

STUDY GROUP ON MARITIME BILLS OF LADING

Notice of Meeting

A meeting of the Maritime Bills of Lading Study Group, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Wednesday, April 11, 1973, in room 5519 of the Department of State. The meeting, which will begin at 10 a.m., will be open to the public.

The primary purposes of the meeting are to consider a report on the work of the fourth and fifth sessions of the working group on this subject established by the United Nations Commission on International Trade Law (UNCITRAL) and to study issues and make recommendations on questions to be taken up at the next meeting of the working group.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Accordingly, members of the general public who plan to attend the meeting are requested to inform the Chairman of the Advisory Committee of their names and addresses prior to April 11. The mailing address of the Chairman is Office of the Legal Adviser, Department of State; the telephone number is area code 202—632-8134. All non-Government attendees at the meeting should use the C Street entrance to the building.

ROBERT E. DALTON,
Executive Director.

MARCH 14, 1973.

[FR Doc.73-5869 Filed 3-27-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Amos, Charles G., 3795 West Outer Drive, Detroit, MI, convicted on December 12, 1949, by a General Court-martial convened at Osaka, Honshu, Japan, and on April 13, 1956, in the Recorders Court for the city of Detroit, Mich.

Beetem, Denver L., Sr., 142 A Street, Lincoln, NE, convicted on March 27, 1970, in the District Court, Third Judicial District of Nebraska for Lancaster County.

Bell, Bennie Franklin, Jr., Route 1, Box 242, Rogers Lane, Austin, TX, convicted on April 14, 1960, in the Criminal District Court, Travis County, Tex.

Bell, Wayne F., 17421 Spanaway Lane East, Spanaway, WA, convicted on May 20, 1959, in the Superior Court of the State of California in and for the county of San Diego, and January 25, 1960, in the Superior Court of the State of Washington in and for Pierce County.

Davenport, Richard L., 3017 South 17th Street, Apartment No. 3, Lincoln, NE, convicted on January 12, 1965, in the District Court of Cherry County, Nebr.

Edgington, Robert W., 920 Frazier Street, Des Moines, IA, convicted on July 15, 1946, and September 21, 1954, in Polk County District Court, Des Moines, Iowa, and on January 14, 1949, in Lee County District Court, Keokuk, Iowa.

Frederick, Donald Wayne, 408-12th Street West, Birmingham, AL, convicted on or about June 6, 1968, before a general court-martial convened at Fort Gordon, Ga., and on January 14, 1969, by the Jefferson County Court, Jefferson County, Ala.

Gilbert, Jack B., Durham, N.C., convicted on or about March 25, 1964, in the U.S. District Court for the Middle District of North Carolina.

Hamilton, Henry, 1513 32d Avenue South, Seattle, WA, convicted on May 19, 1947, in the District Court, 25th Judicial District, Guadalupe County, Tex., and on September 24, 1947, in the District Court in and for the county of Hays, Tex.

Hilliker, Thomas P., Route No. 1, 466 North Coleman Road, Shepherd, MI, convicted on January 16, 1958, in the Circuit Court for the county of Iosco, Tawas City, Mich.

Hubbard, Jerome L., 42 Willow Lane, Mount Vernon, WA, convicted on August 28, 1962, in the District Court, 4th Judicial District, Sheridan, Wyo., and on January 24, 1966, in the Circuit Court of the State of Oregon, county of Multnomah, and on September 28, 1966, in the Superior Court of the State of Washington, county of Spokane.

Jones, Emmett, 6526 Sterling Street, Detroit, MI, convicted on May 20, 1936, in the Court of Quarter Sessions of the Peace for the County of Allegheny, Pa., and in the Court of Oyer and Terminer and General Jail Delivery for the County of Allegheny, Pa., and on October 22, 1948, in the Court of Quarter Sessions, of the Peace for the County of Allegheny, Pa., and on July 19, 1956, in the Justice Court for Wayne County, Mich.

Kiddy, Lester Raymond, 8101 Oakridge Drive SW., Tacoma, WA, convicted on April 20, 1965, in the Superior Court for the State of Washington in and for Spokane County.

Maranville, Jackie A., Walnut Cove, N.C., convicted on May 5, 1970, in the U.S. District Court for the Middle District of North Carolina.

Melloway, Carl L., 1115 Hikam Street, Boonville, MO, convicted on December 10, 1962, in the Circuit Court of Boone County, Mo.

Numrick, John E., 921 Indiana Avenue, Springfield, IL, convicted on October 21, 1935, in the U.S. District Court, District of Wyoming.

Patterson, Gerald F., 412 East Sheridan Road, Lansing, MI, convicted on March 29, 1930, January 16, 1933, and on April 5, 1944, in the Circuit Court for the county of Ingham.

Rakes, Frank W., Route 3, Box 174, Ferrum, VA, convicted on November 9, 1964, in the U.S. District Court, Western District, Va.

Richards, Johnny F., 308 West Dunklin, Jefferson City, MO, convicted on August 15, 1969, in the U.S. District Court, Southern District, Iowa.

Sawicki, William V., 2373 Neibel Street, Hamtramck, MI, convicted on February 25, 1939, in the U.S. District Court, Eastern District of Michigan, Detroit, Mich.

Spadaro, Frank, 340 East 66th Street, New York, NY, convicted on or about November 19, 1956, by the Kings County Court, Kings County, N.Y.

Springstead, Richard Allen, 1825 Beach Avenue NE, Salem, OR, convicted on April 26, 1955, in the Circuit Court of the State of Oregon for the county of Lane, and on March 24, 1958, in the Circuit Court of the State of Oregon for the county of Marion,

and on April 23, 1963, in the Superior Court of the State of California in and for the county of Santa Barbara.

Sprinkel, Ferre La Faun, Post Office Box 652, Kent, WA, convicted on October 10, 1950, in the Superior Court of the State of Washington for Spokane County, and on August 26, 1953, in the U.S. District Court for the Western District of Pennsylvania, and February 1, 1955, in the Circuit Court of the State of Oregon for the county of Multnomah, and on June 13, 1957, in the Superior Court of the State of California in and for the county of Kern, and on October 13, 1959, in the Superior Court of the State of California in and for the county of San Joaquin.

Thompkins, James E., 700 Judson Street, Apartment C, Evansville, IN, convicted on August 8, 1946, in Vanderburgh Circuit Court, Evansville, Ind.

Walker, Dale E., 4400A Gibson Avenue, St. Louis, MO, convicted on March 19, 1962, in the Circuit Court for Franklin County, Mo.

Yohe, Donald L., Rural Delivery No. 2, Mount Joy, PA, convicted on September 22, 1967, in the Cumberland County Court, Carlisle, Pa.

Signed at Washington, D.C., this 21st day of March 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-5848 Filed 3-27-73;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 17]

COVENANT MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $986,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Covenant Mutual Insurance Company
Hartford, Connecticut
Connecticut

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in the Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 22, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-5849 Filed 3-27-73;8:45 am]

Internal Revenue Service

[Order No. 83 (Rev. 4)]

DIRECTOR OF INTERNATIONAL OPERATIONS ET AL.

Authority To Permit Inspection of Certain Returns and Related Documents

Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6103(a)-1, authority is delegated as follows:

1. District Directors, the Director of International Operations, Service Center Directors, and the Chief, Disclosure Staff, are authorized to permit inspection of returns in their custody by any applicant eligible therefor in accordance with paragraph (c) of § 301.6103(a)-1, including any applicant with respect to whom inspection is made discretionary with the Secretary or the Commissioner or the delegate of either, provided such applicant meets the requirements embodied by such paragraph. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

2. District Directors, the Director of International Operations, Service Center Directors, and the Chief, Disclosure Staff, are authorized to furnish returns, or copies thereof, without written application, to United States Attorneys and attorneys of the Department of Justice, in accordance with paragraph (h) of § 301.6103(a)-1, for official use in proceedings before a U.S. grand jury or in litigation in any court provided such use pertains to the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States, or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of Treasury to the Department of Justice for such prosecution or defense.

3. The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, are authorized to act on all other requests not covered in paragraph 2 above, from U.S. attorneys and attorneys of the Department of Justice for inspection and copies of returns, in accordance with paragraphs (g) and (h) of § 301.6103(a)-1.

4. The authority delegated in paragraphs 1 and 2 may be redelegated, but not lower than to Division Chiefs. The authority delegated in paragraph 3 may not be redelegated.

5. This Order supersedes Delegation Order No. 83 (Rev. 3), issued February 28, 1972.

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

[FR Doc.73-5945 Filed 3-27-73;8:45 am]

Office of the Secretary

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Withholding of Appraisement Notice

Information was received on August 21, 1972, that germanium point contact diodes from Japan are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 23, 1972, on page 20047. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of germanium point contact diodes from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting included inland freight and shipping charges from the f.o.b. or f.o.r. export price, as appropriate.

Adjusted home market price will probably be based on the weighted-average delivered price with a deduction for inland freight. Adjustments will probably be made for differences in packing costs.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of germanium point contact diodes from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

Germanium point contact diodes produced by Tokyo Shibaura Electric Co., Ltd. (Toshiba), of Tokyo, Japan, are excluded from this withholding of appraisement since 100 percent of its export sales during the period under consideration were examined and the home market price of Toshiba's merchandise was found to be lower than the purchase price of identical merchandise in every instance.

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than April 9, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on March 28, 1973. It shall cease to be effective on September 28, 1973, unless previously revoked.

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

MARCH 23, 1973.

[FR Doc.73-6022 Filed 3-27-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of the April 19, 1973, meeting of the U.S. Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 330, Aberdeen Proving Ground, Md. The purpose of the meeting is to receive comments from the Committee regarding research and development projects presented at the Spring Quarterly Technical Review of the laboratory program.

This meeting will not be open to the public.

R. J. EICHELBERGER,
Director.

[FR Doc.73-5816 Filed 3-27-73;8:45 am]

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on April 12, 1973, in the U.S. Mission to the North Atlantic Treaty Organization, Brussels, Belgium.

The agenda topics will be trends in the defense budgets of Alliance nations, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 41.44.00, Extension 5722, or write the Executive Secretary, Defense Industry Advisory Group, USNATO, Headquarters NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence & Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-5918 Filed 3-27-73;8:45 am]

DOD WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, April 3, 1973.
Tuesday, April 10, 1973.
Tuesday, April 17, 1973.
Tuesday, April 24, 1973.

These meetings will convene at 9:30 a.m. and will be held in room 1E-801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees paid from appropriated funds pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b)(2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, room 3D-281, the Pentagon, Washington, D.C.

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

[FR Doc.73-5919 Filed 3-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 718]

NEW MEXICO

Notice of Filing of Plat of Survey and Resurvey; Correction

MARCH 13, 1973.

In FR Doc. 73-3153 appearing on page 4682 of the FEDERAL REGISTER issue of Tuesday, February 20, 1973 (38 FR 4682), the following corrections should be made:

In T. 18 S., R. 10 E., change "Sec. 16, NE¼, E½E½SE¼" to "Sec. 16, E½."

Change total area to 320 acres.

In paragraph 2, fourth sentence, following the word "purchase" add "a portion of" * * *

FRED E. PADILLA,
Acting Chief, Division of Technical Services.

[FR Doc.73-5821 Filed 3-27-73;8:45 am]

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on March 29, 1973, commencing at 1 p.m., in the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, Eugene, OR. The agenda for the meeting includes election of chairman and vice-chairman, consideration of the Eugene District's proposed timber sale plan for fiscal year 1974, progress in reforestation during fiscal year 1973, and public involvement in developing recreation management plans for the McKenzie River area.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or cochairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the cochairman: Eugene District Manager, Post Office Box 392, Eugene, OR 97401.

JOSEPH C. DOSE,
Eugene District Manager.

MARCH 7, 1973.

[FR Doc.73-5843 Filed 3-27-73;8:45 am]

Office of the Secretary

[INT DES 73-16]

PROPOSED WILDERNESS DESIGNATION FOR GLACIER BAY NATIONAL MONUMENT, ALASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed wilderness designation for Glacier Bay National Monument, Alaska, and invites written comment on or before May 14, 1973. Written comments should be addressed to the Director, Pacific Northwest Region, or the Superintendent, Glacier Bay National Monument at the addresses given below.

The draft environmental statement considers the designation of 2,052,700 acres in Glacier Bay National Monument as wilderness.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region, National Park Service, 523 Fourth and Pike Building, Seattle, Wash. 98101.

Superintendent, Glacier Bay National Monument, Gustavus, Alaska 99826.

Dated: March 22, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5824 Filed 3-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Council will meet on April 12, 1973, 8 p.m., at Tony's Country Inn.

The purpose of this meeting is to present and obtain comment on the Metolius and Cache Mountain Land Resource Planning effort.

The meeting will be open to the public.

EARL E. NICHOLS,
Forest Supervisor.

MARCH 20, 1973.

[FR Doc.73-5818 Filed 3-27-73;8:45 am]

FLATHEAD NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Flathead National Forest Advisory Committee will meet at 7:30 p.m., April 11, 1973, at the Forest Supervisor's Office, 290 North Main, Kalispell, MT.

The purpose of this meeting is to discuss Flathead National Forest policies on Cooperative Agreements and Special Use Permits.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Marge Williams, Kalispell, 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 participation will be limited to the last half hour of meeting.

Dated: March 15, 1973.

E. L. CORPE,
Forest Supervisor.

[FR Doc.73-5817 Filed 3-27-73;8:45 am]

SALMON RIVER BREAKS PRIMITIVE AREA PUBLIC ADVISORY COMMITTEE

Notice of Meeting

The Salmon River Breaks Primitive Area Public Advisory Committee will meet on Friday, April 27, 1973, at 9 a.m., at the Holiday Inn, Missoula, Mont. The purpose of the meeting will be to present the results of the public reaction to the management alternatives for the primitive area and to obtain committee advice on a management proposal.

The meeting will be open to the public. Persons who wish to attend should notify Ray D. Hunter, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840, telephone: 406—363-3131.

Written statements may be filed with the committee until 12 noon on April 27, 1973. Discussion and debate between the public and the committee is not within the scope of the meeting.

Dated: March 20, 1973.

ORVILLE L. DANIELS,
Forest Supervisor,
Bitterroot National Forest.

[FR Doc.73-5842 Filed 3-27-73;8:45 am]

Soil Conservation Service

GEORGETOWN CREEK WATERSHED PROJECT, IDAHO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Georgetown Creek Watershed Project, Bear Lake County, Idaho, USDA-SCS-ES-WS-(ADM)-73-3(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement include conservation land treatment supplemented by 8,500 feet of channel alteration and conversion from a surface to a pressure distribution irrigation system for 3,500 acres of cropland.

The final environmental statement was transmitted to CEQ on March 6, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 345, 304 North Eighth Street, Boise, ID 83702.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $5.50.

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

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc.73-5936 Filed 3-27-73;8:45 am]

INDIAN CREEK WATERSHED PROJECT, VA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Indian Creek Watershed Project, city of Chesapeake, Va., USDA-SCS-ES-WS-(ADM)-73-35(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by about 2.25 miles of channel modification.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 9201, Federal Building, 400 North Eighth Street, Richmond, VA 23240.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to David N. Grimwood, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Post Office Box 10026, Federal Building, Richmond, VA 23240.

Comments must be received on or before May 21, 1973, in order to be considered in the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc. 73-5935 Filed 3-27-73;8:45 am]

OIL CREEK WATERSHED PROJECT, PENNSYLVANIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Oil Creek Watershed Project, Crawford, Erie, Venango, and Warren Counties, Pa., USDA-SCS-ES-WS-(ADM)-73-36(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and six single purpose dams to provide flood prevention.

This draft environmental statement was transmitted to CEQ on March 12, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 320, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $4.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Envi-

ronmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Benny Martin, State Conservationist, Soil Conservation Service, Box 985 Federal Square Station, Harrisburg, PA 17108.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc.73-5934 Filed 3-27-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case No. 346]

ERWIN TAUTNER

Order Conditionally Restoring Export Privileges

By order effective August 31, 1965 (30 FR 11180), the above-named respondent (Erwin Tautner; Gruenbach, Austria) and other parties were denied all U.S. export privileges for the duration of export controls.[1] The order included a provision to the effect that 5 years after the date thereof the above respondent might apply for modification of the denial order. The respondent filed such application dated January 12, 1973. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondent's representations and otherwise from information in possession of the Compliance Division, Office of Export Control, that conditional restoration of said respondent's export privileges is consistent with the purposes of the export control program. The Hearing Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent and placing him on probation for 2 years.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of Erwin Tautner's export privileges and placing him on probation for 2 years is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and regulations thereunder.

Accordingly, it is hereby ordered, That the export privileges of Erwin Tautner be and hereby are restored conditionally, and the said respondent is placed on probation for 2 years from the date of this order. The conditions of probation are that the said respondent: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government, acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective forthwith.

Dated: March 21, 1973.

RAUER H. MEYER,
Director, Office of Export Control, Bureau of East-West Trade.

[FR Doc.73-5819 Filed 3-27-73;8:45 am]

[1] The order was issued by the Office of Export Control which was formerly in the Bureau of International Commerce. By departmental orders effective November 17, 1972, the Office of Export Control is now in the Bureau of East-West Trade (37 FR 25535 and 25557).

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR

Patent application—323557. Production of Niobium and Tantalum. Filed January 15, 1973. PC $3/MF $0.95.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application—31175. Programmable Physiological Infusion. Filed December 1, 1972. PC $3/MF $0.95.

Patent application—288857. Hand-Held Photomicroscope. Filed September 13, 1972. PC $3/MF $0.95.

Patent application—305639. Magnetocaloric Pump. Filed November 10, 1972. PC $3/MF $0.95.

Patent application—302681. Explosively welded Scarf Joint. Filed November 1, 1972. PC $3/MF $0.95.

[FR Doc.73-5734 Filed 3-27-73;8:45 am]

Office of Import Programs

ENVIRONMENTAL PROTECTION AGENCY

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

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 1656 in the FEDERAL REGISTER of Wednesday, January 17, 1973, the following docket should be deleted:

Docket Number: 72-00599-33-46595. Applicant: Environmental Protection Agency, Research Division, 12709 Twinbrook Parkway, Room 40-B, Rockville, MD 20852. Article: Pyramitome, Model LKB 11800. Date of denial without prejudice to resubmission: September 25, 1972.

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

[FR Doc.73-5844 Filed 3-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

DEVELOPMENTAL RESEARCH WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Research Working Group, April 6, 1973, 9 a.m., National Institutes of Health, Building 37, Conference Room 1B-16. This meeting will be open to the public from 9-9:30 a.m., April 6, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 6, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. 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.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B–14, National Institutes of Health, Bethesda, Md. 20014 (301–496–3323) will provide substantive program information.

Dated: March 20, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73–5820 Filed 3–27–73;8:45 am]

MEDICAL SCIENTIST TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Scientist Training Committee, National Institute of General Medical Sciences, April 20, 1973, 9 a.m., Marlborough-Blenheim Hotel, Atlantic City, N.J. This meeting will be open to the public from 9 a.m. to 11 a.m., April 20, 1973, to discuss administrative details of the committee and closed to the public from 11 a.m. to 5 p.m., April 20, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code for grants and contracts and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer, NIGMS, Building 31, Room 4A46, Bethesda, Md. 20014, telephone: 301–496–5676, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Leo von Euler, Executive Secretary, Westwood Building, Room 904, telephone: 301–496–7563.

Dated: March 22, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, NIH.

[FR Doc.73–5846 Filed 3–27–73;8:45 am]

Office of the Secretary

OFFICE OF ENVIRONMENTAL AFFAIRS

Statement of Organization, Functions and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to reflect the transfer of the Office of Environmental Affairs (38 FR 1135) from the Office of the Assistant Secretary (Community and Field Services) to the Office of the Assistant Secretary for Administration and Management. The amended section reads as follows:

SECTION 1T01006.00 *Organization.* The Director, Office of Environmental Affairs, reports to the Assistant Secretary for Administration and Management.

SEC. 1T01006.10 *Functions.* The Office of Environmental Affairs coordinates environmental activities. In so doing, the Office: Develops departmental policy, procedures, and criteria in implementation of the National Environmental Policy Act of 1969, and recommends the approval of such to the Secretary; coordinates the development of internal procedures and criteria; monitors compliance and approves the issuance of draft and final Environmental Impact Statements and the issuance of official DHEW comments with respect to impact statements submitted for review by other Departments; provides technical assistance to State and local agencies; and maintains liaison with the Council on Environmental Quality and the Environmental Protection Agency.

Dated: March 22, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73–5834 Filed 3–27–73;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on medicare matters, will meet on Monday, April 9, 1973, at 9 a.m., in Room 5169 of the Department of Health, Education, and Welfare North Building, Third and C Streets, Washington, D.C. The meeting is open to the public. The Committee will consider matters relating to administration, contracting, and subcontracting.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: March 22, 1973.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.73–5907 Filed 3–27–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N–73–145]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Offer To Provide Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

The purposes of this notice are:

(1) To publicly offer Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year commencing May 1, 1973 and ending April 30, 1974;

(2) To provide the method by which the offer may be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1973–74).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the May 1, 1973 to April 30, 1974 contract year must appear in time for acceptance by eligible insurers on or before April 30, 1973, this notice of offer to provide insurance against excess aggregate losses resulting from riots or civil disorders is effective March 28, 1973.

The Standard Reinsurance Contract (1973–74) provides for an aggregate basic premium rate of $0.05 per $100 of direct premiums earned on lines reinsured.

Payment of an additional premium will be required if the total amount of all excess aggregate losses paid by the reinsurer under all Standard Reinsurance Contracts issued for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all aggregate basic premiums under all such contracts.

The maximum amount of the additional premium is four times the insurer's aggregate basic premium.

The additional premium shall be equal to: The amount of the insurer's aggregate basic premium if there is an excess of all paid losses over all aggregate basic premiums; twice that amount if the excess is greater than the total amount of all aggregate basic premiums but does not exceed twice that amount; three times that amount if the excess is greater than twice the amount of all aggregate basic premiums but does not exceed three times that amount; four times that amount, if the excess is greater than three times the total amount of all aggregate basic premiums under all such contracts.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at 6 percent (6%) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

OFFER TO PROVIDE REINSURANCE

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb–1749bbb–21), subject to all regulations promulgated thereunder and to the terms and conditions set forth in the Standard Reinsurance Contract (1973–74) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "reinsurer") offers to enter into the Standard Reinsurance Contract (1973–74), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. The reinsurer's offer to provide reinsurance is effective March 28, 1973.

METHOD OF ACCEPTANCE OF OFFER

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. If the date and time of dispatch of the notice of acceptance are no later than midnight, e.s.t., April 30, 1973, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., May 1, 1973. If the date and time of dispatch of the notice of acceptance are later than midnight, e.s.t., April 30, 1973, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatch notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1973–74), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and [specify] optional lines in the following States: [specify].

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1973–74), Form HUD 1601, for execution and return to the reinsurer.

TERMS AND CONDITIONS OF THE STANDARD REINSURANCE CONTRACT (1973–74)

[At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.]

THIS CONTRACT, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above (hereinafter referred to as the "Company"):

WITNESSETH:

Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the Company, the amount of the Company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

SECTION I. *Policies reinsured.* This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVII.

LINES OF MANDATORY COVERAGE

(A) Fire and extended coverage;
(B) Vandalism and malicious mischief;
(C) Other allied lines of fire insurance;
(D) Burglary and theft; and
(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

LINES OF OPTIONAL COVERAGE

(F) Inland marine;
(G) Glass;
(H) Boiler and machinery;
(I) Ocean marine;
(J) Aircraft physical damage.

SEC. II. *Premiums.* The aggregate basic premium due the Reinsurer for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of five hundredths of one per centum (0.05 percent) to an aggregate premium base consisting of the sum of the products of the Company's direct premiums earned in each State for each reinsured line for the calendar year 1972 multiplied by the specified percentage of such earned premium, as defined in sec. XVII of this contract.

If the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts, the Company shall be obligated to pay the Reinsurer, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts from the total amount of all excess aggregate losses paid by the Reinsurer under all such contracts. The amount of the additional premium shall be equal to the product of the Company's aggregate basic premium multiplied:

By a factor of one, if the remainder is less than or equal to the total amount of all aggregate basic premiums under all such contracts;

By a factor of two, if the remainder is greater than the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twice that amount;

By a factor of three, if the remainder is greater than twice the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three times that amount; or

By a factor of four, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the Company on the basis of its direct premiums earned in the calendar year 1971 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the Company had no premium writings in 1971, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25 for each State in which reinsurance is provided under this contract. The advance premium shall be paid to the Reinsurer without demand within 30 days from the effective date of coverage.

At the option of the Reinsurer and prior to adjustment, the Company shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amount of the Company's advance premium shall be payable to the Reinsurer if the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued by the Reinsurer for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all estimated premiums collected by the Reinsurer under all such contracts (the total amount of all advance premiums plus the total amount of any estimated additional premium payments). The total amount of estimated additional premium payments, whether required separately or concurrently, shall not exceed four times the amount of the Company's advance premium. The actual amount of the additional premium shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraphs and sec. VII.

With the exception of the advance premium which is due without demand of the Reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the Reinsurer. Interest shall accrue at 6 percent (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the Reinsurer in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in sec. VI.

SEC. III. *Assessments.* If any other company (or companies) reinsured by the Reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of this contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the Reinsurer, then the Company, on demand of the Reinsurer, shall pay to the Reinsurer an assessment sufficient to meet the Company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1974 (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

(A) The amount, if any, by which the Company's net retention in lines reinsured hereunder in such State exceeds the Company's aggregate losses in such lines, bears to

(B) The aggregate amount of unabsorbed net retention for all the lines of insurance

of all companies reinsured hereunder in such State,

but such share shall not exceed the amount of the Company's unabsorbed net retention under (A). An assessment will be required only after the termination of coverage provided by this contract.

SEC. IV. *Claims.* The Company shall advise the Reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1971.

