federal register

THURSDAY, APRIL 5, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 65

Pages 8637–8730

PART I

(Part II begins on page 8713)

(Part III begins on page 8725)

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)

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

federal register

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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.

Rules and Regulations

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-WE-20-AD, Amdt. 39-1619]

PART 39—AIRWORTHINESS DIRECTIVE

McDonnell-Douglas Model DC-8 Series Airplane

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections of McDonnell-Douglas DC-8 control column castings for cracks was published in 38 FR 888 on January 5, 1973.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several comments were received and have been considered.

One commentator stated that one failure and one crack were insufficient justification for an AD, particularly since a failure would most likely be discovered during the preflight control check. Although total failures might be discovered with this procedure, metal fatigue cracks might go unnoticed. Thus, a potentially hazardous situation exists with respect to the possible presence of a fatigue crack in the column. Consequently, the FAA does not believe that an adequate level of safety can be provided by a preflight control check.

In another comment received, the option of using the eddy current inspection method in lieu of dye penetrant was proposed. Airline experience with eddy current inspections of the control columns show that this method locates cracks at least as well as dye penetrant and with less effort. Therefore, the agency believes that this is a satisfactory equivalent and the final AD has been revised accordingly.

In another comment, it was proposed that the 1,000-hour compliance time be extended to 2,500 hours to allow the inspection to be accomplished at the airline major maintenance check interval, rather than requiring special routing for the check. The agency has accumulated data from inspections already accomplished, from crack growth rate and residual sternght figures derived from fatigue testing, and from metallurgical reports which indicates that this change can be made without compromising safety. Consequently, the AD has been changed accordingly.

It was noted in the NPRM that, based upon tests performed by the manufacturer, the agency might find it necessary to incorporate a repetitive inspection interval into the final AD. Data from these tests confirm that there is a potential fatigue cracking problem on DC-8 control columns throughout the lifetime of the airplane and, therefore, a one-time inspection would not assure that the column would remain crack free. Using crack growth rate data developed in the manufacturer's fatigue test program, the agency has established a 5,000-hour inspection interval for all control columns. The AD has been revised accordingly.

Since all changes from the NPRM are editorial in nature, are relieving, or were previously proposed, and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

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:

McDONNELL DOUGLAS.—Applies to all model DC-8 series airplanes.

Compliance required within the next 2,500 hours' time in service after the effective date of this AD, unless already accomplished within the last 2,500 hours' time in service, and thereafter at intervals not to exceed 5,000 hours' time in service.

To detect cracks and prevent failure of the control column, conduct a dye penetrant or eddy current inspection of the control columns in accordance with the instructions in McDonnell Douglas All Operators Letter 8-632 issued October 11, 1972, or later FAA-approved revisions, or equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA western region. If cracks are found, remove and replace with a serviceable part, or rework in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA western region.

This amendment becomes effective May 7, 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 Los Angeles, Calif., on March 26, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-6529 Filed 4-4-73;8:45 am]

[Airspace Docket No. 73-EA-16]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Philipsburg, Pa., transition area (38 FR 411).

Because of changing requirements, the Ginter, Pa., RBN is scheduled for decommissioning and therefore must be deleted from the description of the transition area. This alternation of the description is editorial in nature and thus does not constitute a substantive change imposing an additional burden on any person.

In view of the foregoing, notice and public procedure hereon are unnecessary.

Thus, the Federal Aviation Administration having completed a review of the airspace requirements for the terminal area of Philipsburg, Pa., adopts the airspace action hereinafter set forth, effective 0901 G.m.t. May 24, 1973:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by amending the description of the Philipsburg, Pa., 700-foot floor transition area by deleting the phrase "Within 3.5 miles each side of a 340° bearing from the Ginter RBN, extending from the RBN to 10 miles north of the RBN;" from the text.

(Sec. 307(a) Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 20, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-6528 Filed 4-4-73;8:45 am]

[Docket No. 12658, Admt. 858]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the standard instrument approach procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective May 17, 1973:

Los Angeles, Calif.—Los Angeles International Airport, VOR Runway 7L/R, Amdt. 9.
Los Angeles, Calif.—Los Angeles International Airport, VOR Runway 25L, Amdt. 3.
Los Angeles, Calif.—Los Angeles International Airport, VOR Runway 25R, Amdt. 3.

* * * effective May 10, 1973:

Centralia, Ill.—Centralia Municipal Airport, VOR Runway 36, Amdt. 8.
Effingham, Ill.—Effingham County Memorial Airport, VOR/DME-A, Amdt. 1.
Mattoon-Charleston, Ill.—Coles County Memorial Airport, VOR Runway 24, Amdt. 4.
Mount Vernon, Ill.—Mt. Vernon-Outland Airport, VOR Runway 5, Amdt. 4.
Mount Vernon, Ill.—Mt. Vernon-Outland Airport, VOR Runway 23, Amdt. 2.
Vandalia, Ill.—Vandalia Municipal Airport, VOR Runway 18, Amdt. 5.

* * * effective April 26, 1973:

Port Clinton, Ohio—Carl R. Keller Field, VOR-A, Amdt. 5.

* * * effective April 12, 1973:

Springfield, Ohio—Springfield Municipal Airport, VOR Runway 5, Amdt. 1.
Springfield, Ohio—Springfield Municipal Airport, VOR Runway 23, Amdt. 1.

* * * effective March 28, 1973:

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, VOR Runway 27, Amdt. 9.
Soldotna, Alaska—Soldotna Airport, VOR-A, Amdt. 3.

* * * effective March 27, 1973:

Ithaca, N.Y.—Tompkins County Airport, VOR Runway 14, Amdt. 8.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective May 17, 1973:

Los Angeles, Calif.—Los Angeles International Airport, LOC(BC) Runway 6L, Amdt. 4.
Los Angeles, Calif.—Los Angeles International Airport, LOC(BC) Runway 7R, Amdt. 8.

* * * effective March 28, 1973:

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, LOC Runway 9, Amdt. 2.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective May 17, 1973:

Los Angeles, Calif.—Los Angeles International Airport, NDB Runway 24L/R, Amdt. 8.
Los Angeles, Calif.—Los Angeles International Airport, NDB Runway 25L, Amdt. 36.
North Bend, Oreg.—North Bend Municipal Airport, NDB Runway 13, Amdt. 5, Canceled.

* * * effective May 10, 1973:

Fairfield, Ill.—Fairfield Municipal Airport, NDB Runway 36, Amdt. 1.
Greenville, Ill.—Greenville Airport, NDB Runway 18, Amdt. 2.
Mattoon-Charleston, Ill.—Coles County Memorial Airport, NDB Runway 6, Amdt. 5.
Mount Vernon, Ill.—Mount Vernon-Outland Airport, NDB Runway 23, Amdt. 1.
Olney-Noble, Ill.—Olney-Noble Airport, NDB Runway 3, Amdt. 3.
Salem, Ill.—Salem Leckrone Airport, NDB Runway 18, Amdt. 3.

* * * effective April 26, 1973:

Port Clinton, Ohio—Carl R. Keller Field, NDB Runway 26, Original.

* * * effective March 28, 1973:

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, NDB Runway 9, Amdt. 2.

* * * effective March 23, 1973:

Cleveland, Miss.—Cleveland Municipal Airport, NDB Runway 17, Original, Canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 17, 1973:

Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 6R, Amdt. 1.
Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 7L, Amdt. 8.
Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 24L/R, Amdt. 4.
Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 25L/R, Amdt. 6.

* * * effective April 19, 1973:

Farmingdale, N.Y.—Republic Airport, ILS Runway 14, Original.

* * * effective March 29, 1973:

Morristown, N.J.—Morristown Municipal Airport, ILS Runway 23, Amdt. 1.
Scottsbluff, Nebr.—Scotts Bluff County Airport, ILS Runway 30, Amdt. 2.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective May 17, 1973.

Los Angeles, Calif.—Los Angeles International Airport, Radar-1, Amdt. 29, Canceled.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 17, 1973.

Los Angeles, Calif.—Los Angeles International Airport, RNAV Runway 6L, Amdt. 1.
Los Angeles, Calif.—Los Angeles International Airport, RNAV Runway 7L, Amdt. 1.
Los Angeles, Calif.—Los Angeles International Airport, RNAV Runway 24R, Amdt. 1.
Los Angeles, Calif.—Los Angeles International Airport, RNAV Runway 25L, Amdt. 1.