When the Company incurs aggregate losses which exceed its net retention in any State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the Reinsurer, and following the receipt of such certifications and documentation the Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1972 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1973.

SEC. V. *Inception and expiration dates.* Provided the Company has requested reinsurance by States and lines of coverage on or before April 30, 1973, this Standard Reinsurance Contract shall be in effect from 12:01 a.m. e.s.t. on May 1, 1973, and shall expire at 12:00 p.m. (midnight) e.s.t. on April 30, 1974, unless sooner terminated.

If the Company applies for coverage on or after May 1, 1973, this contract shall be effective from 12:01 a.m. e.s.t. on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the Company requests coverage by State and line and otherwise complies with the eligibility requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termination of this contract.

SEC. VI. *Cancellations.* Reinsurance under this contract may be canceled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under sec. VII; provided, however, that no coverage shall attach under this contract if the Company has wilfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be canceled by the Reinsurer in its entirety or with respect to any State upon 30 days written notice to the Company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of sec. XII.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of—

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including April 30, 1974.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1973. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of sec. VII hereof.

SEC. VII. *Adjustments.* The Company shall report to the Reinsurer within 60 days after request its direct premiums earned for the calendar year 1973 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the Company had no premium writings in such line in 1973 shall be the direct premiums earned for the first four months of 1974 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under this contract.

On or before July 31, 1974, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed hereinunder.

SEC. VIII. *Insolvency.* In the event of insolvency of the Company the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the Company.

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

SEC. IX. *Errors and omissions.* Inadvertent delays, errors, or omisisons made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

SEC. X. *Restriction of benefits.* No Member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

SEC. XI. *Participation in statewide plans.* No reinsurance shall be offered or effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

SEC. XII. *Limitations on reinsurance.* Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the Company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the Reinsurer, as necessary, for

the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb-9(a)), paid by the Reinsurer under this contract.

The Reinsurer shall cancel coverage, in accordance with the provisions of this contract, with respect to any State in which—

(A) the Reinsurer has found (after consultation with the State insurance authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria or eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(C) the Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's statutory or regulatory criteria or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Company be continued, up to and including April 30, 1974, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb–1749bbb–21, as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto prior to the inception of any particular coverage provided under this contract.

SEC. XIII. *Arbitration.* If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provision of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsurer or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

SEC. XIV. *Access to books and records.* The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

SEC. XV. *Information and annual statements.* The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as filed with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

SEC. XVI. *Exclusions.* Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course or flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

SEC. XVII. *Definitions.* As used in this contract the term—

(1) "aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control;

then all such related, associated, or affiliated companies, excluding nonadmitted companies which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems of insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year, in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of—

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of this contract, after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under sec. XVI;

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of 2½ percent (2½%) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1972 on those lines of insurance hereby reinsured;

(8) "Riot" means:

(A) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

"Civil disorder" means:

(B) Any pattern of unlawful incidents taking place within close proximity as to time and place and involving property damage intentionally caused by persons apparently having civil disruption, civil disobedience, or civil protest as a primary motivation, at least two of which incidents result

in property damage in excess of $1,000 each; or

(C) Any occurrence of property damage in excess of $2,000 caused by persons whose unlawful conduct in causing the occurrence clearly manifests their primary purpose of civil disruption, civil disobedience, or civil protest;

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract, except that the specified percentage of Homeowners multiple peril shall be 85 percent (85%) and that of Commercial multiple peril shall be 65 percent (65%);

(10) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb-3—1749bbb-6a).

SEC. XVIII. *Schedule of coverages.* The Company shall indicate with an (X) in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with sec. XI of this contract.

The Company shall also indicate by State with an (X) in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

[The schedule of mandatory and optional coverages by State and line is set forth at this point in the Contract.]

Effective date. This Notice of Offer shall be effective on March 28, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5845 Filed 3-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Pet-No. 76]

ALGERS, WINSLOW & WESTERN RAILWAY CO.

Notice of Petition for Exemption From Hours of Service Act

MARCH 20, 1973.

The Algers, Winslow & Western Railway Co., has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. sec. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 76, 400 Seventh Street SW., Washington, DC 20590. Communications received before April 25, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-5832 Filed 3-27-73;8:45 am]

[FRA-Pet-No. 75]

OREGON & NORTHWESTERN RAILROAD CO.

Notice of Petition for Exemption From Hours of Service Act

MARCH 19, 1973.

The Oregon & Northwestern Railroad Co., has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 75, 400 Seventh Street SW., Washington, DC 20590. Communications received before April 23, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-5831 Filed 3-27-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25346; Order 73-3-89]

RAMAR AIR FREIGHT CORP.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of March 1973.

By tariff revisions filed February 22, and marked to become effective March 24, 1973, Ramar Air Freight Corp. (Ramar), an air freight forwarder, proposes, inter alia, to increase excess valuation charges from 20 to 30 cents per $100 of excess valuation applicable to that portion of the shipper's declared value in excess of 50 cents per pound or $50 per shipment, whichever is higher, and lower the time allowed for filing a formal claim in all cases except claims for loss from approximately 9 months to as little as 7 days.

In support of its filing, the forwarder asserts that it is "Updating Ramar's rules and regulations to reflect current direct carriers provisions."

Upon consideration of all relevant matters, the Board finds that Ramar's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these revisions should be suspended pending investigation.

In support of its proposed increase in excess value charges, Ramar makes no showing that existing revenues from such charges do not cover the claim expenses incurred in connection with excess value shipments. Our conclusion, in this case, is consistent with the Board's decision as a result of an investigation in "Increased excess value charge proposed by Imperial Air Freight Service, Inc.", Docket 23538, wherein increase from 15 to 25 cents per $100 was found unlawful on the ground that "(Imperial) failed to submit the necessary data upon which to establish the relationship between excess valuation revenues and costs."[1] Also, the proposed rate of 30 cents per $100 is significantly above the current rates of 15–20 cents of most forwarders and 10–15 cents of the airlines.

Direct carriers and most major forwarders, including Ramar, provide approximately 9 months for the filing of all formal claims, and a 15-day time limit for initially reporting concealed loss and damage claims. Ramar's proposal does not require initial reporting, but provides time limits for filing formal claims of 7 days for damage claims and 14 days for delay claims. The Board, by Order 71-7-87, inter alia, suspended a proposal by Midland Forwarding Corporation doing business as ABC Air Freight, another forwarder, to reduce the time limit for reporting concealed loss and damage claims from 12 to 7 days on the ground that such time limit was more stringent than the time limits currently in effect for the direct carriers and the majority of other forwarders.[2]

Our action is consistent with the aforementioned order in that Ramar's proposed time limits for formal filing appear unreasonably short compared with other carriers and would have the effect of denying shippers the right to claim damages that might otherwise be legitimate and reasonable.

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

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 15(E)(2) on original page 6 and the provisions in Rule No. 60 (A) on original page 13 and original page 14 of Ramar Air Freight Corp.'s CAB No. 3 and rules, regulations or practices affecting such charges and provisions are, or will be unjust, unreasonable, unjustly discriminatory, unduly prefer-

[1] Orders 72-4-141/142, dated Apr. 26, 1972.

[2] The Board is suspending this entire rule (although Ramar's proposed 270-day time limit for filing formal claims for loss is generally less stringent than its current provisions and similar to those of other forwarders and direct carriers) since the tariff does not lend itself to partial suspension of this rule.

ential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 15(E)(2) on original page 6 and the provisions in Rule No. 60(A) on original page 13 and original page 14 of Ramar Air Freight Corp.'s CAB No. 3 are suspended and their use deferred to and including June 21, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket No. 25346 be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Ramar Air Freight Corp., which is hereby made party to Docket No. 25346.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5917 Filed 3-27-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5854 Filed 3-27-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Director, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAME. C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5855 Filed 3-27-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Director, Office of Federal Drug Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5856 Filed 3-27-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695 and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, March 28, 1973, and every Wednesday thereafter until further notice, in the main Conference Room of the Cost of Living Council, Seventh Floor, 2000 M Street NW., Washington, DC.

The Food Industry Wage and Salary Committee will be holding these meetings to perform five basic functions:

1. Review all remaining food industry wage and salary cases filed before January 11, 1973, and advise on the disposition of these cases under Phase II Regulations.

2. Review all new food industry wage and salary cases filed since January 11, 1973, and advise on the disposition of these cases under existing regulations.

3. Advise the Cost of Living Council and the Labor-Management Advisory Committee relative to any wage stabilization policies which are necessary to meet the special problems of the food industry (and its various branches) within the general framework of wage stabilization policies.

4. Cooperate with labor and management organizations in the food industry which operate under collective bargaining agreements and with appropriate government agencies to facilitate the settlement of disputes in 1973 within stabilization policies and to encourage longer-run dispute settlement machinery and procedures.

5. Work with labor and management organizations in the food industry under collective bargaining agreements to improve the structure and performance of collective bargaining in the industry.

The Director of the Cost of Living Council has determined that the meeting to be held on March 28, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on March 27, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-6099 Filed 3-27-73;10:37 am]

FEDERAL COMMUNICATIONS COMMISSION

NATIONAL INDUSTRY ADVISORY COMMITTEE BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

MARCH 22, 1973.

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group IV, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Wednesday, April 11, 1973. The Working Group will meet at 1229 20th Street NW.; Washington, DC, Room A-205 at 10 a.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System (EBS).

Agenda. The agenda for the meeting is, as follows:

ITEM

1. Review of text of Emergency Action Notification messages.
2. Review of television slide requirements.
3. Review of provisions of FCC rules and Annex VI of Basic EBS Plan.
4. Preparation of scripts for all Closed Circuit Tests by a Drafting Group for Working Group IV.
5. Appointment of a Drafting Group for Working Group IV.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5914 Filed 3-27-73;8:45 am]

STEERING COMMITTEE OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Meetings Scheduled

MARCH 23, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on April 5 and 6, 1973. The meeting on April 5 will begin at 10 a.m. and the meeting on April 6 will begin at 9:30 a.m. The meetings will be held in the Silver

Room of the Denver Hilton Hotel, Denver, Colo.

The agenda for these meetings will be the continuation of a discussion of issues to be included in the final Advisory Committee report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5915 Filed 3-27-73;8:45 am]

STEERING COMMITTEE OF THE TECHNICAL ADVISORY COMMITTEE

Meeting Scheduled

MARCH 21, 1973.

The Steering Committee of the Cable Television Technical Advisory Committee will hold an open meeting on April 3, 1973. The meeting will begin at 10 a.m. and will be held in Room A110 of the FCC Annex, 1229 20th Street, Washington, D.C.

The agenda for the meeting will be a discussion of outside funding to be provided for the committee, the mechanics of soliciting and properly controlling such funds, and necessary support facilities and budget requirements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5913 Filed 3-27-73;8:45 am]

[Docket No. 19664; FCC 73R-122]

UNITED BROADCASTING CO. OF FLORIDA, INC.

Memorandum Opinion and Order Enlarging Issues

In regard application of United Broadcasting Co. of Florida, Inc., Docket No. 19664, File No. BR-4447; for renewal of license for Radio Station WFAB, Miami, Fla.

1. The above-captioned application was designated for hearing by Commission Order FCC 72-1195, released January 2, 1973 and published at 38 FR 1232, January 10, 1973. That order included issues which sought to determine whether United Broadcasting Co. of Florida, Inc. was qualified to continue as licensee of this Commission because of certain operating practices during the past licensed period. United has now filed a petition to enlarge the issues to permit it to show the meritorious aspects of the station's past operation. There have been no oppositions filed. The petition to enlarge issues will be granted. It is well settled that where a hearing involves issues concerning the past operation of the broadcasting station, the licensee will be permitted to show the meritorious aspects of its operation prior to the time it was put on notice that its qualifications were in question. Lum A. Humphries, trading as Wagoner Radio, 12 FCC 2d 978, 13 RR 2d 1146 (1968), Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969), and the cases cited therein.

2. *Accordingly, it is ordered,* That the petition to enlarge issues, filed by United Broadcasting Co. of Florida, Inc., on January 23, 1973, is granted; and

3. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

To determine whether the past programing of Station WFAB has been meritorious, particularly in regard to public service programs.

4. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on the applicant.

Adopted: March 16, 1973.

Released: March 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5916 Filed 3-27-73;8:45 am]

WAIVER OF CABLE TV CROSS-OWNERSHIP DIVESTITURE REQUIREMENT

Public Notice of Petitions

MARCH 14, 1973.

The Commission will issue public notices announcing the filing of petitions (pursuant to paragraph 51 of its "Memorandum Opinion and Order in Docket No. 18397," FCC 73-80, released January 31, 1973), for waiver of the cable television cross-ownership divestiture requirements in § 76.501 of its rules. Persons interested in filing comments on, or oppositions to, such a petition will be permitted to do so within 30 days after the issuance of the public notice announcing that the petition has been filed. The petitioner may file reply comments within 20 days after the filing of such comments and oppositions. Other procedural requirements regarding such comments, oppositions, and replies are set forth at § 76.7 of the Commission's rules. Copies of such petitions, and comments, oppositions, and reply comments responsive to them, will be available for examination in the Public Reference Room of the Commission's Cable Television Bureau.

In paragraph 51 of the above-cited order, the Commission—

• • • invite(d) the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (of § 76.501 of the rules) (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of co-located television stations and cable systems who believe that grandfathering would be appropriate in their case.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[FR Doc.73-5912 Filed 3-27-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

PROPOSED PLANS TO IMPLEMENT PAY SYSTEMS FOR FEDERAL PREVAILING RATE EMLOYEES

Notice of Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, April 5, 1973.
Thursday, April 12, 1973.
Thursday, April 19, 1973.
Thursday, April 26, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, DC.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of Public Law 92-392, which law established pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, DC.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.73-5853 Filed 3-27-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01011---	Aktieselskabet det Ostasiatiske Kompagni: Casuarina. Lalandia.
01014---	Robert Bornhofen Reederei: Specialist.
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Hasselburg.

Certificate No.	Owner/operator and vessels
01052	Concord Line A/S: Jill Cord.
01055	Farrell Lines, Inc.: Austral Ensign.
01077	H. M. Wrangell & Co. A/S: Corona.
01088	Schulte & Bruns: Elise Schulte.
01106	A/S Rosshavet & A/S Vestfold: Ross Sea.
01423	Charente Steamship Co., Ltd.: Wayfarer.
01431	The Bolton Steam Shipping Co., Ltd.: Rossetti.
01574	Fearnley & Eger: Fernbay.
01805	Suisse Atlantique Societe D'armement Maritime S.A.: General Guisan.
01857	Ohg I. Fa. Bernard Schulte: Kap Roland.
01931	Brigantine Transport Corp.: Maren Maersk.
01935	Partnership between Steamship Co. Svendborg Ltd. & Steamship Company of 1912, Ltd.: Richard Maersk.
02198	The Peninsular and Oriental Steam Navigation Co.: Gambada. Armanistan. Baharistan. Baluchistan. Farsistan. Floristan. Gorjistan. Kohistan. Registan. Serbistan. Shahristan. Turkistan.
02200	State of Washington: Spokane.
02246	Blue Star Line, Ltd.: Buenos Aires Star. Hobart Star.
02457	John Swire & Sons, Ltd.: Erradale.
02525	Burnett Steamship Co., Ltd.: Laurentian Forest.
02551	Ellerman Lines, Ltd.: City of Dundee. City of St. Albans. City of Glasgow.
02727	Societe Maritime Des Petroles BP: Beaugency.
02877	Nippon Yusen Kabushiki Kaisha: Haruna Maru. Hakusan Maru. Kiso Maru.
02911	Sig. Bergesen C.Y. & Co.: Berge Bergesen.
02956	Ashland Oil, Inc.: HCC-1.
03165	Asimi Maritime Co., Ltd., of Monrovia Liberia: St. Demetrius.
03364	Compania de Navegacion "Sanrocco" SA: Lugano.
03391	Societe Maritime Shell: Latona. Siam. Bangkok.
03406	Afromar, Inc.: Angeliki. Julietta. Marietta.
03433	Hiroumi Kisen Kabushiki Kaisha: Daiwa Maru. Kobu Maru.
03479	Okada Shosen Kabushiki Kaisha: Tokiwa Maru.
03501	Osaka Shosen Mitsui Senpaku K.K.: New Jersey Maru.
03502	Shinyei Senpaku K.K.: Mogamisan Maru.
03632	A/S Turid: Enid. Mildrid.
03692	Marmac Corp.: B-12. Coastal-7. Gertrude-K.
03744	Ocean Fisheries, Inc.: Royal Pacific.
04118	Marine Trading, Ltd.: La Molinera.
04136	Thomas Marine Co.: Ellis-1301. GW-100.
04398	Hapag-Lloyd Aktiengesellschaft: Tokio Express.
04410	Tenneco Oil Co.: IC-14.
04437	Lebeouf Bros. Towing Co., Inc.: Creole Belle.
04640	McAllister Lighterage Line, Inc.: Blue Crest.
05130	Naviera Humboldt S.A.: Salcantay.
05287	CWC Fisheries, Inc.: Dipper.
05512	Union Barge Line Corp.: 923. 924. 925. 926. 927.
05522	Burmah Oil Trading Ltd.: Burmah Opal. Burmah Garnet.
05549	Polska Zegluga Morska: Narvik II.
05577	Far-Eastern Shipping Co.: Taigonos.
05578	Baltic Shipping Co.: Mikhail Lermontov.
05579	Black Sea Shipping Co.: Sovinflot. Sovfracht. Tchernomorets-16. Geroi Panfilovcy.
05738	Compania de Navigacion Artico S.A. Panama: Mira.
05846	"Nordsee" Deutsche Hochseefischerei G.m.b.H.: Altona. Othmarschen. Frankfurt-am-Main.
05874	Sonoda Kisen K.K.: Itohamumaru No. 3.
05998	Navarino Shipping & Transport Co., Ltd.: Honesty.
06052	Marukyo Suisan Kabushiki Kaisha: Nadayoshi Maru No. 7.
06188	Idemitsu Tanker K.K.: Takamiya Maru.
06213	Second Marine Corp.: ETT-120. ETT-122. ETT-123.
06232	Aztec Trading Co., S.A.: Aztec.
06570	Kristian Jebsen (U.K.) Ltd.: Leknes. Baynes. Borgnes. Bulknes. Fonnes. Mornes. Furunes. Brimnes. Saltnes. Spraynes. Bernes.
06662	Reederei Claus-Peter Offen KG: Holstendamm.
06674	Pescadora, S.A.: Chococuna. Cuaco.
06891	Caribbean Bunkering Co., Inc.: 527 N.
06974	AKE Hogberg: Aphrodite.
07019	Allied Shipping International Corp.: Trechon. Tigris. Akritas. Tropis. Florence. Tekton.
07259	Brilliant Transport Co.: Corsicana
07356	Williams-McWilliams Co.: Hydro-Atlantic. Diesel. W-701. George A. McWilliams. Natchez. Port Arthur. Arkansas.
07404	Hanseatic Shipmanagement Ltd.: Luchesand.
07550	Erato Shipping, Inc.: Hollyhock.
07596	Windward Navigation Co., Ltd.: Forestal I.
07604	Alfred Tannis Investments, Ltd.: Alftan. Cranborne.
07620	Everbeauty Line, S.A.: Ever Beauty.
07624	Josef Roth-Reederei: Helene Roth.
07636	Arkansas Barge Co.: ABC-1. ABC-2. ABC-3.
07676	Pistis Compania Naviera S.A.: Pistis.
07691	Ocean Oil Shipping Corp.: Golar Robin.
07711	Ab Vasa Shipping Oy: Lisa.
07720	Aeolic Compania Naviera S.A. Panama: Arcadia.
07721	Seven Seas Transportation Ltd.: Satya Kamal.
07723	Fuji Sempaku K.K.: Stream Bollard.
07725	Utgeroarfelag Olafsfjaroar H.F.: Olafur Bekkur.
07727	Sea Bridge Marine, Inc.: Yosemite.
07730	Mt. Oceanic Development Panama Co., S.A.: Puerto Caimito. Chitre.
07731	Skibsaktieselskapet Golden West: Grey Master.
07732	Silver Pine Maritime Co., Ltd.: Irenes Fortune.
07537	Marreina Armadora S.A.: Malvina.
07738	Transocean Transport Corp.: Ocean Mariner.
07739	Elto Compania Naviera S.A.: Eleni T.
07740	The Brighton Shipping Co., S.A.: Hunter.
07741	Vroulidia Compania Naviera S.A. Panama: Amelio.

Certificate No.	Owner/operator and vessels
07743---	Yangming Marine Transport Corp.: Chil Ming. Yang Ming. Ho Ming. Chao Ming. Jing Ming. Hung Ming. Wei Ming. Kai Ming. Yunn Ming. Kuo Ming. Shin Ming. Li Ming. Ji Ming.
07744---	Compania Concordia de Navegacion S.A.: Mairoula.
07745---	Oceanic Cruises Development, Inc., Liberia: Oriental President.
07746---	Archomarine Compania Naviera S.A. Panama: Agelos Michael.
07748---	N.V. Statendam: Statendam.
07749---	Electra Shipping Co., Ltd.: Relfens.
07757---	Gemini Compania Nav. S.A. Panama: Agelos Gabriel.
07758---	"Lenachart" Leisure Navigation and Chartering Corp., Monrovia: Shark.
07760---	Sociedad de Transportes Maritimos S.A.: Pounentes.
07769---	Iris Shipping Corporation of Panama: Iris.
07770---	Drado Shipping Co., Ltd.: Drado.
07774---	Brandts Shipping Liberia Ltd. of Monrovia. Eilinida.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5806 Filed 3-27-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessel
01014---	Robert Bornhofen Reederei: Max Bornhofen.
01015---	A/S Rederiet Odfjell: Lyng.
01026---	Terkildsen & Olsen A/S: Rindo. Else Terkol. Edith Terkol. Lizzie Terkol. Lindo.
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Volta Venture.
01059---	London & Overseas Freighters Ltd.: London Banker.
01088---	Schulte & Bruns: Konsul Schulte. Joachim Schulte. Henriette Wilhelmine Schulte.
01108---	Hvalfangeraktieselskapet "Rosshavet" Hvalfangeraktieselskapet "Vestfold": Ross Sea.
01145---	Det Bergenske Dampskibsselskab: Ara.
01198---	A/S Dovrefjell and A/S Falkefjell: Vardefjell.
01215---	Interessentskapet Mesna: Mesna.
01306---	Shaw Savill & Albion Co. Ltd.: Southern Cross.
01330---	Shell Tankers (U.K.) Ltd.: Heldia.
01334---	American President Lines Ltd.: President Cleveland.
01342---	St. Helen's Shipping Co., Ltd.: Cherrywood. Rosewood. Beechwood.
01349---	Tankschiff-Reederei Rudolf A. Oetker K.G.: St. Nikolai.
01431---	The Bolton Steam Shipping Co., Ltd.: Rievaulx.
01805---	Suisse Atlantique: Londrina.
01857---	Ohg. I. FA. Bernhard Schulte: Jan Ten Dornkaat.
02021---	Atlantska Plovidba: Ruder Boskovic.
02208---	Overseas Enterprise Inc.: Arabella.
02249---	Fisser & V. Doornum: Suncapri. Sunbaden.
02258---	Bruusgaard Kiosteruds Skiba A/S: Bragernes.
02448---	Rederiaktiebolaget Nordstjernan: Lions Gate. Portland.
02479---	Greenville Towing Co., Inc.: Mos 109. Mos 107.
02525---	Burnett Steamship Co., Ltd.: Gosforth.
02198---	The Peninsular & Oriental Steam Navigation Co.: Nuddea.
02554---	Hall Line Ltd.: City of Glasgow.
02861---	Naviera Bilbaina S.A.: Jose Luis Aznar.
02877---	Nippon Yusen Kabushiki Kaisha: Victoria Maru. Tashima Maru. Suruga Maru. Sagami Maru. Sado Maru.
02883---	Soloil Compania Naviera S.A.: Matheos.
02885---	Cia Maritima de Contanian S.A.: Maria L.
02920---	Atlantic Shipping Inc.: Orion.
02924---	Dell Enterprises Ltd.: Teneriffe.
02956---	Ashland Oil Co.: A.O. & R. Co. 1. A.O. & R. Co. 10. A.O. & R. Co. 19.
03019---	Gulf-Canal Lines, Inc.: Captain Caplener.
03146---	Oceanic Cia. de Transportes: Chrysoforos.
03345---	San Fernando Steamship Co. S.A.: San Eduardo.
03451---	Kowa Shosen K.K.: Japan Juniper.
03467---	Nichiro Gyogyo K.K.: Chichibu Maru No. 2.
03478---	Nitta Kisen K.K.: Kasuga Maru.
03482---	Ryutsu Kaiun Kabushiki Kaisha: Ryukomaru.
03496---	OSG International, Inc., Liberia: Tees Ore.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Mogamisan Maru.
03522---	Tokyo Teion Reizo K.K.: Wakagi Maru. Ecuador Maru. Tsukishima Maru.
03640---	Pan Ocean Bulk Carriers, Ltd.: Bumchin.
03716---	Dunbar Sullivan Dredging Co.: S-101. S-102.
03727---	Continental Oil Co.: Conoco Big N.
03787---	Alkaid Steamship Corp., S.A. Panama: Alkaid.
03868---	Stanipa Compania Naviera S.A.: Elena.
03954---	Liberian Champion Transports Inc.: World Mobility.
03954---	Liberian Champion Transports Inc.: World Queen.
04002---	Compagnie des Messageries Maritimes: Irouaddy.
04021---	Koppers Co., Inc.: J.I.W. 103.
04080---	Port Arthur Towing Co.: MS 12. MS 15.
04136---	Thomas Marine Co.: FT 18. FT 24. M 3.
04308---	Arietta Compania Naviera S.A. Panama:
04308---	Arietta Compania Naviera S.A. Panama: Arietta Venizelos.
04317---	Ambelos Development Corp.: Holy Trinity.
04361---	Pelican State Towing Co.: Lachlan Macleay.
04429---	Heiner Braasch Seereederei Gesellschaft MS Hamburger Fleet MS Hmbgr. Brucke KG.: Hamburger Fleet. Hamburger Brucke.
04463---	Lloret Lopez Sociedad Anonima: L Lopez I.
04469---	Choshomaru Gyogyo Kabushiki Kaisha: Choshomaru No. 11.
04472---	Henmi Gyogyo Kabushiki Kaisha: Konpiramaru No. 12.
04475---	Pukuyoshi Gyogyo Kabushiki Kaisha: Pukuyoshi Maru No. 18.
04503---	Okutsu Suisan Kabushiki Kaisha: Zenkomaru No. 12.
04544---	Mr. Yosuke Kawaguchi: Seishu Maru No. 5. Seishu Maru No. 23.
04550---	Cia Victoria del Kinkai S.A.: Victoria No. 1. Victoria No. 7.
04554---	Kawashiri Gyogyo Kabushiki Kaisha: Hakuryu Maru No. 55.
04556---	Nihon Hogei Kabushiki Kaisha: Shinyomaru.