Correction

In docket No. 12648, amendment 856, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, March 22, 1973, on page 7453, under § 97.23 effective May 3, 1973, it should read in part * * * Mattoon-Charleston, Ill.—Coles County Memorial Airport, VOR Runway 6, Amdt. 5, effective date is May 10, 1973, vice May 3, 1973.

In Docket No. 12630, amendment 855, to part 97 of the Federal Avation Regulations, published in the FEDERAL REGISTER dated Thursday, March 15, 1973, on page 6990, under § 97.23 effective March 5, 1973, disregard West Bend, Wis.—West Bend Municipal Airport, NDB Runway 31, Amdt. 4 * * * Amdt. 3 remains in effect.

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

Issued in Washington, D.C., on March 29, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

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

[FR Doc.73-6530 Filed 4-4-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Confidential Information

The Commission announces the following amendment to § 4.10(a)(5) of part 4 of chapter I of title 16 of the Code of Federal Regulations. This amendment is effective on April 5, 1973.

The last sentence of § 4.10(a)(5) is hereby deleted, so that the section reads as follows:

§ 4.10 Confidential information.

(a) * * *

(5) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. This exemption applies to all matters, including sources of information or complaints, in files or reports compiled for law enforcement or regulatory activities of the Commission, or relating to matters in litigation. The exemption covers, but is not limited to, information obtained by the Commission relating to alleged or possible violations of laws administered

by the Commission, which information may be in many forms, including letters of complaint, reports of interviews conducted by Commission personnel, memorandums, transcripts of testimony in nonpublic investigational hearings and documents obtained during the course of investigation, and other forms.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated March 27, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6542 Filed 4-4-73;8:45 am]

[Docket No. C-2360]

PART 13—PROHIBITED TRADE PRACTICES

ARA Services, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets: § 13.5–20 Federal Trade Commission Act. Subpart—Coercing and intimidating: § 13.345 Competitors; § 13.360 Distributors; § 13.380 Publishers of advertising mediums of competitors.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, ARA Services, Inc., Philadelphia, Pa., docket No. C-2360, Mar. 8, 1973]

In the Matter of ARA Services, Inc., a Corporation

Consent order requiring the Nation's largest wholesaler of periodicals and paperback books, located in Philadelphia, Pa., among other things to divest itself of certain acquisitions challenged as anticompetitive by the Commission. Respondent is further prohibited from acquiring any corporate stock or assets without prior Federal Trade Commission approval and required to cease coercing and intimidating its competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent, ARA Services, Inc. (hereafter ARA), a corporation, and its successors and assigns, shall divest all stocks, assets, properties, rights, privileges, and interests of whatever nature, tangible and intangible, acquired by ARA as the result of its acquisitions of stock or assets of the following periodical and paperback book wholesaling operations:

(1) Mid-Continent Reship of Rome, Ga.;

(2) Illinois and Iowa News Agency of Davenport, Iowa;

Together with all additions and improvements to said operations which have been added to them since the acquisitions of such operations by respondents; and

(3) A portion of its territory in the Los Angeles metropolitan area totaling net sales of paperbacks and periodicals of at least $3 million based upon 1972 fiscal year figures: *Provided, however,* That the sale of such territory shall include all assets necessary to establish a viable periodical and paperback book wholesale operation.

All said divestitures shall be to a party who will utilize said stocks, assets, properties, rights, privileges, and interests of whatever nature, in the wholesaling of periodicals and paperback books.

All said divestitures shall be absolute, shall be subject to prior approval by the Federal Trade Commission, and shall be accomplished no later than 1 year from the date of service of this order on respondent.

II. *It is further ordered,* That the divestiture required by paragraph I of this order shall not be effected directly or indirectly to any person who is an officer, director, employee, or agent of or otherwise under the control or influence of respondent, or who owns or controls directly or indirectly, more than 1 percent of the outstanding capital stock of respondent.

III. *It is further ordered,* That, within 60 days from the date of service of this order upon respondent, and every 30 days thereafter until all divestitures pursuant to paragraph I of this order are accomplished, respondent shall submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with the order. All compliance reports shall include, among other things that are from time to time required, (a) the steps taken to accomplish the required divestiture; and, (b) copies of all documents, reports, memoranda, communications, and correspondence concerning or relating to the divestitures.

IV. *It is further ordered,* That respondent shall make no acquisition, directly or indirectly, of any concern, or any interest in any concern, engaged in periodical and paperback book wholesaling operations until the divestiture required by this order shall have been completed.

Pending completion of such divestiture respondent shall maintain and operate the business of each operation to be divested pursuant hereto in the same manner and form as of the date the complaint herein issued, and shall not commingle any assets, properties, financing, business, or operations of such assets with its own, and shall take no steps to impair or otherwise adversely affect the economic, competitive and financial strength of any such operation.

V. *It is further ordered,* That, for a period of 10 years from the date of approval of the last divestiture required by this order, respondent shall, without prior Commission approval, cease and desist from acquiring, directly or indirectly: (1) Any concern, or any interest in any concern, engaged in any periodical and paperback book wholesale operation where the principal service area of such concern is located in California, District of Columbia, Hawaii, or Oklahoma; (2) any periodical and paperback book wholesale operation in the United States where the business of such concern is 25 percent or more reship sales; (3) any city operation for the sale of periodicals and paperbacks at wholesale, including any secondary distributors, where the principal service area of such concern is adjacent to, or in whole or in part coextensive with the principal service area or areas of any city operation owned or controlled by respondent.

VI. *It is further ordered,* That, for a period of 10 years from the date of approval of the last divestiture required by this order, respondent shall not acquire, without prior Commission approval, any wholesaler of periodicals or paperback books, provided that prior approval shall not be required if at the time of any acquisition of a wholesaler of periodicals or paperback books respondent has previously and subsequent to the date of service of this order made sales or other divestitures (in addition to those divestitures enumerated in paragraph I of this order) to an eligible purchaser or purchasers of one or more of respondent's periodical and paperback book wholesaling operations accounting for a total annual volume of net wholesale sales at least equal to the annual volume of net wholesale sales of periodicals and paperback books of the acquired wholesalers; and provided further that any acquisition for which prior Commission approval shall not be required shall be preceded by 60 days notice to the Federal Trade Commission. Said notice shall be accompanied by a complete special merger report, describing the operation or operations to be acquired and the operations divested and the market shares of each and the dollar asset size and gross and net dollar and unit sales of each such operation, the geographic area served by each, and such additional information as may be required by the Federal Trade Commission.

Provided, however, That nothing in this paragraph shall be construed as having application to, or limiting in any manner whatsoever, any other proceeding or investigation initiated by the Federal Trade Commission and that the Federal Trade Commission reserves the right to take further action including the issuance of a complaint with respect to transactions of the nature described in this paragraph in the event that it shall at any time in the future have reason to believe that any of such transactions may violate any of the statutes administered by it.

VII. *It is further ordered,* That, respondent, ARA Services, Inc., a corporation, its officers, agents, representatives and employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, shall not:

(1) Exclude or attempt to exclude actual or potential competition for the sale of periodical and paperback publications by agreement or understanding, expressed or implied, between respondent and its competitors or potential competitors, or by threats, expressed or implied, made by respondent to its competitors or potential competitors.

(2) Exclude or attempt to exclude actual or potential competition for the sale of periodical and paperback publications by attempting to influence publishers

and/or national distributors of periodicals and paperbacks not to supply their publications to its competitors or potential competitors.

VIII. Eligible purchaser, for purposes of paragraph VI of this order shall, unless specifically approved by the Commission, exclude:

(1) Any company in which respondent has a 1 percent or more legal or equitable interest;

(2) Any city operation in the United States, including any secondary distributor, whose principal service area is adjacent to, contiguous with, or in whole or in part coextensive with the principal service area of any of respondent's wholesale distribution operations;

(3) Any company owned in whole or in part by respondent within a period of 7 years prior to the date of this order; and

(4) Any company which for the last annual reporting period prior to the acquisition, has or controls at the date of the agreement for the sale of said ARA wholesale operations, $25 million of annual net wholesale sales of periodicals and paperback books.