Certificate No.	Owner/operator and vessels
04594---	The Valley Line Co.: MV 289. VLT 3. VLT 4. VLT 5. VLT 6. VLT 7. VLT 8. VLT 9. VLT 10.
04611---	Carroll Towing Co., Inc.: Wm. H. Craig.
04794---	Sea King Corp.: Grand Ocean.
04869---	Blessing Co., Ltd.: Blessing.
04933---	The Revilo Corp.: NBC 547.
04987---	Scheepvaartkantoor Oceanvaart (Shipping Office) N.V.: Jal Importer.
05015---	New Jersey Bargin Corp. (Del.): The Independent. Perth Amboy No. 2.
05047---	PPG Industries, Inc.: PPG-110.
05081---	United States Dredging Corp.: Rice 421.
05108---	Compania Naviera Pearl S.A.: Amelia.
05250---	Fleet Towing Co.: Invader. Illinois.
05400---	Okinawa Sanyo Gyogyo Kabushiki Kaisha: Sanyo Maru No. 38.
05437---	The Dow Chemical Co.: DC-60.
05568---	African Shipping Enterprises Ltd.: Aktion.
05581---	Latvian Shipping Co.: Kokand.
05738---	Artico Compania de Navigacion-Panama: Merak.
05799---	Partenreederei MS "Brunskoog": Brunskoog.
05842---	Mr. Tatsumi Sumida: Tatsumi Maru No. 25.
05867---	Ocean Carriers Corp.: Aztec.
05952---	Koei Gyogyo Kabushiki Kaisha: Koei Maru No. 18.
05988---	Maekatsu Gyogyo Kabushiki Kaisha: Katsu Maru No. 31.
06214---	Houston Barge Leasing Inc.: ABL 405.
06222---	Compania de Navegacion Tubal S.A.: Volos.
06326---	Koumbakoun Compania Naviera, Panama: Lion of Chaeronea.
06335---	Akamas Shipping Co., Ltd.: Aegis Fable.
06435---	Dampskibsaktieselskabet Den Norske Afrikaog Australielinie, Wilhelmsens Damp., A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Toronto.
06446---	Nike International Ocean Co., S.A.: Nike I.
06467---	Florida Lines Ltd.: Lynn.
06570---	Tenax SS Co., Ltd.: Bernes. Spraynes. Saltnes. Brimnes. Furunes. Mornes. Fonnes. Bulknes. Borgnes. Baynes. Leknes.
06578---	Van Nievelt, Goudriaan & Co. NV: Adara. Situla.
06647---	First Summer Cloud Shipping Inc.: Hornland.
06661---	Emerald Maritime Corp.: San Miguel.
06725---	Geest Industries Ltd.: Geest Port.
06827---	Partenreederei Hamburger Michel Hamburg: Hamburger Michel.
06830---	Osaka Gyogyo Kabushiki Kaisha: Marunaka Maru No. 62.
06831---	Yohei Sakamoto: Chosei Maru No. 8.
06874---	Margarita Compania Naviera S.A. Panama: Margarita.
07727---	Sea Bridge Marine, Inc.: Vespasian.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5805 Filed 3-27-73;8:45 am]

CANTON COMPANY OF BALTIMORE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond S. Clark, President, Canton Company of Baltimore, Canton House, 300 Water Street, Baltimore, MD 21203.

Agreement No. T-2757, between Canton Company of Baltimore (Canton) and Sea-Land Service, Inc. (Sea-Land), provides for the 19-year lease to Sea-Land of approximately 5 acres of improved land area for use in connection with its activities at the port. As compensation, Canton is to receive $42,611.40 annually.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5807 Filed 3-27-73;8:45 am]

CITY OF OAKLAND AND UNITED STATES LINES, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, Calif. 94607.

Agreement No. T-2758, between the city of Oakland (City) and United States Lines, Inc. (USL), provides for the 25-year preferential assignment to USL of approximately 20 acres (including 86,754 square feet of wharf area and 79,524 square feet of berth area) of improved premises located at the City's Middle Harbor Terminal, for use in connection with USL's operations at the port. The City retains secondary use rights to the facility. As compensation, City is to receive all tariff charges applicable to USL's operations at the facility (exclusive of crane rental or crane mainte-

nance charges), subject to an annual minimum of $500,000 and an annual maximum of $692,000. Should USL exceed the annual minimum, 50 percent of all secondary use revenues received by the port will apply to meet USL's maximum. Should the above combination of compensation exceed USL's maximum, no further tariff charges will be paid. In the event that the cost of improvements to the facility exceeds $3,719, USL's compensation will be adjusted accordingly. Agreement No. T-2758 also provides for USL options on Areas "B" (consisting of approximately 8 acres, including 86,520 square feet of wharf area and 79,310 square feet of berth area) and "C" (consisting of approximately 7 acres), exercisable between the fifth and eighth years of the agreement's term. In the event these options are exercised, USL's compensation will be adjusted accordingly.

Agreement No. T-2758-A, also between the City and USL, provides for the City's purchase from USL of two container cranes for installation on the facility assigned to USL under Agreement No. T-2758. The purchase price of the cranes will be $3,200,000.

Agreement No. T-2758-B, also between the City and USL, provides for the lease to USL of the two cranes purchased from it under the terms of Agreement No. T-2758-A, above, for the purpose of servicing its vessels. The term of T-2758-B is to run concurrently with that of T-2758. As compensation, the City is to receive $1 annually. Under this agreement, as in Agreement No. T-2758, the City retains secondary use rights.

Agreement No. T-2758-C, also between the City and USL, provides for the lease to USL of certain office facilities adjacent to the facility assigned to USL under Agreement No. T-2758 for a term running concurrently with that of Agreement No. T-2758. As compensation, the City is to receive $15,155.04 annually, renegotiable after every 5-year period of the term.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5811 Filed 3-27-73;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Conference Counsel, North Atlantic Westbound Freight Conference, Suite 631, 17 Battery Place, New York, NY 10004.

Agreement No. 8210-20, among the member lines of the above-named conference, modifies the procedures for convening meetings, sets new quorum requirements therefor, provides for the appointment of a permanent independent chairman and defines the responsibilities and duties of that office.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5808 Filed 3-27-73;8:45 am]

FARRELL LINES, INC., AND DET DANSK-FRANSKE DAMPSKIPSSELSKAB (DAFRA LINES)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, NY 10004.

Agreement No. 10043, between Farrell Lines Inc. and Det Dansk-Franske Dampskipsselskab (Dafra Lines) establishes a through billing arrangement for the transportation of all cargo moving in the trade between the Liberian ports of Buchanan, Sinoe and Lofa River and U.S. Gulf ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10043 will, upon approval, cancel and supersede Agreement No. 9866.

Dated: March 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5809 Filed 3-27-73;8:45 am]

JONES OREGON STEVEDORING CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Manager, Regulatory Affairs, Port of Portland, Box 3529, Portland, OR 97208.

Agreement No. T-2765, between Jones Oregon Stevedoring Co.; Brady Hamilton Stevedoring Co.; Portland Stevedoring Co.; and Western Stevedoring and Terminal Corp., constitutes the Articles of Incorporation and By-laws of Handcor, Inc. (Handcor). Handcor's sole purpose will be to provide the services of boarding and deboarding general cargo, stuffing arid unstuffing containers, and yarding containers for the Port of Portland as a subcontractor or agent and for any other person except a shipper, a carrier, or an organization having a shipper or a carrier as a member.

Dated: March 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5810 Filed 3-27-73;8:45 am]

[Docket No. 72-35]

PACIFIC WESTBOUND CONFERENCE

Amendment to Order of Investigation of Rates, Rules, and Practices Pertaining to the Movement of Wastepaper and Woodpulp

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the Federal Maritime Commission prepared a draft environmental impact statement with regard to subject proceeding. By notice of December 13, 1972, the Commission has made that statement available, and has invited interested persons to submit comments on or before January 15, 1973. Having received such comments:

It is further ordered, That all commentators make themselves available, if requested, for cross-examination in accordance with the Commission's rules of practice and procedure (46 CFR Part 502 et seq.) as may be directed by the Presiding Administrative Law Judge;

It is further ordered, That the parties of record direct themselves to the issues raised by the draft environmental impact statement;

It is further ordered, That any commentator, who does not make himself available for cross-examination if so requested by the Presiding Administrative Law Judge, will have his comments removed from the record;

It is further ordered, That the Presiding Administrative Law Judge include, as a separate and distinct portion of his initial decision, findings of fact and conclusions of law pertaining to the issues raised by the draft environmental impact statement.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5815 Filed 3-27-73;8:45 am]

PENINSULAR & ORIENTAL STEAM NAVIGATION CO.

Order of Revocation of Certificates

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-37 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,034.

The Peninsular & Oriental Steam Navigation Co., c/o P & O Lines (North America), Inc., 155 Post Street, San Francisco, CA 94108.

Whereas, the Peninsular & Oriental Steam Navigation Co. (P & O Lines) has ceased to operate the passenger vessels *Iberia* and *Orcades;* and

Whereas, the Peninsular & Oriental Steam Navigation Co. (P & O Lines) has returned Certificate (Performance) No. P-37 and Certificate (Casualty) No. C-1,034 covering the *Iberia* and *Orcades* for revocation.

It is ordered, That Certificate (Performance) No. P-37 and Certificate (Casualty) No. C-1,034 covering the *Iberia* and *Orcades* be, and are hereby revoked effective March 16, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5814 Filed 3-27-73;8:45 am]

PORT OF PORTLAND AND HANDCOR, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicated that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Manager, Regulatory Affairs, Port of Portland, Box 3529, Portland, OR 97208.

Agreement No. T-2765, between the Port of Portland (Port) and Handcor, Inc. (a corporation comprised of Jones Oregon Stevedoring Co.; Brady Hamilton Stevedore Co.; Portland Stevedoring Co.; and Western Stevedoring & Terminal Corp.) (Handcor), is a memorandum of understanding under which Handcor will perform the services of stuffing and unstuffing all containers and the boarding and deboarding of all general cargo at the Port's Terminal No. 2. On all containers formerly stuffed or unstuffed by the Port, Handcor will assess rates appearing in the Port's present container Tariff No. 1, minus the applicable service and facilities charge specified under the Port's present Tariff No. 3-A. The agreement also provides that, on all container and general cargo handled by Handcor for persons other than the Port, Handcor will assess its customers directly, on an equal and nondiscriminatory basis. The Port will assign coordinating personnel to Terminal No. 2 to keep Handcor informed as to the needs of the Port on a day-to-day basis as well as to direct the movement of containers between the container yard and stuffing area. The term of the agreement is to be initially for 90 days, terminable thereafter by either party upon 30 days' prior written notice to the other.

Dated: March 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5812 Filed 3-27-73;8:45 am]

UNITED STATES GULF/PERU SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination

or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd F. Dolese, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, LA 70130.

Agreement No. 10044, between Compania Peruana De Vapores (CPV) and Lykes Bros. Steamship Co., Inc., provides for the establishment of a pooling, sailing, and equal access to government-controlled cargo arrangement for the apportionment of freight revenues on all cargo, with certain specified exceptions, transported by the parties from U.S. ports in the Gulf of Mexico ot ports in Peru, including Peruvian cargo transshipped at non-Peruvian ports. The intent is that the lines will equally participate in the cargo revenues generated by both of them when operating within the scope of the agreement.

The parties will each maintain a minimum of 13 sailings per calendar year subject to conditions of force majeure. Sailings for a period of less than a calendar year will be on a pro rata basis.

Provisions with respect to adjustments in the event of sailing and space deficiencies, and pool accounting and settlement are set forth in the agreement. Lykes Bros. Steamship Co., Inc., shall be accorded the status of a Peruvian flag line with respect to the carriage of southbound cargo in the foreign commerce of Peru. Lykes Bros. Steamship Co., Inc., will support applications for waivers which shall place Peruvian flag vessels of Compania Peruana De Vapores on a basis of equal opportunity with Lykes Bros. Steamship Co., Inc. vessels with respect to the carriage of government-controlled cargo.

Agreement No. 10044 will, upon approval, cancel and supersede Agreement No. 9865, and shall remain in effect for 2 years unless earlier canceled as provided therein.

Dated: March 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5813 Filed 3-27-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, 9:30 a.m., April 5, 1973, Room 785.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of March 15, 1973, meeting.
B. Discuss progress of assignments given.
C. Discuss preparation of draft reports.
D. Other business.
E. Date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5835 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY DISTRIBUTION RESEARCH

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 10 a.m., April 2, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approve minutes of March 7, 1973.
B. Review previous work.
C. Report on Task Force Project Assignments.
D. Other business.
E. Schedule date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5836 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON UTILITY FUELS REQUIREMENTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, April 6, 1973, 9:30 a.m. e.s.t., Room 785.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of February 15, 1973, meeting.
B. Further discussion of basic assumptions and additional source materials needed for completion of draft reports.
C. Preliminary reports on assignments made at previous meeting:
(1) Coal—Mr. DeCarlo.
(2) Gas—Mr. Hodson.
(3) Oil—Mr. Deloney.
(4) Nuclear—Mr. Goodwin.
D. Time schedule for completion of study projects.
E. Other business.
F. Dates for future meetings.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5837 Filed 3-27-73;8:45 am]

[Docket No. E-8071]

ARKANSAS POWER & LIGHT CO.

Filing of Initial Rate Schedule

MARCH 22, 1973.

Take notice that Arkansas Power & Light Co. (Arkansas Power) on March 8, 1973, tendered for filing an initial Power Service Agreement between the City Water and Light Plant of the City of Jonesboro, Ark. (Jonesboro), and Arkansas Power, to become effective June 1, 1973. Copies of the filing were served on Arkansas Power and the Arkansas Public Service Commission.

The filing is described in the letter of transmittal as follows:

The aforementioned agreement is for a term of at least 7 years, beginning on or about June 1, 1973, and provides for an initial block of at least 5,000 kw. in 1973 and up to a maximum of 50,000 kw. during the term of the agreement. The City Water and Light Plant of Jonesboro, Ark., is not now served by Arkansas Power & Light Co. and there is no interconnection between their respective systems. The city electric system has need of additional firm capacity and energy to supplement its own generation and other sources of firm power supply in order to adequately supply the city's customers.

The rates and charges provided for in the aforementioned agreement were arrived at through negotiations with the City Water and Light Plant of Jonesboro, and they are designed to produce a return approximately equal to the company's overall rate of return.

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 April 12, 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.73-5887 Filed 3-27-73;8:45 am]

[Docket No. E-8078]

BUCKEYE POWER, INC.

Notice of Application

MARCH 20, 1973.

Take notice that on March 14, 1973, Buckeye Power, Inc. (Applicant), of Columbus, Ohio, filed an application seeking an order for approval of the issuance of short-term obligations in the form of promissory notes to commercial banks, such notes to be issued on or before December 31, 1973, with a final maturity date of not later than December 30, 1974.

The net proceeds from the notes will be used to provide general funds for the company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should on or before April 4, 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 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5876 Filed 3-27-73;8:45 am]

[Docket No. CI73-578]

CAR-TEX PRODUCING CO.

Notice of Application

MARCH 20, 1973.

Take notice that on February 28, 1973, Car-Tex Producing Co. (Applicant), Post Office Box 655, Carthage, TX 75633, filed in Docket No. CI73-578 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Arkansas Louisiana Gas Co. from production in the Carthage Field, Panola and Harrison Counties, 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 the volumes of casinghead gas available from the producer thereof, Hurley Petroleum Corp., have declined below economic limits for Applicant's type of operation. Hurley Petroleum Corp. filed an application pursuant to section 7(b) of the Natural Gas Act in Docket No. CI73-431 for permission and approval to abandon its sale to Applicant, commenced a sale of natural gas to Texas Eastern Transmission Corp. within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) on February 19, 1973, and proposes in Docket No. CI73-558 to continue the latter sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 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 permission and approval for the proposed abandonment are 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.73-5880 Filed 3-27-73;8:45 am]

[Docket No. CP73-236]

C. B. GAS GATHERING CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, C. B. Gas Gathering Co. (Applicant), Post Office Box 1873, Corpus Christi TX 78403, filed in Docket No. CP73-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 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 not 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.73-5892 Filed 3-27-73;8:45 am]

[Project 2530]

CENTRAL MAINE POWER CO.

Application for Change in Land Rights

MARCH 22, 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 change in land rights was filed on December 21, 1972, by Central Maine Power Co. (Correspondence to: Mr. Seward B. Brewster, Secretary, Central Maine Power Co., 9 Green Street, Augusta, ME 04330) Licensee for Project No. 2530, known as the Hiram Project, located on the Saco River in the towns of Hiram Baldwin, Brownfield, and Denmark, in the counties of Cumberland and Oxford, Maine.

Applicant proposes to lease for 1 year and thereafter from year to year approximately 1.5 acres of project lands to the towns of Hiram to provide recreational facilities for its residents and others. The land to be leased is situated north of Hiram Dam on the west shore of the Saco River. The land is about 1,600 feet long and varies in width from 20 to 125 feet, and is bordered by the road leading from Hiram to Cornish and the Saco River.

The town proposes to erect two open wood-frame picnic shelters with picnic tables and plans to develop a small boat and canoe landing to allow public access to the Saco River from the Hiram-Cornish Road.

Any person desiring to be heard or to make protest with reference to said application should on or before May 4, 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.73-5888 Filed 3-27-73;8:45 am]

[Docket No. G-13385, etc.]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing; Correction

MARCH 15, 1973.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, terminating certificates, making successors co-respondent, accepting rate schedules for filing, and granting petition to intervene, issued March 1, 1973, and published in the FEDERAL REGISTER March 9, 1973 (38 FR 6438), in Docket No. G-16548, change the effective date of the rate schedule supplement from "11-1-72" to "11-1-71".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5899 Filed 3-27-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Further Extension of Time and Postponement of Hearing; Correction

MARCH 2, 1973.

In the notice issued February 28, 1973, and published in the FEDERAL REGISTER March 7, 1973 (38 FR 6228): Hearing Date, next to last line, change "May 5, 1973" to "May 8, 1973."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5878 Filed 3-27-73;8:45 am]

[Project 2485]

THE CONNECTICUT LIGHT & POWER CO. ET AL.

Application for Extension of Time To Complete Construction

MARCH 21, 1973.

Public notice is hereby given that application was filed on January 26, 1973, under section 13 of the Federal Power Act (16 U.S.C. 791a-825r) by Northeast Utilities Service Co. on behalf of the joint licensees, The Connecticut Light & Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co. (Correspondence to: Mr. Walter F. Fee, Vice President-Engineering, Northeast Utilities Service Co., Post Office Box 270, Hartford, CT 06101 for an extension of time to complete construction of Northfield Mountain Project No. 2485 located on the Connecticut River in Franklin County, Mass.

The joint licensees for the Northfield Mountain Project No. 2485 are seeking an 8-month extension of time until December 31, 1973, for completion of construction of project facilities because of an accidental flooding on April 22, 1972, of the major equipment in the project's underground powerhouse. The major equipment installed to that date, including four turbine generators and the main control room circuitry and wiring, were in varying stages of assembly.

Restoration of the equipment has been completed and installation is proceeding on a schedule for in-service dates as follows: Unit No. 1—March 1973; Unit No. 2—May 1973; and Unit No. 3—July 1973. Unit No. 4 went into operation on November 30, 1972.

Article 31 of the license, as modified, requires completion of construction of project works by April 30, 1973. Applicants seek an extension for completion of project works to December 31, 1973, to allow for the possibility of further delays beyond the control of the applicants that may arise during the final installation of equipment and preliminary operations of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 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.73-5882 Filed 3-27-73;8:45 am]

[Project 2192]

CONSOLIDATED WATER POWER CO.

Application for New License

MARCH 21, 1973.

Public notice is hereby given that application was filed on February 10, 1969; revised on February 27, 1970; supplemented on January 4, 1971, February 10, 1971, June 17, 1971, May 8, 1972, and September 5, 1972, under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Consolidated Water Power Co. (Correspondence to: Mr. F. E. Husting, Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494) for a new license for constructed Project No. 2192, known as the Biron Hydro Project, located on the Wisconsin River in Wood and Portage Counties, Wis.

The Biron Hydro Project with an installed capacity of 8,825 horsepower consists of the following: (1) A 2,533-foot long concrete gravity dam (maximum height about 34 feet) which includes an intake section and a spillway in three sections, having a total length of 780 feet, equipped with 22 tainter gates; (2) dikes extending upstream from the ends of the dam 2 miles on the right bank and 1½ miles on the left bank; (3) a 2,078-acre reservoir with normal water surface elevation at 1,036.1 feet (U.S.G.S. datum); (4) a powerhouse, integral with the dam, containing two 1,450 kW. generators; (5) part of an industrial building containing one 400 kW. generator and six turbines, totaling 4,425 horsepower, connected to nonpower wood grinders; and (6) all other facilities appurtenant to the project.

Applicant estimates the net investment as of June 30, 1970, at $434,786.62. Applicant's estimate of fair value as of February 18, 1970, was $1,700,000. Applicant estimates that the annual State and local tax revenue produced by the project is $55,000.

The primary recreational feature of the project is the 2078-acre, 13-mile-long reservoir. Most of the 700 acres of project land owned by the applicant is low-lying and suited for wildlife. This land is generally open to hunting and fishing except at some cottage site leases. According to a State resource study of the river, most of the remaining shoreline is occupied by residential and commercial developments.

The applicant has developed a boat-launching site and a forestry tour at the project. The town of Plover operates a small park on the reservoir with facilities for picknicking and boat launching.

Private development includes a marina, a campground (to open in 1973) and a recreational area (picknicking, swimming, boating, and hiking) to be developed by Consolidated Employees' Recreation Association.

There are no plans for additional recreational development.

Over half of the power produced by the project is hydromechanical, which is used for grinding wood by applicant's parent company, Consolidated Papers, Inc. Electric energy produced by the project is sold to the parent company for use in the manufacture of pulp and paper products both in the adjacent mill and elsewhere. Electricity is also sold wholesale to the city of Wisconsin Rapids and sold retail in and around the village of Biron.

The original license expired on June 30, 1972, and the project is currently being operated under an annual license.

Any person desiring to be heard or to make protest with reference to said application should on or before May 30, 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.73-5871 Filed 3-27-73;8:45 am]

[Docket No. CP73-230]

DISTRIGAS OF NEW YORK CORP.

Notice of Application

MARCH 20, 1973.

Take notice that on March 7, 1973, Distrigas of New York Corp. (Applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP73-230 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of liquefied natural gas (LNG) proposed to be imported from Algeria at its terminal located at Staten Island, N.Y., to distribution companies in New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 8.8 trillion B.t.u. equivalent LNG per year from its deepwater terminal at Staten Island to New Jersey Natural Gas Co., Public Service Electric & Gas Co. and South Jersey Gas Co. Applicant states that importation of a major portion of the LNG from Algeria has been requested by Distrigas Corp. in pending Docket No. CP73-132 and that importation of the balance was authorized in Opinion No. 613 issued March 9, 1972, in Docket No. CP70-196 (47 FPC ------).

Applicant states that it will make the sales under its proposed FPC Gas Rate Schedules LT-1 and LT-2. The vaporized LNG will be transported by Distrigas Pipeline Corp. from the Staten Island terminal to delivery point in New Jersey by means of facilities proposed in pending Docket No. CP73-148.

Applicant states that the base rates to be charged under both Rate Schedules LT-1 and LT-2 are $0.903 per million B.t.u. for LNG delivered in the summer months and $1.503 per million B.t.u. for LNG delivered in the winter months. An extra charge, the application indicates, will be made for transportation through the facilities of Distrigas Pipeline Corp. and for vaporization or any barge delivery, as appropriate, all as set forth in the Rate Schedules.

Applicant states that the proposed sales will make a significant contribution toward meeting the pressing requirements of the buyers for supplemental gas supplies in the contract period.

Any person desiring to be heard or to make any protests with reference to said application should on or before April 13, 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.73-5881 Filed 3-27-73;8:45 am]

[Docket No. E-8074]

FAIRHOPE, ALA., AND ALABAMA POWER CO.

Petition for Declaratory Order

MARCH 22, 1973.

On March 8, 1973, city of Fairhope, Ala. (Fairhope), filed a petition for declaratory judgment to determine and terminate a controversy existing between Fairhope and Alabama Power Co. (Alabama) respecting the date of termination of the contract for electric service between them dated March 28, 1966, designated as FPC Rate Schedule No. 100.

In its petition, Fairhope requests the Commission to declare that the contract was terminated on September 18, 1972, pursuant to the notice of cancellation served by Alabama Power, and to declare that the increased charges made and collected between May 3, 1972, and September 18, 1972, were illegal. Fairhope also requests that the Commission order a refund with interest of the difference between the charges stated in the contract and the increased rates collected.

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 April 11, 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.73-5886 Filed 3-27-73;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Denying Petition To Show Cause and Postponing Dates for Filing Evidence and Hearing

MARCH 19, 1973.

Richmond Power & Light of the city of Richmond, Ind. (RP&L), on January 30, 1973, purportedly pursuant to section 206(a) of the Federal Power Act and §§ 1.6(d) and 1.7(a) of the Commission's rules of practice and procedure petitioned the Commission to issue an order to show cause against Indiana & Michigan Electric Co. (I&M). RP&L asks that I&M be directed to show cause why its rate schedule FPC No. 58, including proposed Tariff WS (Supplement No. 5), which became effective subject to refund on January 13, 1973, should not be modified with respect to RP&L's new 60 megawatt plant. In response on February 27, 1973, I&M filed a motion to dismiss the petition of RP&L, in which it asks that the petition be denied. On March 1, 1973,

a group of intervenors [1] requested an extension of time for serving their evidence from March 7, 1973, to March 14, 1973.

According to its allegations, RP&L is a municipal utility system supplying electric service for public, domestic, and industrial use in and around the city of Richmond, Ind. RP&L's facilities include the Whitewater Valley Generating Station with one unit, which has a nameplate capacity of 33 mw and the older Johnson Street Station of 27,600 kW nameplate capacity, which has been put in cold reserve. RP&L has been purchasing part of its bulk power requirements from I&M under a contract dated November 15, 1965, which provides for service to RP&L under I&M's Tariff IP. That agreement was filed with the Commission and was accepted for filing effective January 1, 1966, as I&M's Rate Schedule FPC No. 58.

The agreement, as both RP&L and I&M point out, provides that I&M will provide maintenance power of up to the 33 mw nameplate capacity of RP&L's Whitewater Valley Station, that I&M will make available power in scheduled outages without demand charges, and that the ratchet in the rate schedule will apply only to the RP&L load less 33 mw. The contract also provides that on ninety days notice either party may call for a reconsideration of the terms and conditions. I&M says that not until after its rate increase filing in this docket on June 13, 1972, did RP&L seek a change in the contract to give effect to its planned 60 mw generating unit.

On June 13, 1972, without giving notice to RP&L according to its allegations, I&M tendered for filing a new Tariff WS containing new rates and conditions which I&M proposes to make applicable to RP&L as Supplement No. 5 to Rate Schedule FPC No. 58. RP&L contends that these changes coupled with a substantial rate increase produce an intolerable situation in which RP&L is effectively barred from the use of its new 60 mw unit.

RP&L moved to reject I&M's tariff filing, but by order issued August 11, 1972, the Commission denied the motion and accepted the tendered rate schedule for filing subject to a 5-month suspension and refund.[2] After denial of rehearing by the Commission on September 11, 1972, RP&L petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the Commission's orders, and that that proceeding is now pending before the Court.

In the proceedings before the Commission I&M and the Staff have filed their written testimony and exhibits and a prehearing conference was held before Presiding Administrative Law Judge William Jensen on February 12, 1973, at which service of the Intervenors' evidence was rescheduled for March 7, 1973, I&M's rebuttal for April 5, 1973, and the hearing for April 24, 1973.

In its petition for order to show cause RP&L states that it seeks an interconnection agreement with I&M on an equalized reserve basis in accordance with the Gainesville decision,[3] but wants immediate relief in the following particulars:

(1) Although not changed by the WS Tariff filing, RP&L requests that the contract capacity for which it pays a demand charge be modified to reflect the new 60 mw unit. The contract now provides that contract capacity shall be the difference between the maximum 30-minute kilovolt-ampere demand on the customer's system and 33,000 kilovolt-amperes. RP&L would add a proviso that after the new unit goes into operation the contract capacity shall be the difference between the demand and 77,500 kilowatts (93,000 kw divided by 120 percent). RP&L proposes that 20 percent of its load met by its own capacity be dedicated to reserves.

(2) RP&L objects to the billing demand ratchet imposed by Tariff WS. Under the original rate schedule billing demand was to be no less than 60 percent of the contract capacity of the customer. Under the WS Tariff billing demand is to be no less than 60 percent of the highest billing demand established during the term of service, 60 percent of the contract capacity or 400 kw. RP&L argues that under this provision it would be unable to reduce its minimum obligation even if a change in contract capacity is made.

(3) Rate Schedule WS provides that energy be supplied by I&M for maintenance purposes without a demand charge but the maintenance demand is not to be greater than customer's firm capabilities at the date of the agreement (33 mw). RP&L requests that this limitation be the customer's firm capability at the time the maintenance energy is supplied (approximately 93,000 kw), in order to reflect its new generating capacity.

(4) RP&L asks that Rate Schedule WS be revised to exclude from monthly billing demand extraordinary individual demands caused by temporary maintenance or repairs on RP&L's generating facilities as well as on its transmission or distribution system. RP&L would also like eliminated a provision that temporary maintenance be prearranged on terms satisfactory to I&M.

RP&L contends that unless relief is granted it would be virtually required either to operate the new 60 mw generating unit substantially below capacity or to close it down for much of the year. RP&L says that the cost to it under Tariff WS would be $925,500 more than it would be if consideration is given to its new generating capacity. It contends further that refunds will not afford it protection because of the demand obligation imposed on it prior to Tariff WS going into effect and because it would not know whether it would be more economical to operate its new generating unit in lieu of purchasing power from I&M or to shut it down and purchase greater quantities of energy from I&M, for which it will be required to pay demand charges.

Finally, it contends that the issues presented involve questions of law and policy and therefore there is no need for evidentiary hearings on the matters raised. If I&M should raise factual questions it requests that either a conference be scheduled so that stipulations can be effectuated or separate hearings be held.

I&M objects that RP&L seeks an advance determination that it is entitled to a rate reduction of nearly $1 million per year. It contends that RP&L's predicament arises from its entering into a 10-year contract to purchase capacity from I&M and then installing further capacity of its own. It further contends that there is no inherent illegality in the rate provisions and the request for an order to show cause should be rejected citing Central Vermont Public Service Corp., —— FPC ——, Docket No. E-7685, issued July 13, 1972. I&M asserts that RP&L's allegations can be established only by competent evidence regarding numerous and complex factual considerations, such as its load factor, the availability and operating characteristics and costs of its units, fuel costs, and other variables. It points out that the Federal Power Act is not designed to protect RP&L from loss resulting from incorrect operating decisions. It adds that separate hearings would be unwarranted and highly prejudicial to I&M.

As discussed above, RP&L has made a number of requests for changes in I&M's tariff that relate intimately to the compensation each party should receive for energy and capacity and to the operation of their respective systems. The changes that RP&L requests would reduce its payments to I&M by substantial amounts. The resolution of these questions requires evidence on the costs and operations of the two parties. By our order of August 11, 1972, we provided a hearing for the resolution of questions arising out of I&M's rate filing. We have authority under sections 205 and 206 of the Power Act to prescribe the just and reasonable rate as of the time the rate filing went into effect and to order a refund of such portion of such increased rates as shall be found not justified. To the extent RP&L has a justifiable complaint independently existing prior to I&M's rate filing, we have authority to rectify it as we would in a proceeding instituted under section 206. Under the Power Act we are not responsible for possible errors in judgment that RP&L may make in purchasing power or operating its plant. We are not required to assure RP&L that it will receive the lowest cost source of power, but merely that the rates charged by I&M be just and reasonable and not unduly discriminatory. Central Vermont Public Service Corporation, supra. To conclude, we need the data provided by a hearing to resolve the questions raised by RP&L; we are unable to determine these questions on the basis of pleadings.

[1] City of Anderson, Ind., the Indiana & Michigan Municipal Distributors Association, and RP&L.

[2] By Order No. 442, —— FPC ——, December 3, 1971, the public utility whose proposed rates are suspended shall refund as required by final order of the Commission the portion of the increased rates or charges found not justified with seven percent interest.

[3] Gainesville v. Florida Power Corporation, 40 FPC 1227 (1968) 41 FPC 4 (1969), affirmed 402 U.S. 515 (1971).

Furthermore, we are of the opinion there is no justification for holding a separate hearing with respect to I&M's relationship with RP&L. This proceeding covers a $6,180,000 rate increase to I&M's resale customers in Indiana including a number of cities and cooperatives. It would not be equitable either to I&M or to its other customers to hold a separate hearing with respect to RP&L. In any case we would find it impossible to pass upon the appropriate credit for capacity, demand charge ratchet, allowance for maintenance energy, computation of billing demand, or more general questions as to the operation of the systems of I&M and RP&L that would arise in a hearing, without having I&M's other sales and customers before us.

It follows, therefore, that we shall deny RP&L's petition for an order to show cause. Of course, RP&L can make the same contentions it has made in its petition in the forthcoming hearing. At that hearing I&M will be well advised to address itself to the questions raised by RP&L.

As noted above, certain intervenors, including RP&L, by motion filed March 1, 1973, request an extension of time from March 7, 1973, until March 14, 1973, for the filing of their testimony and exhibits so as to permit coordination of the work being done by separate consulting firms. In view of our denial of RP&L's petition, we shall extend the service date for the intervenors' evidence until April 2, 1973, in order to give RP&L opportunity to present evidence on its contentions made in the petition. In conformity, the rebuttal service date for I&M will be May 2, 1973; and the hearing date will be May 22, 1973, subject to adjustment, if necessary, by the Administrative Law Judge.

The Commission further finds:

It is necessary and appropriate to carry out the provisions of the Federal Power Act that RP&L's petition to show cause be denied, and that the extensions of time be made as provided below.

The Commission orders:

(A) The petition to show cause filed on January 30, 1973, by RP&L is hereby denied.

(B) The date by which the intervenors' evidence shall be served is extended to April 2, 1973; the date for I&M's rebuttal is extended to May 2, 1973; and the hearing date is extended to May 22, 1973, subject to adjustment, if necessary, by the Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5872 Filed 3-27-73;8:45 am]

[Docket No. CI73-592]

HERMAN G. KAISER

Notice of Application

MARCH 21, 1973.

Take notice that on March 5, 1973, Herman G. Kaiser (Applicant), 4120 East 51st Street, Tulsa, OK 74135, filed in Docket No. CI73-592 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) from the Chaney Dell Field, Major County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Panhandle from the Chaney Dell Field at an initial rate of 32.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment. The basic contract for the subject sale provides for 0.25-cent per Mcf price escalations each year beginning September 1, 1977, for tax reimbursement to the seller for 75 percent of any new or additional taxes and for a contract term of 20 years from August 7, 1972. Applicant expects to deliver to Panhandle approximately 65,000 Mcf per month at the downstream side of the Union Texas Petroleum's Chaney Dell Plant in Major County, Okla., for this sale.

Applicant states that he is applying for the instant authorization as a result of the U.S. Court of Appeals for the District of Columbia decision on December 12, 1972, in Docket No. 71-1560, et al., and its refusal on February 5, 1973, to reconsider its initial decision, which set aside the Commission's Order promulgating small producer regulations. Applicant requests that should this application be approved, it be allowed to take effect retroactively to the date of first deliveries which was August 7, 1972. Applicant is the holder of a small producer certificate in Docket No. CS71-179.

Applicant asserts that the present area rate of 21.0 cents per Mcf for sales from the subject area is patently not representative of the current value of the subject gas and does not take into consideration the expense and risk involved in drilling in zones such as the Red Fork Formation. Applicant alleges that the price of 32.0 cents per Mcf proposed herein is lower than present intrastate prices offered within the State of Oklahoma. Applicant states that even though the 32.0 cents per Mcf is the contractual rate with Panhandle, Union Texas actually gathers, compresses and processes the gas for Applicant and after this is done Applicant only receives a net of approximately 26.0 cents per Mcf. Applicant further asserts that the base price of 32.0 cents per Mcf is lower than alternative sources of energy such as the importation of liquefied natural gas, the production of synthetic gas or the gasification of coal.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 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 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.73-5874 Filed 3-27-73;8:45 am]

[Docket No. CP73-234]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 13, 1973, Midwestern Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP73-234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 12,000 Mcf of natural gas per day for Northern States Power Co. (Northern States), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver up to 12,000 Mcf (14.73 p.s.i.a.) of natural gas per day to Northern States at existing delivery points located at the terminus of Applicant's Fargo and Grand Forks laterals in North Dakota. The application indicates that Northern States is currently experiencing a shortage of gas supply to meet the anticipated load growth of its residential and small volume commercial and industrial customers in the communities of Fargo and Grand Forks, and that the proposed service will assist in assuring maintenance of adequate service to these customers.

Applicant will receive such gas for transportation at the interconnection of its and Northern Natural Gas Co.'s (Northern Natural) facilities in Chisago and Isanti Counties, Minn. Applicant will render the service at a transportation charge of 2.0 cents per Mcf for gas deliv-

ered at Fargo and 2.6 cents per Mcf for gas delivered at Grand Forks.

With the exception of one new point of interconnection between Applicant's and Northern Natural's facilities in Isanti County, Minn., Applicant states that all deliveries will be made through existing facilities. Applicant will install a side valve at the new interconnection and will be reimbursed for its cost by Northern States.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 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.73-5893 Filed 3-27-73;8:45 am]

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Changes in Rates and Charges

MARCH 21, 1973.

Take notice that on March 8, 1973, Mississippi River Transmission Corp. (MRT) tendered for filing copies of Tenth Revised Sheet No. 3A as part of its FPC Gas Tariff, First Revised Volume No. 1.

MRT states that on February 14, 1973, it transmitted for filing with the Federal Power Commission two copies of Tenth Revised Sheet No. 3A as part of its FPC Gas Tariff, First Revised Volume No. 1. The company says that such tariff sheet, which reflected a reduction in the Rate Schedule CD-1 charges, contained a proposed effective date of April 1, 1973. A copy of the filing was served on each of the jurisdictional customers of Mississippi and the State commissions of Arkansas, Illinois, and Missouri.

MRT further states that recent inquiries by it indicate that the Commission has not received such filing. Accordingly, MRT transmits two copies of the February 14, 1973, filing to the Commission. In view of the fact that the filing reflects a reduction in the Rate Schedule CD-1 charges and MRT's jurisdictional customers have previously received a copy of such filing, MRT requests that the tariff sheet become effective April 1, 1973, as proposed.

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 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5878 Filed 3-27-73;8:45 am]

[Project 2709]

MONONGAHELA POWER CO. ET AL.

Order Providing for Hearing and Ruling on Motions; Correction

MARCH 14, 1973.

In the order providing for hearing and ruling on motions, issued March 9, 1973 (38 FR 7020), change last sentence in ordering Paragraph (A) to read as follows:

"The time for the submission of additional testimony and exhibits by the participants and the time for convening hearing sessions in Washington, D.C. and such other places as may be necessary shall be determined by the Administrative Law Judge in conjunction with the dates set forth below."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5877 Filed 3-27-73;8:45 am]

[Docket No. CP72-279]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

MARCH 22, 1973.

Take notice that on March 16, 1973, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, IL 60603, filed a petition to amend the Commission's order issued December 6, 1972 (48 FPC ——) in Docket No. CP72-279 pursuant to section 7(c) of the Natural Gas Act by authorizing the continuation through February 28, 1974, of the 59,100 Mcf per day of 100-day storage service under Petitioner's FPC Gas Rate Schedule S-3, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) have entered into an amendatory transportation and storage agreement, dated March 2, 1973, extending the term of the original agreement, dated April 4, 1972, for the period through February 28, 1974, on the same terms and conditions as previously authorized in this docket. Under the original agreement Petitioner delivered to Michigan Wisconsin near Woodstock, Ill., a total of 5,910,000 Mcf of gas during the summer months. Such gas was provided by Petitioner's customers by scheduling storage injection volumes from within their respective effective monthly quantity entitlements. Michigan Wisconsin caused the injection of an equivalent volume of gas into storage for redelivery to Petitioner during the period of November 1972 through February 1973.

Petitioner states that it has offered this continued service to all of its customers, allocating the 59,100 Mcf of gas per day among them pro rata to their existing daily contract quantities under Rate Schedules DMO-1 and G-1. The volumes not accepted were then reoffered to accepting customers pro rata until the total volume was contracted for.

Applicant further states that the proposed additional winter period service is urgently needed by its customers to enable them to meet their respective presently attached peak-day requirements in the event of a severe winter in 1973-74.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5889 Filed 3-27-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Further Extension of Time

MARCH 21, 1973.

On March 13, 1973, the New England Power Pool Executive Committee filed a

motion for a further extension of time for filing testimony and exhibits as established by order issued September 21, 1972, and amended by notices issued October 27, 1972, December 13, 1972, and February 23, 1973. The motion states that counsel for the intervenors have no objection to the requested extension.

Service of testimony and exhibits, June 1, 1973.
Testimony by staff, June 22, 1973.
Rebuttal testimony, July 13, 1973.
Prehearing conference, July 24, 1973 (10 a.m., e.d.t.).
Cross examination on all evidence, August 2, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5894 Filed 3-27-73;8:45 am]

[Docket No. CI72-301, etc.]

NORTHERN MICHIGAN EXPLORATION CO. ET AL.

Order on Ruling Appeal

MARCH 20, 1973.

Dockets Nos. CI72-301, CI72-770, CP72-122, CP72-128, CI73-495.

The Central Illinois Light Co. has appealed to us from the ruling of the Presiding Administrative Law Judge, issued February 9, 1973, with respect to Central Illinois' efforts to obtain information from certain parties to this proceeding. By an application dated January 25, 1973, Central Illinois had applied to the Administrative Law Judge for subpenas, or alternatively, for an order directing answers to information requests, directed to two applicants in this proceeding, the Northern Michigan Exploration Co., and the Trunkline Gas Co., and to five intervenors, the Northern Illinois Gas Co., the Brooklyn Union Gas Co., the Laclede Gas Co., the Illinois Power Co., and the Associated Gas Distributors.

Central Illinois represents that the information it seeks is relevant to the question whether, in its words, "distributors should engage in exploration and development activities and tie whatever reserves are found to their systems." Answers to Central Illinois' application to the Administrative Law Judge were filed by the Northern Michigan Exploration Co., Trunkline, Northern Illinois, and the Associated Gas Distributors. All opposed the application, essentially on the ground that the information sought is neither material nor relevant to the instant proceedings. In his ruling of February 9, 1973, the Administrative Law Judge agreed, stating in part:

> While it may be true that the information sought might be relevant and material to the general policy determination indicated by Cilco in its application, and while full and complete discovery should be encouraged, such discovery must be kept within workable bounds on a proper and logical basis with respect to the relevancy of the information sought to be discovered to the subject matter of this proceeding.
>
> The Presiding Judge has ruled on the prehearing conference held herein, that pursuant to the discretion vested in him by the Commission Order remanding these proceedings, the issues raised relating to the general policy question indicated by the movants herein with respect to vertical integration, and evidence in connection therewith would not be heard. The information sought herein bearing upon such general policy question of vertical integration is thus not relevant to the inquiry in these proceedings.

From this ruling Central Illinois has appealed, pursuant to § 1.28 of our rules which permits appeals while hearings are in progress "in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest". In its appeal filed February 15, 1973, Central Illinois also asked that we waive section 1.9 of our Rules, relating to answers. The Commission's Secretary on February 22 fixed February 26 as the date by which answers were to be filed with respect to the appeals. We approve that action, believing that the time afforded was sufficient in the circumstances.

On February 26 four answers were filed. The City of Indianapolis, doing business as the Citizens Gas & Coke Utility, filed in support of Central Illinois. Three other parties filed in opposition—the Northern Michigan Exploration Co., Trunkline, and the Associated Gas Distributors. Each of these three doubts that the "extraordinary circumstances" referred to in § 1.28 are here present. As to the merits, their answers argue that Central Illinois' appeal is now, in part, moot, because some of Central Illinois' questions were answered at the reopened hearing; that Central Illinois had an opportunity in the initial hearings to explore these questions; and that if Central Illinois is successful in this appeal, it is unlikely that this case can be decided as promptly as we have indicated we would prefer. Subsequently, by letter dated February 26, the Michigan Public Service Commission indicated that it agrees with the Northern Michigan Exploration Co.

Turning first to the procedural question, we believe that extraordinary circumstances are present here. It seems probable to us that if the February 9 ruling of the Administrative Law Judge were to stand, the record which would ultimately come to us on the vertical integration question—a question which, as we define it below, is fundamental to our decision in this case—would not be full and complete. In his initial decision of October 5, 1972, the Administrative Law Judge stated that there was insufficient "hard evidence" in the record to permit "an important policy decision which would, in effect, exclude distributors from the production and exploration industry" (In. Dec., p. 11). The record developed at the remanded hearing on February 15, 1973, contributes nothing substantial to that subject. Given these considerations, and given the fact that our ultimate decision in this case could turn on precisely this question, we think that "extraordinary circumstances" are here present. We are therefore willing to entertain the appeal.

Before turning to the merits of the Central Illinois appeal, we think it important for us to indicate what we mean by the "vertical integration question". That phrase should not be translated for the purposes of this case to refer to antitrust issues only. Antitrust issues are clearly comprehended by it, but so also are a considerable number of other public policy issues: e.g., (1) the effects upon the production segment of the gas industry arising from the entry of distributors, (2) the preemption of pipeline capacity by distributors, (3) the applicability of pipeline curtailment plans to distributor-acquired and distributor-transported gas, (4) the ability of pipelines to serve all customers, and to function, in effect, as common carriers, (5) consequences upon small distributors and their ability to serve their customers, (6) the effects upon competition at each industry segment, e.g. production, transmission, and distribution, and the overall public interest, and (7) the reservation of gas for a distributor's own use and the sale of gas by a distributor to a pipeline. These above-enumerated policy issues are in no way all-inclusive, but are merely illustrative of some of the issues which seem to us to require attention. We use the phrase "vertical integration question" here as a convenient shorthand, but the phrase should be understood to embrace all of the broad implications which we have ascribed to it.

As to the merits of Central Illinois' appeal, we conclude that we will not be able to decide this case wisely if the record before us is not full and complete on the issue of vertical integration, as we have defined it. We therefore ask the Presiding Administrative Law Judge to turn anew to this issue and to express his views on it. To permit him to do so, we understand that further hearings may be required. We infer from the language of the Initial Decision quoted above that the record to date is, in his judgement, inadequate to permit a decision on the public policy issues here involved. If that is so, then the Administrative Law Judge should grant the Central Illinois request for further information, to such extent as he finds appropriate for the development of a full and complete record to permit resolution of these issues. We therefore refer the Central Illinois request back to the Administrative Law Judge, and we ask that he grant the request to the extent we have described, that he provide for such further hearings as may be necessary, and that he discuss in his supplemental initial decision the issues we have outlined.

We are aware that the additional proceedings that will thereby be required will result in an inability on the part of the Administrative Law Judge to comply with a portion of our remand order of December 6, 1972. In that order we asked him to "establish a schedule which will afford to us a reasonable interval to give consideration to this case before further contract deadlines occur." We are aware that the underlying contracts carry a termination date of July 23, 1973, with a further extension to October 23, 1973, in certain circumstances. Notwithstanding our language of December 6, 1972, we believe that the issues we have described are of such magnitude that we cannot be compelled to decide them on

the basis of a timetable created by private parties.

We recognize also that in our remand order we expressly refrained from asking that "further evidence be taken on such question" of vertical integration, and we also refrained from directing the Administrative Law Judge "to decide the question." Such matters, we then stated, are better left to his discretion. We have lately concluded, however, that this question is of critical importance and that it cannot properly be carved out of, or passed over in, these proceedings. On orders of January 9, 1973, and February 9, 1973, in Transcontinental Gas Pipe Line Corp., Docket No. CP73–4, indicate that the issue is present there as well, i.e., "whether it is in the public interest to authorize proposals which encourage natural gas distributors to enter the production business and tie whatever gas is found and produced to their systems". We propose, as well, to come to terms with the issue in the instant case. Accordingly, we ask the Presiding Administrative Law Judge to grant the application of Central Illinois dated January 25, 1973, to the extent necessary to develop a complete record on this subject. Questions already answered on the record, or questions which are objectionable because they seek to elicit information which, because of its nature, is protected, of course need not be answered.

On January 22, 1973, there was filed a motion to consolidate with these proceedings the application filed that day by Corbin J. Robertson et al., Docket No. CI73–495. That motion states that the gas in question in Docket No. CI73–495, which Corbin J. Robertson et al., propose to sell to the Northern Michigan Exploration Co., is the same gas as is involved in these consolidated proceedings. In Docket No. CI73–495, Corbin J. Robertson et al., seek a certificate for the sale under § 2.75 of Part 2 of our general rules of practice and procedure. Central Illinois has filed in support of the motion to consolidate. The Northern Michigan Exploration Co. has asked us to expedite our action on the motion to consolidate.

These consolidated proceedings are intimately connected with the pending application in Docket No. CI73–495. We find that consolidation would expedite these proceedings. It is illogical to adjudicate the issues in the previously consolidated proceedings without being able to determine if the gas supply, as evidenced in the producer application pursuant to § 2.75 of our rules of practice and procedure, will be made available, e.g., the justness and reasonableness of the rate and whether the present or future public convenience and necessity is served. Inasmuch as we have previously asked the Administrative Law Judge to grant in appropriate part Central Illinois' request for answers to information requests, further proceedings will probably be required, at which time the evidentiary presentation in CI73–495 may be made.

Because we are ordering the consolidation of these proceedings, it is not necessary for us to act upon the petition filed on February 13, 1973, by Central Illinois for leave to intervene in docket No. CI73–495.

The Commission further finds:

(1) The application of the Central Illinois Light Co. to the Presiding Administrative Law Judge, dated January 25, 1973, should be granted to such extent as the Administrative Law Judge may find appropriate, in light of this order, for the development of a full and complete record to permit determination of the public policy issues here involved.

(2) It is appropriate and in the public interest that the motion to consolidate, filed on January 22, 1973, by the Applicants in Corbin J. Robertson et al., Docket No. CI73–495, be granted.