IX. *It is further ordered,* That respondent shall not repurchase any wholesale distributor sold by it within 10 years preceding the date of approval of the last divestiture required by this order.

X. *It is further ordered,* That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

XI. *It is further ordered,* That respondent notify the Commission at least 30 days prior to any proposed change which may affect compliance obligations arising out of this order, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in respondent, and that this order shall be binding upon any successor.

XII. *It is further ordered,* That respondent shall within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued March 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6534 Filed 4-4-73;8:45 am]

[Docket No. 8867]

PART 13—PROHIBITED TRADE PRACTICES

Consolidated Systems, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages or connections: 13.15–30 Connections or arrangements with others; 13.15–195 Nature; 13.15–230 Plant and equipment; § 13.70 Fictitious or misleading guarantees; § 13.115 Jobs and employment sevice; § 13.135 Nature of product or service; § 13.155 Prices: 13.155–95 Terms and conditions: § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1395 Connections and arrangements with others; § 13.1490 Nature; § 13.1535 Qualifications; § 13.-1553 Services; —Goods: § 13.1670 Jobs and employment; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts; —Prices: § 13.1823 Terms and conditions; —Services; § 13.1843 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Consolidated Systems, Inc., et al., Wawaka, Ind., docket No. 8867, Feb. 22, 1973]

In the Matter of Consolidated Systems, Inc., a Corporation, and Allen Driscoll, Individually and as an Officer of Said Corporation, and Tom Johnson, and J. C. Triplett, Individually and as Former Officers of Said Corporation

Consent order requiring a Wawaka, Ind., correspondence and in-residence school for truckdriver training, among other things to cease misrepresenting the nature of their business; representing offers of employment when the real purpose is to obtain prospective purchasers of their training course; misrepresenting respondents' connection or affiliation with the trucking industry; misrepresenting the quality or nature of equipment available; misrepresenting the content, completeness or effect of any of respondents' courses; misrepresenting the terms and conditions under which payment for courses may be made; and guaranteeing employment to graduates of their courses. Respondents are further required to provide each prospective purchaser a copy of a letter explaining what chance a graduate has of finding a job.

The complaint was withdrawn with respect to two former officers of the corporation due to their entering a consent settlement in a collateral matter.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Order.—It is ordered, That respondents Consolidated Systems, Inc., a corporation, and its officers and directors, and Allen Driscoll, individually and as an officer of said corporation, and respondents' representatives, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in truck driving or any other subject, trade or vocation, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent Consolidated Systems, Inc., is a trucking company; misrepresenting, in any manner, the nature of respondents' business.

2. (a) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondents' courses, in catalogs, brochures, and on letterheads that respondents' business is that of a seller of a course of study and instruction for prospective truckdrivers, not affiliated with any trucking company.

(b) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondents' courses which are sold through sales representatives, that inquirers will be visited by respondents' sales representatives.

3. Representing, directly or by implication, that employment is being offered when the real purpose of such offer is to obtain leads to prospective purchasers of respondents' courses.

4. Failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

5. Representing, directly or by implication, that respondents have been requested to train drivers by any trucking company; misrepresenting, in any manner, respondents' connection or affiliation with the trucking industry or any member thereof.

6. Representing, directly or by implication, that respondents are connected or affiliated with Consolidated Freightways, Inc.

7. (a) Representing, directly or by implication, that respondents operate a training school or facility for prospective truckdrivers.

(b) Representing, directly or by implication, that enrollees in respondents' course in truckdriver training will be trained on the best and most up-to-date truckdriver training equipment available; misrepresenting, in any manner, the quality or nature of truckdriver training equipment available for enrollees' training.

8. (a) Representing, directly or by implication, that persons completing respondents' course in truckdriver training will thereby be qualified for employment as local or over-the-road truckdrivers without further training or experience; misrepresenting, in any manner, the content, completeness or effect of any of respondents' courses.

(b) Failing to provide to each prospective purchaser of respondents' truckdriver training program a copy of letter A, a copy of which is attached hereto and incorporated by reference herein, typed or printed on the same letterhead used by respondents on their promotional material, before any fee whatsoever is collected from such prospective purchaser and before any contract or similar document is signed by such prospective purchaser.