The Commission orders:

(A) The Presiding Administrative Law Judge shall, consistent with this order, grant the application dated January 25, 1973, of the Central Illinois Light Co. in these proceedings, to the extent he deems the information sought therein to be appropriate for the development of a full and complete record on the public policy issues here involved, and he shall provide for such hearings as may be necessary for the development of a full and complete record to permit resolution of the issues outlined in the body of this order.

(B) Corbin J. Robertson et al., Docket No. CI73–495, and Northern Michigan Exploration Co. et al., Dockets Nos. CI72–301 et al., are consolidated for hearing and decision.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5873 Filed 3–27–73;8:45 am]

[Docket No. CP73–231]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in docket No. CP73–231 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 an additional point for an exchange of gas between Applicant and El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a service agreement dated August 17, 1963, it agreed to deliver to El Paso up to 575,000 Mcf of natural gas per day at El Paso's Plains Compressor Station in Yoakum County, Tex., and at a point of interconnection in Section 262, Block D, John H. Gibson Survey, Yoakum County, Tex., in return for El Paso's concurrently delivering equal volumes of gas to Applicant at El Paso's Dumas Compressor Station in Moore County, Tex., and at other designated points in Moore County, Tex., Beaver County, Okla., and Ochiltree County, Tex. Applicant herein seeks authorization in accordance with an amendment to the 1963 service agreement dated February 1, 1973, providing an additional delivery point in Woodward County, Okla., through which El Paso may deliver a portion of the authorized total exchange volumes, not to exceed 10,000 Mcf of natural gas per day. In docket No. CP73–220, El Paso has filed an application for authorization to construct and operate approximately 29.2 miles of 6-inch pipeline extending from its Northwest Quinlan Field in Woodward County, Okla., to the location of the proposed delivery point on Applicant's 16-inch field transmission line.

Applicant states that to accommodate the delivery point interconnection, it will be necessary to install a 6-inch side valve and telemetry equipment at said delivery point, at an estimated cost of $37,300. Applicant plans to finance this cost from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 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.73–5875 Filed 3–27–73;8:45 am]

[Docket No. CP73-233]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-233 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 compressor and pipeline facilities on its existing gas supply systems located in the Anadarko and Permian Basin Areas of Kansas, Oklahoma, Texas, and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate up to 39,500 compressor horsepower and 6.1 miles of 12-inch pipeline to be installed in Applicant's traditional gas supply areas. Applicant states that such facilities are required to offset the natural decline of reservoir pressures in the depletion-type gas fields connected to its system by its existing Hugoton, Beaver, Spearman and Lea County Gathering Systems and are necessary to enable Applicant to receive gas volumes committed to it for use in meeting its firm delivery commitments.

Applicant states further that the exact amount of compressor horsepower, types and sizes of units to be utilized, and specific locations of all such units in each of the subject fields cannot be finally determined until further reservoir, well performance and gathering system operating data resulting from the 1972-73 heating season operations have been evaluated. Additionally, Applicant indicates that the subject application is being filed at this time in order to provide the necessary lead time to obtain requisite authorizations and to enable Applicant to install the proposed facilities in time for use during the 1973-74 heating season.

The estimated cost of the proposed facilities is $13,117,000, which cost will be financed from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 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 persons 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 to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5883 Filed 3-27-73;8:45 am]

[Docket No. E-7827]

NORTHERN STATES POWER CO.

Notice of Compliance Filing

MARCH 21, 1973.

On November 13, 1972, Northern States Power Co. (NSP) tendered for filing proposed changes in its FPC Rate Schedule No. 342, as supplemented. The filing consists of a proposed amendment to the transmission agreement between NSP and Cooperative Power Association (CPA providing for an increase in the annual charge paid by CPA to NSP for system control and load dispatching. That agreement included a "cost of living" adjustment ratio. The Commission's letter order (dated Dec. 13, 1972) accepting the proposed amendment directed NSP to submit within 60 days a revised amendment effectuating elimination of the "cost of living" ratio.

On February 26, 1973, NSP tendered for filing in the above captioned proceeding a proposed supplemental agreement which purports to eliminate the "cost of living" ratio as a component of the monthly charge for the annual period beginning April 1, 1973.

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 27, 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.73-5897 Filed 3-27-73;8:45 am]

[Project 2310]

PACIFIC GAS & ELECTRIC CO.

Application for Change in Land Rights

MARCH 22, 1973.

Public notice is hereby given that application for change in land rights was filed on January 19, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas & Electric Co. (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Co., 77 Beale Street, San Francisco, CA 94106) for Project No. 2310, the Drum-Spaulding Project, located on the South Yuba and Bear Rivers and tributaries in Nevada and Placer Counties, California.

Pacific Gas and Electric Co., licensee for the Drum-Spaulding Project No. 2310, seeks Commission authorization to permit construction of a bridge across a natural watercourse, Wooley Creek, sometimes used as a spillway channel for flows from its Bear River and Boardman Canals. The company has a right-of-way and easement to use Wooley Creek for such purposes.

Sylvan Vista Development Co., Inc., would construct the 50-foot-long bridge on lands of a third party from whom an easement has been obtained for this purpose. The bridge would provide access to property owned by the Development Co. about 8 miles north of Auburn, Calif.

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.5885 Filed 3-27-73;8:45 am]

[Docket No. E-7723]

THE POTOMAC EDISON CO.

Notice Deferring Procedural Dates

MARCH 22, 1973.

On March 19, 1973, The Potomac Edison Co. filed a request for a further extension of the procedural dates established by order issued July 11, 1973, as amended by notices issued November 8, 1972, December 6, 1972, and February 23, 1973, pending disposition of the offer of settlement filed on February 1, 1973.

Upon consideration, notice is hereby given that the procedural dates are de-

ferred pending further order of the Commission in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5891 Filed 3-27-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Proposed Changes in Rates and Charges

MARCH 21, 1973.

Take notice that Sea Robin Pipeline Co. (Sea Robin) on March 14, 1973, tendered for filing as a part of Original Volume No. 1 and Original Volume No. 2 of its FPC Gas Tariff "revised proposed tariff sheets" to comply with the Commission order issued November 13, 1972, in this docket. Sea Robin also submitted for filing as a part of Original Volume No. 1 and Original Volume No. 2 of its FPC Gas Tariff "alternate revised proposed tariff sheets." These alternative sheets are submitted to replace the tariff sheets which were included in Sea Robin's original application for rate increase filed on September 29, 1972, and suspended by the Commission order until April 15, 1973. The company has also filed supplemental cost and revenue data. Sea Robin conditionally withdraws all tariff sheets included in the original application. The original application, according to Sea Robin, reflected an increase in rates to its customers necessary to compensate for a jurisdictional revenue deficiency of $30,789,109 in cost of service for the twelve month period ended June 30, 1972, and except for revisions concerning noncertificated facilities included in rate base made pursuant to the Commission's order, the data in support of the application for rate increase as filed on September 29, 1972, remains unchanged. The company requests that either the "revised proposed tariff sheets" or the "alternate revised proposed tariff sheets" be accepted for filing and permitted to become effective on April 15, 1973.

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 April 5, 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.73-5896 Filed 3-27-73;8:45 am]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Proposed Purchased Gas Adjustment Clause

MARCH 21, 1973.

Take notice that Sea Robin Pipeline Co. (Sea Robin) on March 14, 1973, tendered for filing original sheet Nos. 4 through 7 of its FPC Gas Tariff, original volume No. 1, comprising its Purchase Gas Adjustment (PGA) clause. The company states that a cost of service study having a base period ending less than 12 months before the submission of this PGA clause is on file in Sea Robin Pipeline Co., Docket No. RP73-47, as revised. According to Sea Robin, its "currently effective rate schedules and the alternate revised proposed tariff sheets filed in Docket No. RP73-47 contain a monthly gas cost tracking provision. In filing proposed revised tariff sheets in Docket No. RP73-47, Sea Robin included a rate of 25.65 cents per Mcf in the Rate Schedules X-1 and X-2 which is equal to the gas cost in the filing, subject to adjustment pursuant to a PGA clause to become effective April 15, 1973, the same date that the increased rates in the above mentioned docket become effective."

The Company requests that the tariff sheets be allowed to become effective on April 15, 1973, as proposed.

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 April 3, 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.73-5895 Filed 3-27-73;8:45 am]

[Dockets Nos. RP73-7 and RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Further Extension of Time and Postponement of Hearing

MARCH 22, 1973.

On March 8, 1973, the Commission Staff Counsel filed a motion to extend the service and hearing dates as fixed by the notice issued January 19, 1973. On March 13, 1973, South Texas Natural Gas Gathering Co. filed a response stating that it did not oppose the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of staff testimony and exhibits, May 4, 1973.
Prehearing conference, May 15, 1973 (10 a.m., e.d.t.).
Interveners' testimony, May 25, 1973.
Company's rebuttal, June 8, 1973.
Hearing, June 19, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5898 Filed 3-27-73;8:45 am]

[Docket No. RP73-90]

THE UNION LIGHT, HEAT & POWER CO.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that The Union Light, Heat, & Power Co. (Union) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, original volume No. 3. The revisions are First Revised Sheets Nos. 4 and 5, to replace original sheets Nos. 4 and 5. The proposed changes would increase by $86,974 revenues from jurisdictional sales and services of liquified natural gas based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $284,901.

Union states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of Union's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

Union requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

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 April 13, 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.73-5890 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS AND THE FUELS TASK FORCE—UTILITY FUELS REQUIREMENTS

Order Designating Additional Member; Correction

MARCH 20, 1973.

The headings of FR Doc. 73-5557, which appeared in the issue of March 23, 1973 (38 FR 7588), should be amended to read as set forth above.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5884 Filed 3-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Proposed Acquisition of CNA Nuclear Leasing, Inc.

Chemical New York Corp., New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of CNA Nuclear Leasing, Inc., Boston, Mass. Notice of the application was published on November 20, 1972, in the Boston Globe, a newspaper circulated in Boston, Mass.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and equipment and financing the acquisition of coal piles and other similar natural resource financing. Such leasing activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the coal and other natural resource financing transactions are of the type of financing activities that have been specified by the Board in § 225.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Whether such coal and other natural resource financing transactions are within the scope of § 225.4(a)(1) of Regulation Y is currently under consideration by the Board.

Interested persons may express their views on the question of whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5904 Filed 3-27-73;8:45 am]

FIRST ILLINOIS CORP.

Formation of One-Bank Holding Company

First Illinois Corp., Evanston, Ill., 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 First National Bank & Trust Co. of Evanston, Evanston, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5905 Filed 3-27-73;8:45 am]

FIRST PIONEER BANCORP, INC.

Formation of Bank Holding Company

First Pioneer Bancorp, Inc., Greenfield, Mass., 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 at least 80 percent of the voting shares of First National Bank of Franklin County, Greenfield, Mass., and the First National Bank of Northampton, Northampton, Mass. 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 Boston. 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 16, 1973.

Board of Governors of the Federal Reserve System, March 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5900 Filed 3-27-73;8:45 am]

FIRST SECURITY NATIONAL CORP.

Acquisition of Bank

First Security National Corp., Beaumont, Tex., 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 Bank of Lancaster, Lancaster, Tex. 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)).

First Security National Corp. is also engaged in the nonbanking activities of originating, selling, and servicing mortgage loans for others. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 17, 1973.

Board of Governors of the Federal Reserve System, March 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5902 Filed 3-27-73;8:45 am]

FROST REALTY CO.

Order Approving Acquisition of Banks

MARCH 22, 1973.

Frost Realty Co., San Antonio, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successors by merger to both the Frost National Bank of San Antonio (Frost Bank), and Citizens National Bank of San Antonio (Citizens Bank), both of San Antonio, Tex.[1] The respective banks into which each bank is to be merged have no significance except as a means to acquire all of the shares of the respective banks. Accordingly, the proposed acquisition of the shares of the successor organizations is treated herein as the proposed acquisition of shares of each bank.

[1] Applicant also applied to acquire additional shares of Texas State Bank and Harlandale State Bank, both of San Antonio, Tex. Applicant has owned slightly less than 25 percent of the shares of both of these banks since 1969 and has had buy-sell agreements with officers and directors of Frost Bank with respect to additional shares of both banks. Applicant has withdrawn its applications with respect to these two banks and has committed itself to divest its existing interests in such banks within two years from the acquisition of Frost Bank and Citizens Bank.

Notice of the applications, 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 applications 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 was organized in 1966 to acquire certain assets of Frost Bank. Since its inception, Frost Bank has held 100 percent of the shares of Applicant in trust for the benefit of Frost Bank's shareholders. Frost Bank, with deposits of $451.9 million, is the ninth largest commercial bank in Texas and the largest commercial bank in the San Antonio banking market, controlling approximately 1.5 percent of deposits in commercial banks in the State and approximately 25 percent of deposits in that market.[2]

Applicant's proposed acquisition of Frost Bank represents a corporate reorganization, whereby Applicant, all of whose shares are held in trust by Frost Bank, would become the parent corporation by acquiring all of the shares of Frost Bank. Since Applicant's acquisition of Frost Bank is only a corporate reorganization, and because Applicant has voluntarily agreed to divest itself of all interest, including the shares subject to buy-sell agreements, in both Harlandale State Bank and Texas State Bank within 2 years from the date of acquisition of Frost Bank and Citizens Bank, it does not appear that any existing or potential competition would be eliminated upon Applicant's acquisition of Frost Bank. Similarly, Applicant's acquisition of Frost Bank would not result in any change in total market or State deposits.[3]

Citizens Bank, with deposits of approximately $20.6 million, is the 19th largest of 37 banks in the San Antonio banking marked controlling approximately 1.1 percent of total deposits in commercial banks in that market.

Citizens Bank is located 6 miles north of Frost Bank and its service area is entirely within the area served by Frost Bank. Although there is some existing competition between the two banks, several factors limit its importance. Citizens Bank primarily competes with three other similar-size banks located within a 5 mile radius of it. It also appears that the banking business of Frost Bank and Citizens Bank differ somewhat, in that commercial loans represent approximately 90 percent of Frost Bank's total loans, whereas consumer loans represent approximately 73 percent of Citizens Bank's total loans. Further, Frost Bank and Citizens Bank have been closely associated since the inception of Citizens Bank. Frost Bank financed 40 percent of Citizens Bank's initial capitalization and has loaned Citizens Bank funds for its banking premises. The chairman of Frost Bank controls 25 percent of Citizens Bank's voting shares and has a buy-sell agreement with the chairman of Citizens Bank with respect to an additional 28 percent of such voting shares. It appears that this close association between the two banks has grown stronger over the years and it is unlikely that such relationships would terminate in the future in the absence of this proposal. In addition, within 2 years from its acquisition of Frost Bank and Citizens Bank, Applicant has agreed to divest all of its interests in Harlandale Bank and Texas Bank, thereby adding two independent banks to the San Antonio market and reducing the amount of deposits Applicant and Frost Bank control in that market. On the basis of these facts, it does not appear that Applicant's acquisition of Citizens Bank would have a significant adverse effect on existing or potential competition in the San Antonio market.

The financial and managerial resources and future prospects of Applicant, Frost Bank and Citizens Bank are satisfactory and consistent with approval. Applicant's acquisition of Frost Bank would not affect the convenience and needs of the community being served by Frost Bank. Upon acquisition of Citizens Bank by offering trust services, prove and increase the services of Citizens Bank by offering trust services, construction and mortgage lending and international banking services through Frost Bank, and by implementing a credit card program. Although the banking needs of the area being served by Citizens Bank appear to be adequately met at present, the increased and improved services Applicant proposes to offer at Bank should increase the convenience of area residents. Accordingly, considerations relating to the convenience and needs of the communities to be served with respect to Frost Bank are consistent with approval of the application, and, with respect to Citizens Bank, such factors are consistent with, and lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved in light of Applicant's commitment to divest its entire interest, including shares owned or controlled by the chairman of the board and directors of Frost Bank, in both Harlandale Bank and Texas Bank.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 21, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5906 Filed 3-27-73;8:45 am]

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through Dec. 31, 1972.

[3] In commenting on Applicant's earlier proposal to acquire Frost Bank, Harlandale State Bank, Texas State Bank, and Citizens Bank, the U.S. Department of Justice stated that the acquisition of all four banks would have a significantly adverse effect on competition, as would the acquisition of Frost Bank without the divestiture of Harlandale State Bank and Texas State Bank.

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

INTEGRITY HOLDING CO.

Formation of Bank Holding Company

Integrity Holding Co., Wilmington, Del., 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 56 percent of the voting shares of Integrity Finance Corp., Wilmington, Del., and thereby indirectly to acquire 34 percent of the voting shares of the First National Bank of Wilmington, Wilmington, Del. Applicant, in addition, intends to directly acquire 4.5 percent of the voting shares of that bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. 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 17, 1973.

Board of Governors of the Federal Reserve System, March 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5903 Filed 3-27-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Rules of Organization

The Federal Open Market Committee has amended its rules of organization in order to include references to the selection of a Deputy Manager of the System Open Market Account and a Deputy Special Manager for Foreign Currency Operations.

Effective March 20, 1973, section 5 of the rules of organization is amended to read as follows:

SEC. 5. *Manager, Special Manager, and Deputies.* The committee selects a Manager of the System Open Market Account and a Special Manager for Foreign Currency Operations for such account, and it may also select a Deputy Manager and a Deputy Special Manager for Foreign Currency Operations. All of the foregoing shall be satisfactory to the Federal Reserve Bank selected by the committee to execute open market transactions for such account, and all shall serve at the pleasure of the committee.

The Manager and Special Manager, or their deputies, keep the committee informed on market conditions and on transactions they have made and render such reports as the committee may specify.

By order of the Federal Open Market Committee, March 20, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-5901 Filed 3-27-73;8:45 am]

FEDERAL TRADE COMMISSION

LAUNDERING PROCEDURES FOR CARPETS AND RUGS

Opportunity To Submit Comments and Extension of Requirement

The Commission by Notice published in the FEDERAL REGISTER on May 19, 1972, announced that it had determined to suspend temporarily the present washing requirement under the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70 as published in the FEDERAL REGISTER at 35 FR 6211 on April 16, 1970) for carpets containing alumina trihydrate in the backing until September 15, 1972. Written comments were invited and public hearings were held July 18, 1972, for the purpose of (1) considering the possible need for an alternative washing procedure, (2) considering the adoption of specified alternative procedures proposed in the course of the hearings, and (3) obtaining information concerning alumina trihydrate and other substances possessing flame retardant properties and their utilization and characterization as fire retardant treatments. (The suspension of washing procedures did not apply to carpets subject to the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70 as published in the FEDERAL REGISTER at 35 FR 19702 on December 29, 1970).) As a result of various extensions the period of suspension under the original notice was extended to March 6, 1973.

After an analysis of the record and the receipt of comment from the Department of Commerce, notice is hereby given that comments will be received on a proposed alternative laundering procedure under the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) as authorized by paragraph .4(b) of such standard. Comments of the Department of Commerce in this regard have been made a part of the public record.

Any approval of a proposed alternative laundering procedure as hereinafter set forth will be predicated upon industry providing a detailed description of rotary brush and roll-a-jet procedures utilized in laundering carpets and rugs and verification by industry (1) that such rotary brush and roll-a-jet procedures are normally used laundering procedures for carpeting and (2) that the proposed laboratory procedure is an acceptable laboratory procedure and produces results comparable to rotary brush and roll-a-jet procedures.

The Commission remains of the opinion that its announcement of April 10, 1972, "that the use of alumina trihydrate in adhesives, foams, or latexes in carpet backings or elsewhere in the backings will be considered as a fire retardant treatment as defined in the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70)" is correct and appropriate. However, in view of the evidence that alumina trihydrate when used in carpets and rugs in this manner is not generally removed by normal laundering such as rotary brush and roll-a-jet procedures, comment is requested on the advisability of eliminating the laundering requirements for carpets and rugs subject to DOC FF 1-70 where and only where the fire retardant treatment present is alumina trihydrate used as hereinbefore indicated and such carpets and rugs are customarily laundered by rotary brush or roll-a-jet procedures.

In conjunction with this proceeding, the Commission proposes to establish recordkeeping requirements in accordance with its authority under section 5(c) of the Flammable Fabrics Act so as to specify and set forth type and chemical composition of fire retardant treatment utilized in carpets and rugs subject to the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) or the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70), and the method of application and any other pertinent details as to such fire retardant treatment.

Written comments on the subject matter of this Notice will be received by the Federal Trade Commission for 45 days after its publication in the FEDERAL REGISTER.

The suspension of the washing requirement contained in the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) has been previously extended to March 6, 1973. Notice is hereby given that the suspension of the washing requirement is extended until the completion of this proceeding.

The proposed alternative method for washing of carpets and rugs subject to DOC FF 1-70 is as follows:

ALTERNATE METHOD FOR WASHING OF TEXTILE FLOOR COVERINGS FOR DOC FF 1-70[1]

A laboratory procedure to produce results comparable to the "Rotary Brush" and the "Roll-A-Jet" methods customarily used for textile floor coverings in service.

1. *Purpose and scope.*

1.1 This laboratory method is designed to evaluate the permanence of fire-retardant treatments with a severity similar to the "Rotary Brush" and "Roll-A-Jet" washing procedures customarily used for textile floor coverings. The method is suitable whenever cleaning procedures, in which a textile floor covering is wetted down, scrubbed, rinsed, and dried, are to be simulated.

1.2 This method is applicable to either soiled or unsoiled textile floor coverings.

1.3 This method is applicable for evaluating the permanence of fire-retardant treatments for textile floor coverings.

2. *Principle.*

2.1 The test is performed by wetting the textile floor covering with water, applying a solution of a sodium alkylsulfate surfactant, hand scrubbing with a nylon bristle brush, rinsing, extracting excess water, and then drying in a vented oven.

3. *Apparatus and Materials.*

3.1 Cleaning agent—a 1 percent, by volume, solution of a sodium alkylsulfate (see note 6.1).

3.2 A brush having nylon bristles 0.056 to 0.066 cm. (0.022 to 0.026 in.) in diameter and a bristle height of 2.2 to 2.9 cm. (0.88 to 1.13 in.). Width of the brush should be approximately 5 cm. (2 in.). A desirable length of the brush should be approximately one dimensional width of the test specimen (see note 6.2).

3.3 A hydro extractor (see note 6.3).

3.4 Laboratory oven, a vented circulating air type, capable of removing the moisture from the specimens when maintained at 105° C. (221° F.) for 2 hours (see note 6.4).

4. *Procedure.*

4.1 Cut eight test specimens, 25.4 x 25.4 cm. (10 x 10 in.) in size, from the sample and free from defects or creases. The perimeter shall be stitched to prevent delamination, distortion, or other degradation.

4.2 Immerse the test specimen to be washed in a container of water at 18 to 30° C. (65 to 85° F.) until it appears to be uniformly wet. Remove specimen, drain until excess water runs off, and then position on a flatworking surface with traffic surface up.

4.3 Apply 60 ml. of the surfactant solution at a temperature of 18 to 30° C. (65 to 85° F.) distributed uniformly over the traffic surface of the test specimen. Hand scrub, with minimum pressure, the traffic surface with the nylon bristle brush for five strokes in one direction, lifting the brush between strokes. Rotate the specimen a quarter-turn and repeat the brush strokes, doing this until the specimen has been stroked five times in each direction for a total of 20 strokes.

4.4 Thoroughly rinse each specimen on both sides by spraying forcibly with water at 46 to 52° C. (115 to 125° F.) until foaming ceases.

4.5 Position the eight washed and rinsed test specimens in the hydroextractor to extract excess water so there is no overlapping and spin dry for approximately 3 minutes.

4.6 Place the damp-dry set of specimens in the oven at 104 to 110° C. (220 to 230° F.) for 30 minutes and then remove for additional washing. This 30 minute timing is for the first nine washings. On the 10th and final cycle, keep the set of specimens in the oven until dry, or for not less than 2 hours. Remove the set of specimens from the oven and allow to stand at least 8 hours in order to come to equilibrium conditions with the laboratory environment. Cut the specimens to 22.86 x 22.86 cm. (9 x 9 in.) in size, condition as prescribed in the standard for the surface flammability of carpets and rugs, DOC FF 1-70, and test.

5. *Report.*

5.1 State that the set of test specimens was washed according to this procedure.

5.2 Report results of testing as required by DOC FF 1-70.

6. *Notes.*

6.1 Orvus WA paste has been found to be suitable. Available from Procter & Gamble Co., textile specialities section, Post Office Box 599, Cincinnati, OH 45201.

6.2 A suitable brush may be obtained from the Atlanta Brush Co., 19 Hilliard Street, Atlanta, GA 30312 (stock No. 1-4638).

6.3 A satisfactory means of extracting excess water from specimens is the use of the spin-dry cycle only in a home laundry type of washing machine. Care must be used in setting the machine or closing the water valves so that no rinse water is admitted during this spin-dry cycle.

[1] This procedure may also be used for small rugs normally laundered by the rotary brush or roll-a-jet procedures and covered by DOC FF 2-70, "Standard for the Surface Flammability of Small Carpets and Rugs."

6.4 Procedure 2 of ASTM D 2654-71, "Moisture Content and Moisture Regain of Textile Material", without the predrying feature for the incoming air describes a satisfactory oven.

(Sec. 5, Flammable Fabrics Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 USC 1194; paragraph .4(b), standard for the surface flammability of carpets and rugs (DOC FF 1-70), 35 FR 6211, Apr. 16, 1970; paragraph .4(b), standard for the surface flammability of small carpets and rugs (DOC FF 2-70), 35 FR 19702, Dec. 29, 1970)

By direction of the Commission dated March 20, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-5932 Filed 3-27-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEW YORK

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 21, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York resulting from high winds, wave action, and flooding beginning on or about March 16, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of New York. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Thomas R. Casey, Regional Director, OEP Region 2, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New York to have been adversely affected by this declared major disaster.

The counties of:

Jefferson.	Orleans.
Monroe.	Oswego.
Niagara.	Wayne.

Dated: March 23, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-5867 Filed 3-27-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10054]

NEW YORK, AMERICAN, MIDWEST, PBW, AND PACIFIC COAST STOCK EXCHANGES AND NASD

Notice of Extension of Deadline for Submitting Comments

The Division of Market Regulation announced that it has extended from March 23, 1973, to April 6, 1973, the deadline for submitting comments on the joint plan filed with the Commission on March 2, 1973, by the New York, American, Midwest, PBW and Pacific Stock Exchanges and the NASD (the "Plan") pursuant to Rule 17a-15 under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The staff has determined to extend the deadline in order to afford an additional opportunity for public comment. The Plan will continue to be available for inspection in the Commission's public reference room, and all interested persons may submit written comments on the Plan. All comments should be directed to John M. Liftin, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, and should refer to File No. S7-433.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 22, 1973.

[FR Doc.73-5850 Filed 3-27-73;8:45 am]

[File No. 500-1]

CHARNITA, INC.

Order Suspending Trading

MARCH 21, 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 Charnita, 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 10 a.m. (e.s.t.) on March 21, 1973, through March 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5851 Filed 3-27-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

AIRCO, INC.

Investigation Regarding Eligibility for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by Airco Speer Electronic Components, division of Airco, Inc., DuBois, Pa. plant (TEA-W-157) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to radio frequency coils, molded ceramic capacitors, and fixed precision metal film resistors, the President decided under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before April 9, 1973.

Signed at Washington, D.C. this 21st day of March 1973.

GLORIA G. VERNON,
Director, Office of
Foreign Economic Policy.

[FR Doc. 73-5931 Filed 3-27-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 207]

ASSIGNMENT OF HEARINGS

MARCH 23, 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 1977 Sub 15, Northwest Transport Service, Inc., now being assigned hearing June 11, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC 136564 Sub 1, Shippers Leasing, Inc., now being assigned June 18, 1973 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

MC 136172 Sub 2, Dick Bell Trucking, Inc., now being assigned June 19, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 107743 Sub 20, System Transport, Inc., now being assigned June 21, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 123061 Sub 64, Leatham Brothers, Inc., now being assigned June 25, 1973 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC-138232, Inquisitor's Club, now being assigned hearing June 28, 1973 (2 days), at Seattle, Wash., in a hearing room to be later designated.

FD-24679, Spokane, Portland & Seattle Railway Co. and Union Pacific Railroad Co.—Control—Peninsula Terminal Co., FD-24890, Southern Pacific Co.—Common Use of Terminal Facilities—Peninsula Terminal Co., FD-24891, Southern Pacific Co.—Common Use of Certain Terminal Facilities—Union Pacific Railroad Co., now being assigned hearing June 25, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-115826 Sub 246, W. J. Digby, Inc., now being assigned hearing June 5, 1973 (1 day), at Denver Colo., in a hearing room to be later designated.

MC-52858 Sub 109, Convoy Co., now being assigned hearing June 8, 1973 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC-C-7998, Red Ball Motor Freight, Inc.—Investigation and Revocation of Certificates, now being assigned hearing June 18, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC-26396 Sub 51 and Sub 63, Popelka Trucking Co., doing business as the Waggoners, now being assigned hearing June 11, 1973 (1 week), at Missoula, Mont., in a hearing room to be later designated.

MC 128383 Sub 17, Pinto Trucking Service, Inc., now assigned March 27, 1973, at New York, N.Y., hearing is canceled and transferred to modified procedure.

MC 115840 Sub 77, Colonial Fast Freight Lines, Inc., now being assigned hearing June 11, 1973 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 115162 Sub 255, Poole Truck Line, Inc., now being assigned hearing June 14, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC-32882 Sub 66, Mitchell Bros. Truck Lines, now being assigned hearing June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-113855 Sub 261, International Transport, Inc., now being assigned hearing June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC 133095 Sub 19, Texas Continental Express, Inc., now being assigned hearing June 15, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 87532 Sub 7, Clay Products Transport, Inc., now being assigned June 4, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 134599 Sub 53, Interstate Contract Carrier Corporation, now being assigned June 5, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 50069 Sub 458, Refiners Transport & Terminal Corp., now being assigned June 7, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 5623 Sub 19, Arrow Trucking Co., now being assigned June 11, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 135524 Subs 6 and 7, G. F. Trucking Co., now being assigned June 13, 1973 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

AB-3 Sub 2, Missouri Pacific Railroad Co. abandonment between Eudora, Ark., and Delhi, La., in Chicot County, Ark., and West Carrroll and Richland Parishes, La., now being assigned hearing June 20, 1973 (3 days), at Oak Grove, La., in a hearing room to be later designated.

MC 136693, Robert A. Doty, doing business as D. & D. Delivery Service, now being assigned June 4, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 108207 Sub 363, Frozen Food Express, Inc., now being assigned June 6, 1973 (3 days), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5921 Filed 3-27-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 23, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-9147, filed February 26, 1973. Applicant: COOPERSTOWN AND CHARLOTTE VALLEY RAILWAY, 1 Railroad Avenue, Cooperstown, NY 13326. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and refrigerated products* between stations on the Cooperstown and Charlotte Valley Railway, i.e., Cooperstown Junction, Hartwick, Milford, Cooperstown, on the one hand, and, on the other, all points in Delaware, Greene, Schoharie, and Otsego Counties. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5928 Filed 3-27-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 23, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 12, 1973.

FSA No. 42650—*Sand from Brady, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-393), for interested rail carriers. Rates on and, in carloads, as described in the application, from Brady, Tex., to Prestonsburg, Ky. Grounds for relief—Destination rate relationship. Tariff—Supplement 178 to Southwestern Freight Bureau, agent, tariff ICC 4797. Rates are published to become effective on May 1, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5924 Filed 3-27-73;8:45 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 23, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the qual-

ity of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 27, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 642) (cancels Deviation No. 456), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 9, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from Pittsburgh, Pa., over U.S. Highway 22 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40, and (2) from Washington, Pa., over city streets to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 79, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to junction Interstate Highway 70, and return over the same route.

No. MC–1515 (Deviation No. 643) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 24 and Ohio Highway 424 east of Napoleon, Ohio, over U.S. Highway 24 to junction Ohio Highway 424 approximately 4 miles west of Defiance, Ohio, with the following access routes: (1) From Napoleon, Ohio, over Ohio Highway 108 to junction U.S. Highway 24, and (2) from Defiance, Ohio, over Ohio Highway 66 to junction U.S. Highway 24, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 24 and Ohio Highway 424 northeast of Napoleon, Ohio Highway 424 via Napoleon and Defiance, Ohio, to junction U.S. Highway 24 approximately 4 miles west of Defiance, Ohio, and return over the same route.

No. MC–1515 (Deviation No. 644), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 approximately 1 mile south of Bedford, Ind., over New Indiana Highway 37 to junction Old Indiana Highway 37 just north of Bloomington, Ind., with the following access routes: (1) From Bedford, Ind., over Old Indiana Highway 37 via Oolitic, Ind., to junction New Indiana Highway 37, (2) from Bloomington, Ind., over Indiana Highway 45 to junction New Indiana Highway 37, and (3) from Bloomington, Ind., over Indiana Highway 46 to junction New Indiana Highway 37, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 1 mile south of Bedford, Ind., over Old Indiana Highway 37 via Bedford, Oolitic, and Bloomington, Ind., to junction New Indiana Highway 37 just north of Bloomington, Ind., and return over the same route.

No. MC–1515 (Deviation No. 645) (cancels Deviation Nos. 477 and 598), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 65 to junction U.S. Highway 31 near Kimberly, Ala., with the following access routes: (1) From Columbia, Tenn., over Tennessee Highway 99 to junction Interstate Highway 65, (2) from Columbia, Tenn., over Tennessee Highway 50 to junction Interstate Highway 65, (3) from Pulaski, Tenn., over Alternate U.S. Highway 31 to junction Interstate Highway 65, (4) from Pulaski, Tenn., over U.S. Highway 64 to junction Interstate Highway 65, (5) from Athens, Ala., over Alabama Highway 251 to junction Interstate Highway 65, and (6) from Decatur, Ala., over Alabama Highway 67 to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31 to junction Tennessee Highway 7, thence over Tennessee Highway 7 to junction Alabama Highway 251 (Alabama-Tennessee State line) at Ardmore, Ala., thence over Alabama Highway 251 to junction U.S. Highway 31 at Athens, Ala., thence over U.S. Highway 31 to Birmingham, Ala., and return over the same route.

No. MC–2661 (Deviation No. 4), INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, MI 48867, filed March 7, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle, over a deviation route as follows: From Flint, Mich., over Interstate Highway 75 to junction Michigan Highway 25 (approximately 2 miles west of Bay City, Mich.), thence over Michigan Highway 25 to Bay City, Mich., with the following access roads: (1) From Flint, Mich., over Michigan Highway 21 to junction Interstate Highway 75, (2) from Flint, Mich., over Pierson Road to junction Interstate Highway 75, (3) from Saginaw, Mich., over Interstate Highway 675 to junction Interstate Highway 75, and (4) from Bay City, Mich., over Michigan Highway 13 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Port Austin, Mich., over Michigan Highway 25 via Caseville and Unionville, Mich., to Bay City, Mich., thence over U.S. Highway 23 to Flint, Mich., thence over Michigan Highway 78 via Perry and Charlotte, Mich., to Battle Creek, Mich., thence over U.S. Highway 12 via Kalamazoo, Mich., and Michigan City, Ind., to Chicago, Ill. (also from Charlotte over U.S. Highway 27 to Marshall, Mich., thence over U.S. Highway 12 to Battle Creek), and return over the same route.

No. MC 2890 (Deviation No. 92), AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, KS 67201, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to Council Bluffs, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Joseph, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Sidney, Iowa, thence over U.S. Highway 275 to Balfour, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa

Highway 375 to Council Bluffs, Iowa, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5925 Filed 3-27-73;8:45 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 23, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 27, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 28), RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, MO 64142, filed March 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 30, thence over Interstate Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as folows: From Harrisburg, Pa., over U.S. Highway 22 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC-57254 (Deviation No. 1), ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, CA 94710, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction California Highways 14 and 58 over California Highway 58 to Barstow, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 66 to junction Interstate Highway 15, thence over Interstate Highway 15 to Las Vegas, Nev., and (2) from Fresno, Calif., over U.S. Highway 99 to Bakersfield, Calif., thence over California Highway 58 to Mojave, Calif., thence southerly over California Highway 14 to Palmdale, Calif., thence westerly over unnumbered county road by way of Adelento to Victorville, Calif., thence northerly over U.S. Highway 66 and Interstate Highway 15 via Barstow, Calif., to Las Vegas, Nev., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5927 Filed 3-27-73;8:45 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 23, 1973.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant,[1] and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 124266 (Sub-No. 1) (Amendment) filed October 5, 1972, published in the FEDERAL REGISTER issue of November 16, 1972, and republished, as amended, this issue. Applicant: NELSON GWILLIM, Route 2, Box 144, Carlinville, IL 62626. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat products*, from Oklahoma City, Okla., and the commercial zone thereof, and Chicago, Ill., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (2)(a) *shortening, salad dressing and pickle products*, from Chicago, Ill., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (b) *cheese products*, from Carthage, Mo., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; and (c) *cookie products*, from Denver, Colo., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (3)(a) *cream and condensed products*, in bulk, from Joplin, Mo., and the commercial zone thereof, and Springfield, Mo., and the commercial zone thereof, to St. Louis, Mo., and the commercial zone thereof, and O'Fallon, Ill., and the commercial zone thereof; and (b) *condensed and mixed products*, in bulk, from O'Fallon, Ill., and the commercial zone thereof, to plantsites of Prairie Farms at Marietta, Ga., and La Fayette, Ind.; (4) *cartons*, from points in Kentucky and Missouri (except Springfield and Kansas City, Mo., and the commercial zones thereof), to the plantsites of Prairie Farms in Illinois and Iowa; (5) *ice cream products*, between Marietta, Ga., and the commercial zone thereof, St. Louis, Mo., and the commercial zone thereof, Oklahoma City, Okla., and the commercial zone thereof, and points in Texas; and (6) *butter*, from St. Louis, Mo., and the commercial zone thereof, to points in Illinois, Michigan, Kentucky, Tennessee, and Texas, under contract with Prairie Farms Dairy, Inc. NOTE: The purpose of this republication is to redescribe the commodities and territory proposed to be served and to add the commodity cartons.

HEARING: April 27, 1973 (1 day), at 9:30 a.m. United States Standard Time, at St. Louis, Mo.

No. MC 119639 (Sub-No. 5) (Republication), filed November 24, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished this issue. Applicant: INCO EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. An order of the Commission, Division 1, Acting as an Appellate Division, dated March 2, 1973, and served March 15, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *plastic coated fabric and liquid plastic*, in vehicles equipped with mechanical refrigeration, between points in King and Snohomish Counties, Wash, on the one hand, and, on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the re-

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

quirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 42289 (Sub-No. 10), filed March 14, 1973. Applicant: LOMBARD BROS. INCORPORATED, 249 Mill Street, Waterbury, CT 06720. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, office furniture and equipment, and commodities requiring use of dump trucks, tank trucks, or special equipment), between points in Rhode Island. The instant application is a matter directly related to MC-F-11821 published in the FEDERAL REGISTER issue of March 28, 1973. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Providence, R.I., and serve its presently authorized territory. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 120265 (Sub-No. 2), filed March 14, 1973. Applicant: VANDALIA AIR FREIGHT, INC., Dayton Municipal Airport, Vandalia, Ohio 45377. 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 regular and irregular routes, transporting: Regular routes: *Property*, (1) between Vandalia, Ohio, airport and Dayton, Ohio, over Interstate Highway 75, serving all intermediate points; (2) between Vandalia, Ohio airport and Springfield, Ohio, from Vandalia airport over Interstate Highway 75 to junction Interstate Highway 70, thence over Interstate Highway 70 to Springfield, and return over the same route, serving all intermediate points; and (3) between Vandalia, Ohio airport and Sidney, Ohio, over Interstate Highway 75, serving all intermediate points. Restriction: Restricted to transportation of property having a prior or subsequent movement by aircraft. Irregular Routes: *Property*, including property having a prior or subsequent movement by aircraft, between points in Butler Township (Montgomery County), Ohio, on the one hand, and, on the other, points in Ohio. Restriction: Restricted against the transportation of property from or to Vandalia, Ohio (except shipments originating in or destined to a point in said Butler Township), household goods, office furniture and fixtures, furnishing dump truck service, and livestock (except when handled in connection with aircraft transportation). NOTE: The instant application is a matter directly related to MC-F-11805 published in the FEDERAL REGISTER issue of March 7, 1973, Quick Air Freight, Inc., acquisition of Vandalia Air Freight, Inc., and is in effect a conversion of a certificate of registration. Applicant states that the requested authority can be tacked, to a degree, 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 Washington, D.C., or Columbus, Ohio.

No. MC 135639 (Sub-No. 2), filed March 5, 1973. Applicant: QUEENSWAY, INC., 105 North Keyser Avenue, Old Forge, PA 18518. 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 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 Lockport and Buffalo, N.Y.: From Lockport over New York Highway 31 to its intersection with New York Highway 425, thence over New York Highway 425 to its intersection with New York Highway 384 at North Tonawanda, thence over New York Highway 384 to Buffalo, and return over the same route, serving all intermediate points and the off-route points of Lackawanna, Gardenville, Amherst, Getzville, Pendleton, Newfane, Olcott, Akron, Depew, Lancaster, Williamsville, Wilson, and Hamburg, N.Y.; and (2) between Lockport and Rochester, N.Y.: From Lockport over New York Highway 31 to Middleport, thence over New York Highway 31E to Medina, thence over New York Highway 31 to Rochester, and return over the same route, serving all intermediate points and the off-route points of Johnson Creek, Jeddo, Carlton, Hamlin, Clarendon, Shelby, Barker, Lyndonville, and Hilton, N.Y. NOTE: This application is a matter directly related to MC-F-11812 to convert a certificate of registration to a certificate of public convenience and necessity, published in the FEDERAL REGISTER issue of March 14, 1973. Applicant has pending in No. MC-F-11733 a common control application, published in the FEDERAL REGISTER issue of December 13, 1972. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11820. Authority sought for control by UNITED TRUCK SERVICE, 2800 West Bayshore Road, Palo Alto, CA 94303, of (A) WEST NEBRASKA EXPRESS, INC., 515 South Beltline Highway, Scottsbluff, NE 69361, and (B) WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, MO 64836, and for acquisition by O.N.C. FREIGHT SYSTEMS, and ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, all of Palo Alto, Calif. 94303, of control of WEST NEBRASKA EXPRESS, INC., and WILSON BROTHERS TRUCK LINE, INC., through the acquisition by UNITED TRUCK SERVICE. Applicants' attorneys: Roland Rice, 1111 E Street NW., Suite 618, Washington, DC 20004, and Russell E. Lovell, Post Office Box 419, Scottsbluff, NE 69631. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Henry, and Omaha, Nebr., serving various intermediate and off-route points in Nebraska, between Denver, Colo., and Gering, Nebr., serving various intermediate and off-route points in Wyoming and Nebraska, between Denver, Colo., and Pine Bluffs, Wyo., serving various intermediate points in Nebraska, and Sterling, Colo., with restriction; *general commodities*, with exceptions, over irregular routes, between points in Nebraska within 25 miles of Morrill, Nebr., including Morrill, on the one hand, and, on the other, points in Nebraska, between intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Logan County, Colo., and Banner, Cheyenne, Kimball, Morrill, and Scotts Bluff Counties, Nebr., with restriction; over three alternate routes for operating convenience only; *meats, meat products, and meat byproducts, etc.*, from Scottsbluff, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and Wisconsin, from Gordon, Nebr., to Chicago, Ill., from Scottsbluff and York, Nebr., to points in Michigan, Indiana, and Ohio, from Scottsbluff, Nebr., to Chicago, Ill., from Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the plantsite and storage facility of Swift & Co., at Gering, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, from the plantsite and storage facilities of Geo. A. Hormel & Co.,

at Scottsbluff, Nebr., to points in Georgia, North Carolina, and South Carolina, with restrictions; *fresh hams*, from Austin, Minn., Sioux Falls and Huron, S. Dak., Wichita, Kans., Chicago, Ill., and points in Iowa and Missouri, to Scottsbluff, Nebr., from points in Indiana, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., with restrictions; *frozen bakery products*, from Appleton, Wis., to points in North Dakota, South Dakota, Minnesota, those in that part of Iowa on and north of U.S. Highway 20 and on and west of U.S. Highway 169, and those in that part of Kansas on and west of U.S. Highway 75; and (B) numerous specified commodities primarily food *flour, meats, fruits, dairy products, and citrus juices*, as a *common carrier* over irregular routes, from, to, and between specified points in the States of Alabama, Louisiana, Mississippi, Missouri, Kansas, Oklahoma, Minnesota, Texas, Florida, Tennessee, Kentucky, Nebraska, Iowa, South Dakota, Wyoming, Wisconsin, Arkansas, North Dakota, Indiana, Illinois, Georgia, South Carolina, North Carolina, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Montana, with certain restrictions, as more specifically described in Docket No. MC–116544 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. UNITED TRUCK SERVICE is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11821. Authority sought for purchase by LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury, CT 06706, of the operating rights of JOHNSTON TRANSPORTATION, INC., 384 Charles Street, Providence, RI 02904. Applicants' attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–118665 (Sub-No. 2), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Pennsylvania, New Jersey, Rhode Island, New York, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b). NOTE: MC–42289 (Sub-No. 10), is a matter directly related.

No. MC–F–11822. Authority sought for control by O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303, of (A) NORTHWEST MOTOR FREIGHT COMPANY, AND (B) CASHMERE TRANSFER COMPANY, both of 435 Rock Island Road, East Wenatchee, WA 98801, and for acquisition by ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, AND DIANE G. ROUSH, all of 2800 West Bayshore Road, Palo Alto, CA 94303, of control of NORTHWEST MOTOR FREIGHT COMPANY, and CASHMERE TRANSFER COMPANY, through the acquisition by O.N.C. FREIGHT SYSTEMS. Applicants' attorneys: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, and Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: (A) *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Wenatchee, and Oroville, Wash., between Chelan, and Manson, Wash., between Chelan, and Chelan Falls, Wash., between junction U.S. Highway 97 and Washington Highway 16 (near Pateros, Wash.) and Winthrop, Wash., service is authorized to and from all intermediate points, between Oroville, Wash, and the port of entry on the United State-Canada boundary line, at or near Oroville, Wash., serving no intermediate points; (B) *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Okanogan, Douglas, Chelan, Kittitas, Grant, and Yakima Counties, Wash., between points in Kittitas County, Wash., on the one hand, and, on the other, Seattle and Tacoma, Wash.; *household goods* as defined by the Commission, *heavy machinery, and building materials* (except cement in bulk), between points in Chelan County, Wash., on the one hand, and, on the other, points in Washington. O.N.C. FREIGHT SYSTEMS is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11823. Authority sought for purchase by COLE'S EXPRESS, 444 Perry Road, Bangor, ME 04402, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, MA, and for acquisition by GALEN L. COLE, individually and as Trustee, of the estate of A. J. COLE, MERRILL TRUST CO., Trustees, Bangor, Maine 04402, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Brockton and Boston, Mass., between Holbrook and Boston, Mass., between Boston and Lowell, Mass., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11824. Authority sought for purchase by CAPE COD OVERLAND EXPRESS, INC., Ladge Drive, Avon, Mass. 02322, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, Mass., and for acquisition by HENRY F. LYONS, 59 Woodside Avenue, Brockton, MA, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Providence, R.I., serving all intermediate points, and the off-route points of Canton and Wellesley, Mass.; *general commodities*, except articles of unusual value, classes A and B explosives, livestock, carnival equipment, household goods as defined by the Commission, commodities in bulk, and commodities requiring refrigerator equipment, over irregular routes, between points within five miles of Boston, Mass., including Boston, on the one hand, and, on the other, points in Rhode Island; *shoes*, between Holbrook, Mass., and points and places in Massachusetts within ten miles of Holbrook, on the one hand, and, on the other, Providence, R.I. Vendee is authorized to operate as a common carrier in Massachusetts. Application has been filed for temporary authority under section 210a(b). NOTE: MC–52963 (Sub-No. 4), is a matter directly related.

No. MC–F–11825. Authority sought for purchase by B & T TRANSPORTATION CO., 200 Frontage Road, Boston, MA 02118, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, MA 02343, and for acquisition by ALBERT P. SAGANSKY, AND LEONARD LEWIN, both of Boston, Mass. 02118, and RHODE LEWIN, 239 Tappan Street, Brookline, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hinghan, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Holbrook, Mass., and points and places in Massachusetts within 10 miles of Holbrook, on the one hand, and, on the other, points and places in Connecticut. Vendee is authorized to operate as a *common carrier* in Rhode Island, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11826. Authority sought for purchase by MEADOWS VAN & STORAGE, INC., Box 1023 Shookstown Road, Frederick, MD 21701, of the operating rights and property of ROUTZAHN'S MOVING & STORAGE, INC., Frederick County, Frederick, Md. 21701, and for acquisition by VERONICA MEADOWS, 1705 West Seventh Street, Frederick, MD 21701, HARRY KEMP, Route 8, Frederick, Md. 21701, and FREDERICK KEMP, Montevue Road, Frederick, Md. 21701, of control of such rights and property through the purchase. Applicants' representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between Hagerstown, Md., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, Maryland, Pennsylvania, Virginia, West Virginia, and North Carolina. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia, and as a *contract carrier* in Maryland, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11827. Authority sought for purchase by JOE HODGES TRANSPORTATION CORPORATION, 1205 South Platte River Drive, Denver, CO 80223, of the operating rights of TODDMAN TRANSPORT CO., Post Office Box 13426, Fort Worth, TX 76118, and for acquisition by NAVAJO FREIGHT LINES, INC., also of Denver, Colo. 80223, of control of such rights through the purchase. Applicants' attorney and representative: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603, and Frank Mikos, Revenue Officer of Internal Revenue Service, 819 Taylor Street, Fort Worth, TX 76102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120750 (Sub-No. 1), covering the transportation of property, as a *common carrier*, in interstate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has been filed for temporary authority under section 210a (b). NOTE: MC–120634 (Sub-No. 19), is a matter directly related.

No. MC–F–11828. Authority sought for purchase by CAUDELL TRANSPORT, INC., Building 33, State Farmers Market, Forest Park, Ga. 30050, of the operating rights of W. D. FRISBEE, doing business as FRISBEE MOTOR EXPRESS, Post Office Box 591, Austell, GA 30001, and for acquisition by R. E. CAUDELL, 4410 Davidson Avenue NE., Atlanta, GA 30319, of control of such rights through the purchase. Applicants' attorney: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Tampa, Fla., and New Orleans, La., to Atlanta, Ga., and Central City, Ky., from Mobile, Ala., Miami, Jacksonville, and Port Everglades, Fla., Charleston, S.C., and Brunswick and Savannah, Ga., to Central City, Ky., and to the site of the Georgia State Farmers Market at or near Forest Park and Atlanta, Ga., from Gulfport, Miss., to Atlanta, Ga., and Central City, Ky. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, Tennessee, Florida, Alabama, Kentucky, Louisiana, North Carolina, Mississippi, and Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–5926 Filed 3–27–73;8:45 am]

[S.O. No. 1124]

NATIONAL GRAIN AND FEED ASSOCIATION

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 20th day of March 1973.

Upon consideration of the petition filed by the National Grain and Feed Association on March 15, 1973, requesting postponement and reconsideration of Service Order No. 1124.

It appearing, that Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the Association's members have had ample opportunity to review their operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–5923 Filed 3–27–73;8:45 am]

[No. 35767]

LOUIS PADNOS IRON & METAL CO.

Petition for Investigation

MARCH 19, 1973.