9. Representing, directly or by implication, that enrollees in respondents' course in truckdriver training are required to post a bond or pay an insurance fee; misrepresenting, in any manner, the nature or purpose of any fee which must be paid by enrollees in respondents' courses.

10. (a) Representing, directly or by implication, that the balance of the cost or respondents' course remaining after the initial or registration fee has been paid can be deferred until after the student has completed the course and obtained employment as a truckdriver;

(b) Representing, directly or by implication that respondents will handle or arrange the financing of any portion of the cost of respondents' course;

(c) Misrepresenting, in any manner, the terms or conditions under which payment may be made for respondents' courses.

11. Representing, directly or by implication, that respondents' placement service will guarantee or assure the placement of graduates in jobs for which respondents' courses are represented to train them, or will guarantee or assure the placement of graduates in such jobs in the geographical area of their choice; misrepresenting, in any manner, respondents' ability or facilities for assisting graduates of their courses in obtaining employment.

It is further ordered, That respondents shall deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in selling respondents' courses of study and instruction and secure from each such salesmen or other person a signed statement acknowledging receipt of said order.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of a subsidiary or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint be withdrawn with respect to individual respondents Tom Johnson and J. C. Triplett.

Issued: February 22, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6535 Filed 4-4-73;8:45 am]

[Docket No. C-2357]

PART 13—PROHIBITED TRADE PRACTICES

Berkshire Handkerchief Co., Inc., et al.

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Berkshire Handkerchief Co., Inc. et al., New York, N.Y., docket No. C-2357, March 1, 1973]

In the Matter of Berkshire Handkerchief Co., Inc., a Corporation, and Ralph I. Dweck, Abraham I. Dweck, Also Known as Bert Dweck, and David Chabott, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer and seller of men's, women's, and children's wearing apparel, including, but not limited to, ladies' scarves among other things to cease selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berkshire Handkerchief Co., Inc., a corporation, its successors and assigns, and its officers, and Ralph I. Dweck, Abraham I. Dweck, also known as Bert Dweck, and David Chabott, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either (1) process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or (2) destroy said products, or (3) return said products to the foreign supplier from whom said products were purchased, after receiving written assurance from said foreign supplier that said products will not be reintroduced into the United States or its possessions. If respondents determine to return said products to their foreign supplier, the shipping containers for such products shall be labeled clearly and conspicuously with the legend: "For Export Only to (name of supplier)—Dangerously Flammable Wearing Apparel—Not to be Returned to the United States or its Possessions", and respondents shall further submit a copy of the actual shipping label to the Commission when available.

It is further ordered, That the respondents herein shall, within 10 days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 14, 1970, (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action, and (6) any action taken or proposed to be taken to return said products to the foreign supplier from whom said products were purchased, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Upon request, respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly

notify the Commission of the discontinuance of their present business or employment and their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6536 Filed 4-4-73;8:45 am]

[Docket No. C-2361]

PART 13—PROHIBITED TRADE PRACTICES

Lace of France, Inc., and Otto Heller

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Lace of France, Inc., et al., New York, N.Y., docket No. C-2361, Mar. 8, 1973]

In the Matter of Lace of France, Inc., a Corporation, and Otto Heller, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of textile fiber products, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Lace of France, Inc., a corporation, its successors and assigns, and its officers and Otto Heller, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within 10 days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since March 23, 1971, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignments, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business and address, the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within 60 days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6533 Filed 4-4-73;8:45 am]

[Docket No. C-2359]

PART 13—PROHIBITED TRADE PRACTICES

Massry Importing Co., Ltd., et al.