Notice is hereby given that on December 18, 1972, Louis Padnos Iron & Metal Co. filed a petition seeking the institution of an investigation for the purpose of determining the lawfulness of the practice of the railroads in utilizing "gross v. gross" weights in considering claims for loss and damage of rail shipments of scrap iron and steel.

The petitioner asserts that it is entitled to reimbursement of its "full and actual loss", pursuant to section 20(11) of the Interstate Commerce Act, and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of the railroads, principally the Chesapeake and Ohio Railway Co., to pay only those claims for loss established by a comparison of gross weights.

Any person interested in the matter which is the subject of the instant petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Commission's Office of Proceedings, room 5342, on or before April 30, 1973, an original and one copy of a statement of his intention to participate. Thereafter the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, filed with the Commission will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours.

A copy of this notice will be served upon the petitioner; and notice of the filing of this petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–5922 Filed 3–27–73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

14 CFR—Continued Page

302 5630
372a 6379
378 7219
385 6061, 7219
400 6169
401 6170
425 6170
435 6170
1203a 8056
1204 6383

PROPOSED RULES:

39 6396, 7812
71 5482, 5657, 5658, 5911, 5912, 6075, 6194, 6290, 6397, 6398, 6689, 6690, 6831, 7009, 7127, 7241, 7339, 7401, 7469, 7812, 7813, 8004, 8066
73 8066
75 8067
103 6690
105 6076
121 8067
127 8067
135 8067
139 6692
171 7401

15 CFR

377 6808

PROPOSED RULES:

1000 5906

16 CFR

13 5838, 6062, 6063, 6384, 6991, 7453–7455, 7545, 7548, 7795, 7796, 7984
425 6991
600 6384

PROPOSED RULES:

255 6191

17 CFR

210 6064, 7323
230 6809
231 5457, 7220
240 6277
241 5457
270 7796
271 5457
276 5457

PROPOSED RULES:

1 6190
210 6409
231 6409
241 6409
270 6832
275 5912, 7010

18 CFR

2 6384, 7455
101 6667, 7214
104 7214
120 7214
141 7214
201 7215
204 7215
221 7215
260 6809, 7215
305 5458
801 6386

PROPOSED RULES:

2 6401, 8069

19 CFR Page

1 6069, 6386, 6694
8 5630
16 8057
19 5630
123 6991
153 7566

PROPOSED RULES:

1 7008, 7810
134 6181

20 CFR

210 5631
238 6171
401 7221
405 6386, 7223, 7458
422 7221
801 6171
802 6171

PROPOSED RULES:

401 7239
404 5656

21 CFR

1 5459, 6392, 6950, 6951, 6961, 6966, 7096
2 6394, 6668, 6669
3 6966
6 7003
8 7005, 7006
18 6967
19 6883, 6886, 6887, 6967
27 6968
45 6968
100 6969
102 6966, 6968
121 6394, 6887, 7005
130 6137, 6258, 7005
132 6258
135 6888, 7005
135b 5840, 5841, 6669, 6888
135c 5840, 5841, 6137, 6810, 6888
135e 6340, 6888
141 6810, 6889
141c 6811
145 6890
146 7006
146a 6891
146c 6811
146e 6891
148e 5459
148f 6813
148i 6891, 7007
148m 5459
149q 6811
149y 6890
150d 6811
167 7096
191 6138
191b 6138
295 5459, 6892

PROPOSED RULES:

1 6191, 6396
3 6396
19 7008
80 6396
102 6974, 6975
125 6396
131 6191
141 8064
176 6191
145 6074
148w 8064
149b 8065
278 6290
295 6074

24 CFR Page

42 7550
300 7114
1700 5841
1914 5461, 6677, 6992, 7224, 7550
1915 5462, 6679, 7225, 7551

PROPOSED RULES:

42 7570

25 CFR

PROPOSED RULES:

41 7465
252 7334

26 CFR

1 5462, 5842, 6148, 6277, 6387, 6893
12 6277
53 7549
240 6814
301 6148, 6815
601 7458

PROPOSED RULES:

1 6395, 7567
31 7230, 7570
45 6181
53 6075
250 7125
275 7125
301 7567

28 CFR

0 6893, 7223
42 6388

29 CFR

2 5631
103 6176
511 6278
516 7114
779 7549
1916 5467
1917 5467
1918 5467
1952 6177

PROPOSED RULES:

1602 5659
1910 5644
1912 7817
1953 7237

30 CFR

11 6993

PROPOSED RULES:

75 6900, 7465

31 CFR

306 7078
520 7984

32 CFR

159 6994
719 5997
720 6021
727 6026
750 6028
751 6040
753 6048
756 6052
757 6053
804 6761
806a 6995
813 6768
814a 6893

47 CFR—Continued

	Page
87	7227
97	6180
PROPOSED RULES:	
1	6082
2	7340
18	7340
21	7340
73	5666, 6695, 7340, 7341, 7574, 7576
74	7340
81	7342
83	5970, 7816
87	7402
89	7340
91	7340
93	7340

49 CFR

21	5875
85	6997
173	6180, 7561, 7562
177	7561
195	7121
393	7464
571	5636, 6070, 6392, 6999, 7562
1000	7229
1002	5875
1003	6828
1033	5636, 5637, 5876, 5877, 6828, 6881–6883, 6999, 7332, 7808, 8061, 8062
1048	7809
1056	6392
1100	7563
PROPOSED RULES:	
71	7009
85	7814
172	7470
173	7470
174	7470
178	7470
179	7470
396	7127
PROPOSED RULES—Continued	
571	6194, 6831, 7339
574	6398
575	6194
1036	6406
1322	7820

50 CFR

12	6071
16	6675
28	5877, 6282, 7504
32	6071, 6282
33	5479, 5637, 6282, 6883, 7000, 7001, 7332, 7333, 7464, 8062
90	6675
216	7987
258	6283
280	6071
PROPOSED RULES:	
28	7126
80	7334

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
5449–5609	Mar. 1
5611–5829	2
5831–5985	5
5987–6125	6
6127–6267	7
6269–6360	8
6361–6654	9
6655–6753	12
6755–6866	13
6867–6975	14
6977–7102	Mar. 15
7103–7203	16
7205–7308	19
7309–7386	20
7387–7439	21
7441–7537	22
7539–7782	23
7783–7967	26
7969–8039	27
8041–8123	28

federal register

WEDNESDAY, MARCH 28, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 59

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

LIFE SAVING EQUIPMENT

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER S—BOATING SAFETY

[CGD 72-120R]

PART 175—EQUIPMENT REQUIREMENTS

Personal Flotation Devices

The purpose of these amendments is to establish new carriage requirements for lifesaving equipment on certain vessels to which the Federal Boat Safety Act of 1971 applies. A notice of proposed rulemaking was published on October 6, 1972 (37 FR 21262), proposing adoption of these carriage requirements under the authority of sections 5 and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1)).

In addition a supplemental notice of proposed rulemaking was published on January 5, 1973 (38 FR 887), proposing clarification to the carriage requirements by extending the throwable device requirement to all boats.

On November 20, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period October 6, 1972, to December 11, 1972, and January 5, 1973, to January 30, 1973, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

The requirements have been developed in accordance with the requirements of section 6 of the Federal Boat Safety Act of 1971. The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meetings are available from the Executive Director, Boating Safety Advisory Council at this address.

Several comments suggest that "ski belts" be considered as approved devices and allowed for carriage in lieu of buoyant cushions or other similar devices. The Coast Guard approves personal flotation devices which fall into two general groups; devices that an individual would wear and devices intended to be grasped by an individual in the water. A ski belt when compared to the group of devices designed to be worn does not perform satisfactorily. It provides insufficient buoyancy in the wrong location as commonly worn. People will wear ski belts in one of four ways; high or low on the front or high or low on the back. The location of the center of buoyancy of the human body being where it is, only one location (high on the front) will provide the turning moment in the water necessary to hold the wearer's face out of the water. Three out of the four ways of wearing the device afford inadequate protection. When compared to the second group, those intended to be grasped, a ski belt provides only 25 percent of the buoyancy required for a device designed to be grasped. An extensive study conducted for the Coast Guard shows that a minimum of 13 to 14 pounds buoyancy is required to support 90 percent of the American population with only their head above water (does not include any portion of neck). A ski belt offers 5 to 6 pounds buoyancy which will support only 10 percent of the population. In many instances, the strap does not pass through the foam and has been known to separate from the foam upon impact with the water (a water skier falling from his skis). Ski belts are not Coast Guard approved, but may be carried as excess equipment in addition to the required approved devices.

One comment spoke to a type of lifesaving device used by lifeguards. This is a device similar in appearance to a ski belt, but one that is not worn by water skiers. This particular device provides over 16 pounds of buoyancy and when put on the victim (high on the front) allows the lifeguard to tow the floating victim onto shore. This device is not Coast Guard approved, but may be carried as excess equipment.

Several comments were received with regard to the acceptability of a wet suit as a suitable replacement for a PFD. The wet suit has not been formally submitted to the Coast Guard for approval. However, the wet suit has been evaluated for cold weather operations. During this evaluation it was determined that the wet suit in no way met any of the performance (amount and location of buoyancy) criteria for PFD approval.

Several comments spoke to the carriage of a Type IV PFD (throwable device) for man-overboard protection. After reviewing the several comments with regard to the supplemental Notice of Proposed Rule Making, the Coast Guard is revising the proposed requirement for the additional throwable device. Boats 16 feet in length and longer, except canoes and kayaks, are required to carry at least one Type IV PFD in addition to the required devices. The notice (37 FR 21262) set the break point at 26 feet, but it was felt that boats in the 16 to 26 foot category would also require the man-overboard protection afforded to the larger boats in the original proposal. On boats less than 16 feet in length, there is no mandatory requirement for the Type IV device. A great majority of boats less than 16 feet in length normally carry cushions as the required device. On most of these boats there is limited space to stow additional items such as a throwable device. Also, many racing associations require the participants to wear their devices when engaged in racing activities. In addition, the boats in the less than 16 foot category are very maneuverable and generally have low freeboard, making reboarding easier. It is therefore not necessary to require a Type IV throwable device for the smaller boats. The Coast Guard will study this area further. It should be pointed out that the buoyant cushion will continue to be a Coast Guard approved device.

Several comments suggested that carriage requirements be based on where the boat is used and distance from shore traveled. With this setup a boatman would be faced with different criteria during a voyage depending on the waters to be used and the distance he was from the shore. This approach would put an undue burden on the boatman. One comment suggested requiring the PFD to be worn. The purpose of these regulations was to give the boatman a wide choice of approved devices with corresponding performance information from which he could choose an appropriate device for his particular use. The choice of device and whether to wear it or not is left up to the boatman.

One comment suggested that Types I II, and III be allowed as throwable devices. There are different buoyancy and actual performance criteria for the Type IV than for the other devices. The approval specifications for the Type IV device are based in part on a throwing criteria. Also the performance of Types I, II, and III are different if they are grasped than if worn as they are intended to be. The Type IV when grasped keeps a body higher out of the water than do the Types I, II, and III because of greater buoyancy provided.

Several comments suggested that the Type IV be one of the required devices on boats 16 feet or longer in length. One of the reasons for accepting cushions (Type IV) on smaller boats is because of limited storage space on these boats. On boats 16 feet in length and longer the storage problem is not present, and therefore, the larger devices can be adequately stowed.

One comment questioned the legal authority to regulate private citizens using a private boat. The authority is section 5(a)(2) of the Federal Boat Safety Act of 1971 (Public Law 92-75), which provides: "The Secretary may issue regulations—requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, firefighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment."

Several comments concerning exemption of racing canoes, racing shells, rowing sculls, and racing kayaks, were directed to the regulations "Interim Requirements" published in the February 16, 1972 (37 FR 3433) FEDERAL REGISTER. These comments were answered in the October 6, 1972, notice of proposed rulemaking (37 FR 21263).

One comment suggested that the Type IV throwable device be readily accessible instead of immediately available. This device which would be used for man over-

board protection, should be so located that it can be put to immediate use in an emergency.

Several miscellaneous comments not specifically directed to the notice of proposed rule making were received. The comments on signal lights for PFD's, inflatable boats in lieu of PFD's, and coloring schemes for search and rescue purposes will be reviewed and be a basis for possible future revisions to the regulations.

The effective date of the regulations is October 1, 1973. This date should allow adequate time to properly educate the boatman on the new requirements. However, if a person wishes to follow the new requirements, he will be considered in compliance with the existing requirements.

These regulations revoke the requirements presently applicable to uninspected recreational motorboats in 46 CFR 25.25 and also the interim requirements in 33 CFR Part 199 presently applicable to boats propelled or controlled by oars, paddles, poles, sail, or by another vessel.

This amendment to Subchapter S applies to recreational boats as defined in § 175.3(b). An amendment to Subchapter C, Chapter I of title 46, which appears in this issue of the FEDERAL REGISTER at page 8116, contains the requirements for vessels carrying six or fewer passengers as well as other requirements.

In consideration of the foregoing, Subchapter S of Title 33 of the Code of Federal Regulations is amended by adding a new Part 175 to read as follows:

Subpart A—General

Sec.

Subpart B—Personal Flotation Devices

AUTHORITY: Secs. 5 and 39 of the Federal Boat Safety Act of 1971, 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1).

Subpart A—General

§ 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except—

(a) Foreign boats temporarily using waters subject to U.S. jurisdiction;

(b) Military or public boats of the United States, except recreational-type public vessels;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ship's lifeboats.

§ 175.3 Definitions.

As used in this part:

(a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(b) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(c) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(d) "Use" means operate, navigate, or employ.

(e) "Passenger" means every person carried on board a vessel other than—

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(f) "Racing shell, rowing scull, and racing kayak" means a manually propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel except racing shells, rowing sculls, and racing kayaks.

§ 175.13 Definitions.

As used in this subpart:

(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR 160.

(b) "PFD" means "personal flotation device".

§ 175.15 Personal flotation devices required.

(a) Except as provided in § 175.17, no person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.
(2) Type II PFD.
(3) Type III PFD.
(4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.
(2) Type II PFD.
(3) Type III PFD.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in Table 175.23 is on board in addition to the PFD's required in paragraph (b) of this section.

§ 175.17 Exceptions.

(a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A type V PFD may be carried in lieu of any PFD required in § 175.15 if that type V PFD is approved for the activity in which the recreational boat is being used.

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each type I, type II, type III, or type V PFD required by §§ 175.15 or 175.17 is readily accessible.

(b) No person may use a recreational boat unless each type IV PFD required by § 175.15 is immediately available.

§ 175.21 Conditions: approval; marking.

No person may use a recreational boat unless each device required by § 175.15, or each device allowed by § 175.17, is—

(a) In serviceable condition;

(b) Legibly marked with the approval number as specified in 46 CFR Part 160 for items subject to approval; and

(c) Of an appropriate size for the person for whom it is intended.

§ 175.23 Personal flotation device equivalents.

Table 175.23 lists devices that are equivalent to personal flotation devices.

TABLE 175.23

Devices marked—	*Are equivalent to performance type*
160.002 Life preserver	Type I personal flotation device.
160.003 Life preserve	Do.
160.004 Life preserver	Do.
160.005 Life preserver	Do.
160.009 Ring life buoy	Type IV personal flotation device.
160.047 Buoyant vest	Type II personal flotation device.
160.048 Buoyant cushion.	Type IV personal flotation device.
160.049 Buoyant cushion.	Do.
160.050 Ring life buoy	Do.
160.052 Buoyant vest	Type II personal flotation device.
160.053 Work vest	Type V personal flotation device.
160.055 Life preserver	Type I personal flotation device.

Devices marked—	*Are equivalent to performance type*
160.060 Buoyant vest.	Type II personal flotation device.
160.064 Special purpose water safety buoyant devices.	A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device—may not turn unconscious wearer". A device intended to be grasped is equivalent to type IV.

Effective date. This amendment shall become effective on October 1, 1973. However, compliance with this proposal prior to the effective date will be considered as compliance with the existing regulations.

Dated: March 21, 1973.

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

[FR Doc.73-5736 Filed 3-27-73;8:45 am]

Title 46—Shipping

SUBCHAPTER C—UNINSPECTED VESSELS

[CGD 72-172R]

PART 24—GENERAL PROVISIONS

PART 25—REQUIREMENTS

Life Preservers and Other Lifesaving Equipment for Uninspected Vessels

The purpose of these amendments to the uninspected vessel regulations is to implement new carriage requirements for uninspected commercial vessels.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of October 6, 1972 (37 FR 21264). A public hearing was held on November 20, 1972, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. There were no comments received that spoke exclusively to CGD 72-172 PR. Comments received have been responded to in CGD 72-163 PR.

The amendments in this document accomplish the following:

a. Make the provisions of 46 CFR Subpart 25.25 applicable only to commercial uninspected vessels.

b. Make all commercial uninspected sail vessels and non-self-propelled vessels carrying six or less passengers for hire subject to the provisions of Subpart 25.25.

c. Withdraw acceptance of wood floats as primary lifesaving devices for commercial fishing motorboats. The proposal will establish a wearable lifesaving device as the minimum. Use of the wood float requires the user to grasp the float and to remain in complete control of body functions. This is considered to be unreasonable in light of the effects of cold water on a human body after relatively short periods of immersion. Commercial fishing vessels can be expected to operate in open water in severe conditions.

d. Withdraw the provisions which permit commercial fishing motorboats and commercial motorboats not carrying passengers for hire the option of carrying a device intended to be thrown such as a ring buoy, or buoyant cushion in lieu of a wearable device. As proposed, a life preserver, buoyant vest or special purpose water safety buoyant device intended to be worn would be required for each person on board, except commercial motorboats 40 feet or longer would be required to carry a life preserver as the wearable device. The new minimum established would be a wearable device. It is considered reasonable to require the wearable lifesaving device on commercial vessels as they tend to operate in almost all weather conditions.

e. Require life preservers to be of a size suitable for each person on board, i.e. adult, child medium or child small. The approval of a device is limited to the size marked on the device, thus this requirement simply clarifies the existing limitations of Coast Guard approved lifesaving devices. The present regulations in § 25.25-10 for uninspected vessels carrying passengers for hire require an additional number of life preservers suitable for children equal to at least 10 percent of the total number of persons carried. For uninspected vessels carrying six and less passengers for hire, the greatest number of child devices required would be six and this is not considered to be onerous. Similarly commercial vessels not carrying passengers for hire do not ordinarily carry children, therefore the requirement to carry devices of an appropriate size is reasonable.

f. Include a requirement for the carriage of a ring life buoy for all commercial motor vessels, motorboats 26 feet or longer and all sail vessels and non-self-propelled vessels 26 feet or longer carrying passengers for hire. The additional ring life buoy is intended to be thrown to a person falling overboard into the water. The Coast Guard considers that boats 26 feet in length or longer are less maneuverable than smaller boats and that these larger boats have, in general, higher freeboards making reboarding more difficult. For these reasons, the Coast Guard feels that additional man-overboard protection is needed.

g. Continue to permit excess equipment to be carried in addition to that required. The proposal would delete the specific text which states that such excess equipment is permitted. This includes workvests, special purpose water-safety buoyant devices intended to be thrown to a person in the water, and buoyant cushions. The text as now worded serves no purpose.

h. Continue to permit cork and balsa wood life preservers maufactured prior to July 1, 1965, under Subparts 160.003 and 160.004 (46 CFR Part 160) to be carried as required equipment. However, the amendment would delete from the regulations § 25.25-5(c)(2) which specifically allows these life preservers, because the text is not necessary.

i. Withdraw the provision which permits vessels to continue to carry items of equipment purchased prior to November 19, 1952. Twenty years has provided sufficient time to acquire replacement of lifesaving equipment purchased prior to November 19, 1952, through normal attrition.

j. Revise the appropriate applicability sections of Subchapter C.

The effective date of these amendments is October 1, 1973. Any person who complies with these amended regulations prior to October 1, 1973, will be considered as being in compliance with the existing regulations. There were no comments received.

In consideration of the foregoing, Parts 24 and 25 of Chapter I, Title 46, Code of Federal Regulations, are amended as follows:

1. By revising § 24.01-1 to read as follows:

§ 24.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for uninspected commercial vessels, certain motor vessels, vessels propelled by said carrying passenger for hire, and barges carrying passengers for hire in accordance with the intent of the Motorboat Act of 1940, as amended (54 Stat. 163; 46 U.S.C. 526-526t) and the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451-1489). The regulations are necessary to carry out the provisions of the Motorboat Act of 1940, and the Federal Boat Safety Act of 1971 and such regulations have the force of law.

2. By revising § 24.01-10 (a) and (b) to read as follows:

§ 24.01-10 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in R.S. 4405, as amended (46 U.S.C. 375) and R.S. 4462, as amended (46 U.S.C. 416) and in section 17 of the Motorboat Act of 1940, as amended (54 Stat. 166; 46 U.S.C. 526p) and sections 5 and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 215, 228; 46 U.S.C. 1454, 1488).

(b) *Lifesaving appliances.* The regulations regarding lifesaving appliances interpret or apply section 6 of the Motorboat Act of 1940, as amended (54 Stat. 164; 46 U.S.C. 526e) and section 5(a) of the Federal Boat Safety Act of 1971 (85 Stat. 215; 46 U.S.C. 1454(a)).

* * * * *

3. By revising the entry in Table 24.05-1(a) for "sail" in column 6 and by adding Footnote 12 to read as follows:

TABLE 24.05-1(a)

•		•		•		•		•	
• • •	• • •	• • •	• • •	• • •	All vessels carrying 6 or less passengers for hire.[12]		• • •	• • •	
•		•		•		•		•	

[12] Lifesaving device requirements of Subpart 25.25 only.

4. By revising Subpart 25.25 to read as follows:

Subpart 25.25—Life Preservers and Other Lifesaving Equipment

AUTHORITY: The provisions of this Subpart 25.25 issued under R.S. 4405, as amended, R.S. 4462, as amended, sec. 17, 54 Stat. 166, as amended, secs. 5 and 39, 85 Stat. 215, 228, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 526P, 1454, 1488; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(1).

§ 25.25–1 Application.

This subpart applies to each vessel to which this part applies, except:

(a) Vessels used for noncommercial use;

(b) Vessels leased, rented, or chartered to another for the latter's noncommercial use;

(c) Commercial vessels propelled by sail not carrying passengers for hire; or

(d) Commercial barges not carrying passengers for hire.

§ 25.25–3 Definitions.

As used in this subpart:

(a) "Approved" means approved under Subchapter Q of this chapter.

(b) "Use" means operate, navigate, or employ.

§ 25.25–5 Life preservers and other lifesaving equipment required.

(a) No person may operate a vessel to which this subpart applies unless it meets the requirements of this subpart.

(b) Each vessel not carrying passengers for hire, less than 40 feet in length must have at least one life preserver, buoyant vest, or special purpose water safety buoyant device intended to be worn, approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers that do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(c) Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one life preserver approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(d) Each vessel 26 feet in length or longer must have at least one ring life buoy approved under Subparts 160.009 or 160.050 of this chapter in addition to the equipment required by paragraph (b) or (c) of this section.

§ 25.25–7 Marking.

The lifesaving equipment required by this subpart must be legibly marked as specified in Subchapter Q of this chapter.

§ 25.25–9 Storage.

(a) The lifesaving equipment designed to be worn required in § 25.25–5 (a) and (b) must be readily accessible.

(b) Lifesaving equipment designed to be thrown required in § 25.25–5(d) must be immediately available.

§ 25.25–11 Condition.

The lifesaving equipment required by this subpart must be in serviceable condition.

Effective date. The effective date of these amendments is October 1, 1973, however any person in compliance with these amendments prior to October 1, 1973, will be considered in compliance with existing regulations.

(R.S. 4405, as amended, R.S. 4462, as amended, Dec. 17, 54 Stat. 166, as amended, Secs. 5 and 39, 85 Stat. 215, 228, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 526p, 1454, 1488; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (o)(1))

Dated: March 21, 1973.

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

[FR Doc.73–5735 Filed 3–27–73;8:45 am]

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72–163R]

PART 160—LIFESAVING EQUIPMENT

Specification for Lifesaving Equipment

The purpose of these amendments to the specification regulations is to implement the new terminology that will be used by the Coast Guard to more accurately indicate the performance of approved lifesaving devices.

These amendments were proposed in a notice of proposed rulemaking published in the FEDERAL REGISTER of October 6, 1972 (37 FR 21266). A public hearing was held on November 20, 1972, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. Type designations were used throughout Part 160 to distinguish between different designs and materials used in the construction of approved lifesaving devices. For example, in § 160.002–2, a Type A kapok life preserver denoted the adult model, and a Type B kapok life preserver denoted the child's model. In § 160.009–2, Type I designated a ring life buoy made of cork and Type II designated a ring life buoy made of balsa wood. Since this terminology conflicts with the personal flotation device (PFD) performance terminology (i.e., Type I, personal flotation device, Type II personal flotation device, etc.) in Part 175, the present type designations in Part 160 are deleted wherever they appear and the appropriate personal flotation device type designation added to the marking specification so that the user can recognize and select the appropriate type device required by Part 175.

The specifications for buoyant vests, buoyant cushions, and special purpose water safety buoyant devices are changed to reflect the language of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.) by replacing the words "motorboats of Classes A, 1 or 2 not carrying passengers for hire"; with the words "recreational boats." Also for the same reason wherever ring life buoys are referred to in Part 160 as being used on merchant vessels and motorboats, the word "motorboats" is replaced by the word "boats."

In addition, miscellaneous amendments to Part 160 are included to improve clarity and update the text. These amendments include:

a. In the heading of § 160.009–4, the word "requirement" is replaced by the word "standard" to make the wording of the heading consistent with the wording used elsewhere in Part 160.

b. Paragraphs (d) of § 160.047–1, 160.048–1, 160.049–1, 160.052–1, and 160.060–1 are revised to reflect the new permissible extension.

c. Sections 160.048–7a, 160.049–7a, and 160.064–5a are added to update the name and address of the designated recognized laboratory conducting the approval testing and inspection program.

d. Sections 160.049–4(c) and 160.064–5(b) are revised for the purpose of clarity.

e. Paragraphs 160.002–1(d), 160.005–1(d), 160.009–1(d), 160.050–1(d), 160.053–1(c), and 160.055–1(d) are added to reflect the new permissible extension.

The Coast Guard received written comments on the proposed changes to the Specifications for Lifesaving Equipment. The comments received were as follows:

1. The effective date should be September 1, 1973.

2. Suggested new format for classification of devices instead of by type.

3. The buoyancy requirement for Type IV Personal Flotation Devices is 20 pounds. Inasmuch as there are materials available (i.e. P.V.C. Foam) which do not have the same loss of buoyancy through use as kapok has and in an effort to produce a more acceptable device for the recreational boatman, a lesser buoyancy rating (not including kapok devices) was suggested.

4. There appear to be conflicting requirements regarding the breaking strength of the dee ring and snap hook arrangement and the body strap assembly (including dee ring and snap hooks). The discrepancy should be removed and requirements brought in line.

5. The Coast Guard should adopt the "NAYRU standards for PFD's for Sailors" as part of the Coast Guard specification which covers devices intended for sailors.

6. The Coast Guard should accept the use of entrapped air as primary means of buoyancy.

7. The Coast Guard should require the use of retro-reflective tape on all PFD's.

8. The results of the buoyancy test should be after 2 hours in lieu of the presently required 24 hours for foam devices only. This will enable the inspector to spend less time in the factory while achieving the same level of quality.

9. The Coast Guard should require the use of a "non-skid" material on the cover of all throwable devices (type IV).

10. Include in the marking of PFD exactly how long a device will sustain a certain weight individual.

11. Standards which are at least equivalent to those followed by American manufacturers should be required of foreign manufacturers as well.

The Coast Guard found merit in some of the comments received, however, only two referred directly to the proposed changes. The first suggested an effective date of September 1, 1973, however, a later effective date has been chosen with allowance for a manufacturer to comply prior to the effective date if he so wishes. The second comment suggested a different terminology for the classification of personal flotation devices, however, due to the amount of publicity already given the proposed type classification the Coast Guard has chosen to remain with the proposed terminology. The remaining comments which were not directed at the proposed changes will be taken under consideration for the purposes of future changes in the regulations.

A paragraph has been added to allow PFD manufacturers to delay meeting the new requirements until the start of their next season (Nov. 1, 1973). It is permissible, however, to meet the new requirements any time after the effective date. In consideration of the foregoing, Subchapter Q of Title 46 Code of Federal Regulations is amended as follows:

1. By amending § 160.002–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.002–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

By revising § 160.002–2 to read as follows:

§ 160.002–2 Size and model.

Each life preserver specified in this subpart is to be a:

(a) Model 3, adult, 24 ounces kapok; or

(b) Model 5, child, 16 ounces kapok.

3. By revising § 160.002–6 to read as follows:

§ 160.002–6 Marking.

Each life preserver must have the following clearly marked in waterproof ink on a front section:

(a) In letters three-quarters of an inch or more in height:

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Kapok life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U.S. Coast Guard Approval No. 160.002 (assigned manufacturers No.); (revision No.); (model No.); (Name and address of manufacturer or distributor); (lot No.).

4. By amending § 160.005–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.005–1 Applicable specification and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

5. By revising § 160.005–2 to read as follows:

§ 160.005–2 Size and model.

Each life preserver specified in this subpart is a:

(a) Model 52, adult, 46 ounces fibrous glass; or

(b) Model 56, child, 30 ounces fibrous glass.

6. By revising § 160.005–6 to read as follows:

§ 160.005–6 Marking.

Each life preserver must have the following clearly marked in waterproof lettering on a front section:

(a) In letters three-fourths inch or more in height:

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Fibrous glass life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U. S. Coast Guard Approval No. 160.005 (assigned manufacturers' No.); (revision No.); (model No.); (Name and address of manufacturer or distributor); (lot No.).

7. By revising the heading of Subpart 160.009 to read as follows:

Subpart 160.009—Specification for a Buoy, Life Ring, Cork or Balsa Wood for Merchant Vessels and Boats

8. By revising § 160.009–1 by adding paragraph 160.009–1(d) to follow paragraph 160.009–1(c) and to read as follows:

§ 160.009–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of ring life buoys having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

9. By amending § 160.009–2 by revising paragraph (a) to read as follows:

§ 160.009–2 Type and size.

(a) *Type.* Each ring life buoy specified in this subpart must be made of:

(1) Cork; or

(2) Balsa wood.

* * * * *

10. By amending § 160.009–3 by revising paragraph (a) and adding paragraph (a–1) to read as follows:

§ 160.009–3 Materials.

(a) *Cork.* All sheet cork used in a cork ring life buoy must comply with Subpart 164.001 of this chapter.

(a–1) *Balsa wood.* All balsa wood used in a ring life buoy must comply with Subpart 164.002 of this chapter.

* * * * *

11. By revising the heading and paragraph (a) and subparagraph (b)(4) of § 160.009–4 to read as follows:

§ 160.009–4 Construction, workmanship, and performance standards.

(a) *General.* This specification covers ring life buoys, consisting of a body constructed in the shape of a ring with an approximately elliptical cross section as illustrated by Drawing No. 160.009, which provide buoyancy to aid in keeping persons afloat in the water. Alternate arrangements meeting the performance requirements of this specification will be given special consideration.

(b) * * *

(4) *Waterproof finish for balsa wood life ring buoys.* The entire finished body of each balsa wood ring life buoy must have a copious coat of waterproof glue that has dried thoroughly before the cover is placed on the buoy. The waterproof glue must be equivalent to the products having trade names of "Hydrotuf," "Synthetic Plasoleum," and "Balsa Wood Coating."

* * * * *

12. By revising § 160.009–6 to read as follows:

§ 160.009–6 Marking.

Each ring life buoy must have the following information clearly marked in waterproof lettering:

(a) On the body:

Passed, U.S. Coast Guard, (Inspection Date), (Inspector's Initials), (Port)
(Name and address of manufacturer or distributor)
(Size of buoy.)
Coast Guard Approval No. 160.009/(assigned manufacturers' No.)/(revision No.).

(b) On the cover:

Type IV—Personal flotation device.
(Cork or balsa wood) ring life buoy.
Designed to be thrown to a person in the water.

Approved for general use on recreational boats, less than 16 feet in length and as a throwing device for all vessels.
Approved, U.S. Coast Guard (inspection date), (inspectors' initials), (port).
(Name and address of manufacturer or distributor.)
Coast Guard Approval No. 160.009/(assigned manufacturers' No./(revision No.).
(Size of buoy.)
(The lot No.)

13. By revising the heading of Subpart 160.047 to read as follows:

Subpart 160.047—Specification for a Buoyant Vest, Kapok or Fibrous Glass, Adult and Child

14. By amending § 160.047–1 by revising paragraph (d) to read as follows:

§ 160.047–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

15. By revising § 160.047–2 to read as follows:

§ 160.047–2 Model.

Each buoyant vest specified in this subpart is a:

(a) Model AK–1, adult, kapok (for persons weighing more than 90 pounds);

(b) Model AF–1, adult, fibrous glass (for persons weighing more than 90 pounds);

(c) Model CKM–1, child medium, kapok (for children weighing from 50 to 90 pounds);

(d) Model CFM–1, child medium, fibrous glass (for children weighing from 50 to 90 pounds);

(e) Model CKS–1, child small kapok (for children weighing less than 50 pounds); or

(f) Model CFS–1, child small, fibrous glass (for children weighing less than 50 pounds).

16. By revising § 160.047–6 to read as follows:

§ 160.047–6 Marking.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
(Kapok or fibrous glass) buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Do not puncture or snag inner plastic covers.
If pads become waterlogged, replace vest.
Approved for use on uninspected commercial vessel less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).
U.S. Coast Guard Approval No. 160.047/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking tags.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water, it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

17. By revising the heading of Subpart 160.048 to read as follows:

Subpart 160.048—Specification for a Buoyant Cushion, Fibrous Glass

18. By amending § 160.048–1 by revising paragraph (d) to read as follows:

§ 160.048–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant cushions having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

19. By amending § 160.048–6 by revising paragraph (a) to read as follows:

§ 160.048–6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—Personal flotation device.
(Kapok or fibrous glass) buoyant cushion.
Designed to be thrown to a person in the water.
Warning: Do not wear on back.
Do not puncture or snag inner plastic cover.
Dry out thoroughly when wet.
Replace when waterlogged.
Approved for use on recreational boats less than 16 feet in length, and as a throwing device on recreational boats.
U.S. Coast Guard Approval No. 160.048/(assigned manufacturers' No.)/(revision No.); (Model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)
(Size; width, thickness and length, both top and bottom for trapezoidal cushions.)

* * * * *

§ 160.048–7 [Amended]

20. By amending § 160.048–7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

21. By adding § 160.048–7a to follow § 160.048–7 and to read as follows:

§ 160.048–7a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

22. By revising the heading of Subpart 160.049 to read as follows:

Subpart 160.049—Specification for a Buoyant Cushion Plastic Foam

23. By amending § 160.049–1 by revising paragraph (d) to read as follows:

§ 160.049–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant cushions having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of the subpart.

24. By revising § 160.049–4(c) to read as follows:

§ 160.049–4 Construction and workmanship.

* * * * *

(c) *Buoyant material.* A buoyant insert for a buoyant cushion must comply with the requirements in paragraph (c)(1) and (2) of this section and may be:

(1) Molded in one piece; or

(2) Built up from sheet material if it is formed from:

(i) Three pieces or less in each layer, cemented together with an all-purpose vinyl adhesive such as or equivalent to U.S. Rubber No. M–6256 or Minnesota Mining No. EC–870 and No. EC–1070;

(ii) Three layers or less that may be cemented; and

(iii) Staggered butts and seams of adjacent layers.

* * * * *

25. By amending § 160.049–6 by revising paragraph (a) to read as follows:

§ 160.049–6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—personal flotation device.
Unicellular plastic foam buoyant cushion.
Designed to be thrown to a person in the water.
Warning: Do not wear on back.
Dry out thoroughly when wet.
Approved for use on recreational boats, less than 16 feet in length, and as a throwing device for recreational boats.
U.S. Coast Guard Approval No. 160.049 (assigned manufacturers' No.) (revision No.); (model No.): (Name and address of manufacturer and distributor).
(Lot No.)
(Size: width, thickness and length, both top and bottom for trapezoidal cushions.)

* * * * *

§ 160.049–7 [Amended]

26. By amending § 160.049–7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

27. By adding § 160.049–7a to follow § 160.049–7 and to read as follows:

§ 160.049–7a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

28. By revising the heading of Subpart 160.050 to read as follows: Subpart 160.050—

Specification for a Buoy, Life Ring, Unicellular Plastic

29. By amending § 160.050–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.050–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of ring life buoys having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

30. By revising § 160.050–6 to read as follows:

§ 160.050–6 Marking.

(a) On a sturdy, corrosion-resistant nameplate, permanently attached to the becket, each ring buoy must have the following information in waterproof lettering:

Type IV—personal flotation device.
Unicellular plastic foam ring life buoy.
Designed to be thrown to a person in the water.
Approved for use on recreational boats, less than 16 feet in length, and a throwing device for all vessels.
U.S. Coast Guard Approval No. 160.050 (assigned manufacturers' No.) (revision No.); (model No.).
(Name and address of manufacturer and distributor.)
(Size of buoy.)
(U.S.C.G. inspector's initials.)
(Lot No.)

(b) A method of marking that is different from the requirements of paragraph (a) of this section may be given consideration by the Coast Guard.

31. By revising the heading of Subpart 160.052 to read as follows:

Subpart 160.052—Specification for a Buoyant Vest, Unicellular Plastic Foam, Adult and Child

32. By amending § 160.052–1 by revising paragraph (d) to read as follows:

§ 160.052–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this Subpart.

33. By revising § 160.052–2 to read as follows:

§ 160.052–2 Size and model.

(a) A standard buoyant vest is manufactured in accordance with a plan specified in § 160.052–1(b) and is a:

(1) Model AP, adult (for persons over 90 pounds);

(2) Model CPM, child, medium (for persons weighing from 50 to 90 pounds); or

(3) Model CPS, child, small (for persons weighing less than 50 pounds).

(b) A nonstandard buoyant vest is:

(1) Manufactured in accordance with the manufacturer's approved plan;

(2) Equivalent in performance to the standard buoyant vest; and

(3) Assigned a model designation by the manufacturer for the following sizes:

(i) Adult (for persons weighing over 90 pounds);

(ii) Child, medium (for persons weighing from 50 to 90 pounds);

(iii) Child, small (for persons weighing less than 50 pounds.

34. By revising the heading of § 160.052–3 to read as follows:

§ 160.052–3 Materials—standard vests.

35. In § 160.052–4 by revising the heading and paragraph (a) to read as follows:

§ 160.052–4 Materials — nonstandard vests.

(a) *General.* All materials used in nonstandard buoyant vests must be equivalent to those specified in § 160.052–3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirement in § 160.052–3(a).

* * * * *

36. By revising the heading of § 160.052–5 to read as follows:

§ 160.052–5 Construction — standard vests.

37. By revising § 160.052–6 to read as follows:

§ 160.052–6 Construction — nonstandard vests.

(a) *General.* The construction methods used for nonstandard buoyant vests must be equivalent to those requirements in § 160.052–5 for a standard vest and also meet the requirements in this section.

(b) *Size.* Each nonstandard vest must contain the following volume of plastic foam buoyant material, determined by the displacement method:

(1) Five hundred cubic inches or more for an adult size;

(2) Three hundred and fifty cubic inches or more for a child, medium size;

(3) Two hundred and twenty-five cubic inches or more for a child, small size.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn a wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth-covered nonstandard vest must have at the neck opening:

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to:

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

38. By amending § 160.052–7 by revising the heading, paragraph (g), and the heading of paragraph (c) to read as follows:

§ 160.052–7 Inspections and tests—standard and nonstandard vests.

* * * * *

(c) *Additional compliance tests.* * * *

* * * * *

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for nonstandard vests to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs of any additional tests must be assumed by the manufacturer.

39. By revising § 160.052–8 to read as follows:

§ 160.052–8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
Unicellular plastic foam buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).
U.S. Coast Guard Approval No. 160.052/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

40. By revising the introductory text of paragraph (a) to read as follows:

§ 160.052–9 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a boat not carrying passengers for hire, of the procedures for—

* * * * *

41. By revising § 160.053–1 by adding paragraph (c) to follow paragraph (b) and to read as follows:

§ 160.053–1 Applicable specifications.

* * * * *

(c) *Permissible extension.* Manufacturers of workvests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

42. By revising § 160.053–5(a) to read as follows:

§ 160.053–5 Marking.

(a) Each workvest must have the following information clearly printed in waterproof ink on a cloth tag attached to the envelope by stitching along the edges of the tag:

Type V—Personal flotation device.
Unicellular plastic foam workvest.
Designed to turn an unconscious wearer face up in the water.
Approved for use on merchant vessels when engaged in work activities.
U.S. Coast Guard Approval No. 160.053/(assigned manufacturers' No.)/(revision No.); (model No.).
(Lot No.)
"This vest is filled with unicellular plastic foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly."
(Name and address of manufacturer or distributor.)

* * * * *

43. By revising § 160.055–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.055–1 Applicable specification and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

44. By revising § 160.055–2 to read as follows:

§ 160.055–2 Type and model.

Each life preserver specified in this subpart is a:

(a) Standard, bib type, vinyl dip coated:

(1) Model 62, adult (for persons weighing over 90 pounds); or

(2) Model 66, child (for persons weighing less than 90 pounds); or

(b) Standard, bib type, cloth covered:

(1) Model 63, adult (for persons weighing over 90 pounds); or

(2) Model 67, child (for persons weighing less than 90 pounds); or

(c) Nonstandard, shaped type:

(1) Model,[1] adult (for persons weighing over 90 pounds); or

(2) Model,[1] child (for persons weighless than 90 pounds).

45. By revising the heading of § 160.055–3 to read as follows:

§ 160.055–3 Materials—standard life preservers.

46. By revising § 160.055–4 to read as follows:

§ 160.055–4 Materials — nonstandard life preservers.

All materials used in nonstandard life preservers must be equivalent to those specified in § 160.055–3 for standard life preservers.

47. By amending § 160.055–5 by revising the heading and introductory texts of paragraphs (b) and (c) to read as follows:

§ 160.055–5 Construction—standard life preservers.

* * * * *

(b) *Construction—standard, vinyl dip coated life preserver.* This device is constructed from one piece of unicellular plastic foam with a:

(1) Neck hole and the body slit in the front;

(2) Vinyl dip coating; and

(3) Fitted and adjustable body strap.

* * * * *

(c) *Construction—standard, cloth covered life preserver.* This device is constructed from three sections of unicellular plastic foam contained in a cloth envelope and has:

(1) A neck hole;

(2) The body slit in the front; and

(3) A fitted and adjustable body strap.

* * * * *

48. By revising § 160.055–6 to read as follows:

§ 160.055–6 Construction — nonstandard, life preservers.

(a) *General.* The construction methods used for a nonstandard life preserver must be equivalent to the requirements in § 160.055–5 for a standard life preserver and also meet the requirements in this section.

(b) *Size.* Each nonstandard life preserver must contain the following volume of plastic foam buoyant material, determined by the displacement method:

(1) 700 cubic inches or more for an adult size;

(2) 350 cubic inches or more for a child size.

(c) *Arrangement of buoyant materials.* The buoyant material in nonstandard life preservers must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn the wearer face downward in the water; and

(3) Be arranged so that 68 to 73 percent of the total is located in the front of the life preserver.

(d) *Adjustment, fit, and donning.* Each nonstandard life preserver must be capable of being:

(1) Worn reversed;

(2) Adjusted to fit a range of wearers for the type designed; and

(3) Donned in a time comparable to that of a standard life preserver.

49. By amending § 160.055–7 by revising the heading and paragraph (i) to read as follows:

§ 160.055–7 Sampling, test, and inspections—standard and nonstandard life preservers.

* * * * *

(i) *Additional tests for nonstandard life preservers.* Tests in addition to those required by this section may be required for nonstandard life preservers to determine performance equivalence to a standard preserver. Such additional tests may include determining performance in the water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

50. By revising § 160.055–8 to read as follows:

§ 160.055–8 Marking—standard and nonstandard life preservers.

Each life preserver must have the following information clearly marked in waterproof lettering:

(a) In letters three-fourth of an inch or more in height;

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Unicellular plastic foam life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U.S Coast Guard Approval No. 160.055 (assigned manufacturers' No.); (revision No.); (model No.): (Name and address of manufacturer or distributor); (lot No.).

51. By amending § 160.055–9 by revising the heading and paragraphs (b) and (c), and adding paragraphs (b–1) and (c–1) to read as follows:

§ 160.055–9 Procedure for approval—standard and nonstandard life preservers.

* * * * *

(b) *Assignment of inspector; standard life preservers.* Upon receipt of an approval of a standard life preserver, a Coast Guard inspector is assigned to the factory to:

(1) Observe the production facilities and manufacturing methods;

(2) Select from a lot of 10 manufactured life preservers or more, three or more of each model for examination;

(3) Test the selected sample for compliance with the requirements of this subpart; and

(4) Forward to the Commandant a copy of his report of the tests and the production and manufacturing facilities, a specimen life preserver selected from those already manufactured but not tested, and one copy of an affidavit for each material used in the life preservers.

(b–1) *Approval number—standard life preserver.* An approval number is assigned to the manufacturer by the Coast Guard for a standard life preserver found to be in compliance with the requirements of this subpart.

(c) *Assignment of inspector—nonstandard life preserver.* Upon receipt of an application from a manufacturer for approval of nonstandard life preservers, an inspector is assigned to the factory to:

(1) Observe the production facilities and manufacturing methods;

[1] A model designation for each nonstandard life preserver is to be assigned by the manufacturer. That designation must be different from any standard lifesaving device designation.

(2) Select three samples of life preservers of each model for which approval is desired;

(3) Forward to the Commandant:

(i) Three samples of each model of life preserver;

(ii) A copy of the inspector's report of tests and the production and manufacturing facilities; and

(iii) Four copies each of fully dimensioned, full-scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers submitted by the manufacturer.

(c-1) *Approval number—nonstandard life preserver.* An official approval number is assigned to the manufacturer by the Coast Guard for a nonstandard life preserver approved after tests.

* * * * *

52. By revising the heading of Subpart 160.060 to read as follows:

Subpart 160.060—Specification for a Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child

53. By amending § 160.060–1 by revising paragraph (d) to read as follows:

§ 160.060–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of the subpart.

54. By revising § 160.060–2 to read as follows:

§ 160.060–2 Type and model.

Each buoyant vest specified in this subpart is a:

(a) Standard:

(1) Model AY, adult (for persons weighing over 90 pounds); or

(2) Model CYM, child, medium (for children weighing from 50 to 90 pounds); or

(3) Model CYS, child, small (for children weighing less than 50 pounds); or

(b) Nonstandard:

(1) Model,[1] adult (for persons weighing over 90 pounds);

(2) Model,[1] child, medium (for persons weighing from 50 to 90 pounds) or

(3) Model,[1] child, small (for persons weighing less than 50 pounds).

55. By amending § 160.060–3 by revising the heading of § 160.060–3 to read as follows:

§ 160.060–3 Materials—standard vests.

56. By amending § 160.060–4 by revising the heading and paragraph (a) to read as follows:

§ 160.060–4 Materials—nonstandard vests.

(a) *General.* All materials used in nonstandard buoyant vests must be equivalent to those specified in § 160.060–3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirements in § 160.060–3(a).

* * * * *

57. By revising the heading of § 160.060–5 to read as follows:

§ 160.060–5 Construction standard vests.

58. By revising § 160.060–6 to read as follows:

§ 160.060–6 Construction—nonstandard vests.

(a) *General.* The construction methods used for a nonstandard buoyant vest must be equivalent to the requirements in § 160.060–5 for standard vests and also meet the requirements specified in this section.

(b) *Sizes.* Each nonstandard vest must contain the following volume of unicellular polyethylene foam buoyant material, determined by the displacement method:

(1) Five hundred cubic inches or more for the adult size, for persons weighing over 90 pounds.

(2) Three hundred and fifty cubic inches or more for a child medium size, for children weighing from 50 to 90 pounds.

(3) Two hundred and twenty-five cubic inches or more for children weighing less than 50 pounds.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn the wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth covered nonstandard vest must have at the neck opening:

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to:

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

59. By amending § 160.060–7 by revising the heading, paragraph (g), and the heading of paragraph (c) to read as follows:

§ 160.060–7 Inspections and tests—standard and nonstandard vests.

* * * * *

(c) *Additional compliance tests.* * * *

* * * * *

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for a nonstandard vest to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

60. By revising § 160.060–8 to read as follows:

§ 160.060–8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
Unicellular polyethylene foam buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).

U.S. Coast Guard Approval No. 160.060/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking.* Marking of buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water it will withstand vigorous rubbing by hand while wet without printed matter becoming illegible.

61. By revising the heading of Subpart 160.064 to read as follows:

Subpart 160.064—Specification for Special Purpose Water Safety Buoyant Devices

62. By amending § 160.064–4 by revising paragraph (a) to read as follows:

§ 160.064–4 Marking.

(a) Each special purpose buoyant device must have the following information clearly marked in waterproof lettering:

(1) For devices to be worn:

(i) Type II—Personal flotation device.

Designed to turn an unconscious wearer face up in the water; or
Type III—Personal flotation device.
Designed to keep a conscious person in a vertical or slightly backward position in the water; and

(ii) (Special purpose intended):

Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds *or* 50 to 90 pounds *or* less than 50 pounds).

U.S. Coast Guard Approval No. 160.064 (assigned manufacturers' No.) (revision No.); (model No.); (Name and address of manufacturer or distributor).

(2) For devices to be thrown:

Type IV—personal flotation device.
Designed to be thrown to a person in the water.
(Special purpose intended.)
Approved for use on recreational boats less than 16 feet in length, and as a throwing device for recreational boats.

U.S. Coast Guard Approval No. 160.064 (assigned manufacturers' No.) (revision No.);

[1] A model designation for a nonstandard vest is to be assigned by the individual manufacturer and must be different from any standard vest.

(model No.): (Name and address of manufacturer or distributor).

* * * * *

63. By revising § 160.064–5 to read as follows:

§ 160.064–5 Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be:

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing and evaluation of the safety of materials, installation, and devices for marine use; and

(c) Established in factory inspection and listing and labeling by having an existing program and standards for evaluation, listing, and labeling buoyant devices that are acceptable to the Commandant.

64. By adding §§ 160.064–5a and 160.064–5b to follow § 160.064–5 and to read as follows:

§ 160.064–5a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

§ 160.064–5b Compliance label.

If a recognized laboratory approves a buoyant device, the device is allowed to carry the compliance label of the recognized laboratory.

65. By revising § 160.064–7 to read as follows:

§ 160.064–7 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a special purpose water safety device for use on boats not carrying passengers for hire, of the procedures for:

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection and the cost of listing and labeling must:

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer.

(c) The Coast Guard reviews each test report and quality control procedure forwarded by the recognized laboratory to determine if the approval requirements have been met. After the review is completed, the Coast Guard:

(1) Notifies the laboratory that the device is approved; and

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG–190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advice from the Commandant regarding these requirements.

(Sec. 17, 54 Stat. 166, as amended, Sec. 5, 85 Stat. 215, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 526p 1454, 49 U.S.C. 1655(b)(1); 49 CFR 146 (b) and (o)(1))

Effective date. These amendments shall become effective on April 30, 1973.

Dated: March 21, 1973.

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

[FR Doc.73–5737 Filed 3–27–73;8:45 am]

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