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Massry Importing Co., Ltd. et al., New York, N.Y., docket No. C-2359, March 1, 1973]

In the Matter of Massry Importing Co., Ltd., a Corporation, and Louis Massry and Isaac Massry, Individually and as Officers of the Corporation

Consent order requiring a New York City manufacturer, seller, and distributor of merchandise including women's scarves, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Massry Importing Co., Ltd., a corporation, its successors and assigns, and its officers, and Louis Massry and Isaac Massry individually and as officers of said corporation and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device do forthwith cease and desist from manufacturing for sale,

selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within 10 days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since December 3, 1970, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include individual respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6532 Filed 4-4-73;8:45 am]

[Docket No. C-2358]

PART 13—PROHIBITED TRADE PRACTICES

Norcrest China Co. and Hide Naito

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Norcrest China Co., et al., Portland, Oreg., docket No. C-2358, Mar. 1, 1973]

In the Matter of Norcrest China Co., a Corporation, and Hide Naito, Individually and as an Officer of Said Corporation.

Consent order requiring a Portland, Oreg., importer and wholesaler of scarves, ceramics, and accessories, among other things, to cease selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Norcrest China Co., a corporation, its successors and assigns, and its officers, and Hide Naito, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device do forthwith cease and desist from selling, offering for sale in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric", and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within 10 days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since May 7, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or

any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-6531 Filed 4-4-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

SUBCHAPTER C—DRUGS

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling Requirements and Procedures for Development of Standards for In Vitro Diagnostic Products for Human Use; Correction

In FR Doc. 73-5057, appearing at page 7096 in the issue of Thursday, March 15, 1973, the reference in § 167.2(d)(1)(ix) on page 7100 reading "paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(7) of this section" is corrected to read "subdivisions (ii), (iii), (iv), (v), and (vi) of this subparagraph".

Dated: March 28, 1973.

WILLIAM F. RANDOLPH, *Acting Associate Commissioner for Compliance.*

[FR Doc.73-6482 Filed 4-4-73;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

APPROVAL OF SCHOOLS PROVIDING FOOD-PROCESSING INSTRUCTION

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), part 2 is amended to include delegations of authority regarding approval of schools providing food-processing instruction.

Accordingly, § 2.121 is amended by adding paragraph (w), as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(w) *Delegations regarding approval of schools providing food-processing instruction.*—The Director and Deputy Director of the Bureau of Foods are authorized to perform all of the functions of the Commissioner of Food and Drugs under § 128b.10 of this chapter regarding the approval of schools giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections.

Effective date.—This order shall be effective on April 5, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 26, 1973.

WILLIAM F. RANDOLPH, *Acting Associate Commissioner for Compliance.*

[FR Doc.73-6375 Filed 4-4-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

TITANIUM DIOXIDE

The Commissioner of Food and Drugs, based on a petition filed by Markel & Hill (presently Markel, Hill, and Byerley), counsel for the titanium dioxide group, Washington, D.C., and other relevant information, finds that titanium dioxide is safe and suitable for use as a color additive in or on cosmetics under the conditions prescribed in this order and that certification is not necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 706(b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), and (d)), and under authority delegated to the Commissioner (21 CFR 2.120), part 8 is amended by adding a new section to subpart H, as follows:

§ 8.3001 Titanium dioxide.

(a) *Identity and specifications.*—The color additive titanium dioxide shall conform in identity and specifications to the requirements on § 8.316(a)(1) and (b).

(b) *Uses and restrictions.*—The color additive titanium dioxide may be safely used in cosmetics, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.*—The color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any other information required by law, labeling in accordance with the provisions of § 8.32.

(d) *Exemption from certification.*—Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before May 7, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on June 4, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or the lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 706(b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), and (d))

Dated: March 29, 1973.

WILLIAM F. RANDOLPH, *Acting Associate Commissioner for Compliance.*

[FR Doc.73-6481 Filed 4-4-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

PYROPHYLLITE

The Commissioner of Food and Drugs, based on a petition filed by R. T. Vanderbilt Co., Inc., New York, N.Y., and other relevant information, finds that pyrophyllite is safe and suitable for use as a color additive in or on cosmetics under the conditions prescribed in this order, and that certification is not necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 706(b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), and (d)), and under authority delegated to the Commissioner (21 CFR 2.120), part 8 is amended by adding a new section to subpart H, as follows:

§ 8.3003 Pyrophyllite.

(a) *Identity and specifications.*—The color additive pyrophyllite shall conform

in identity and specifications to the requirements of § 8.6006 (a)(1) and (b).

(b) *Uses and restrictions.*—Pyrophyllite may be safely used for coloring externally applied cosmetics, in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.*—The labeling of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to all applicable requirements of law, including the requirements of § 8.32.

(d) *Exemption from certification.*—Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before May 7, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective June 4, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 706(b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), and (d))

Dated: March 28, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6484 Filed 4-4-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

SUBCHAPTER C—DRUGS

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

Thiabendazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (43-141V) filed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, proposing the safe and effective use of thiabendazole in a premix in the manufacture of finished feeds as an anthelmintic for cattle. The application is approved.

This order also provides for recodification of the existing regulation concerning thiabendazole in feeds from part 121 into part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), parts 121 and 135e are amended as follows:

1. In part 121, § 121.260 is revised in the heading and in the text to read in full as follows:

§ 121.260 Thiabendazole; tolerances for residues.

Tolerances are established for residues of the fungicide thiabendazole as follows:

(a) Eight parts per million in or on dried citrus pulp from the post-harvest application to the raw agricultural commodity citrus fruits.

(b) Three and a half parts per million in or on dried and/or dehydrated sugar beet pulp for livestock feed, such residues resulting from application to growing sugar beets.

(c) Thirty-three parts per million in or on dried apple pomace from post-harvest application to the raw agricultural commodity apples.

2. Part 135e is amended by adding the following new section:

§ 135e.26 Thiabendazole.

(a) *Chemical name.*—2-(4'-Thiazolyl)-benzimidazole.

(b) *Specifications.*—Conforms to N.F. XII specifications.

(c) *Approvals.*—In dry premix, levels of 22, 44.1, 66.1 percent. The 66.1 percent level is solely for the manufacture of cane molasses liquid supplement which is mixed in dry feeds; for sponsor see code No. 023 in § 135.501(c) of this chapter.

(d) *Assay limits.*—Finished feed containing less than 7 percent thiabendazole: 85-115 percent of labeled amount. Finished feed containing 7 percent or more of thiabendazole: 90-110 percent of labeled amount.

(e) *Special considerations.*—Maximum level permitted in a medicated supplement: 9.9 percent. Not to be used in feeds containing bentonite.

(f) *Related tolerances.*—See § 135g.39 of this chapter.

(g) *Conditions of use.*

Principal ingredient	Amount	Limitations	Indications for use
1. Thiabendazole..	3 grams per 100 lb. body weight.	For cattle; 3 gm. per 100 lb. body weight at a single dose; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*).
2. Thiabendazole..	5 grams per 100 lb. body weight.	For cattle; 5 gm. per 100 lb. body weight at a single dose or divided into 3 equal doses, administered 1 dose each day, on succeeding days; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*); control of infections of *Cooperia* species.
3. Thiabendazole..	2 grams per 100 lb. body weight.	For sheep and goats; 2 gm. per 100 lb. body weight at a single dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp.; Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.*, and *Oesophagostomum spp.*).
4. Thiabendazole..	3 grams per 100 lb. body weight.	For goats; 3 gm. per 100 lb. body weight at a single dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.*, and *Oesophagostomum spp.*).
5. Thiabendazole..	45.4-908 grams per ton (0.005-0.1%.	For swine; administer continuously feed containing 0.05-0.1% thiabendazole per ton for 2 weeks followed by feed containing 0.005-0.02% thiabendazole per ton for 8-14 weeks; do not treat animals within 30 days of slaughter.	Aid in the prevention of infections of large roundworms (genus *Ascaris*).

Effective date.—This order shall be effective on April 5, 1973.

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

Dated: March 22, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-6390 Filed 4-4-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1H2621) filed by Olin Chemicals,

120 Long Ridge Road, Stamford, Conn. 06904, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of sodium salt of 1-hydroxy-2(1H)-pyridine thione as a preservative in food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	
Substances:	*Limitations*
* * *	* *
Sodium salt of 1-hydroxy 2(1H)-pyridine thione.	For use as preservative only.
* * *	* *

Any person who will be adversely affected by the foregoing order may at any time on or before May 7, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective April 5, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6486 Filed 4-4-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES; CORRECTION

In FR Doc. 72-4534, appearing at page 6052-53 of the FEDERAL REGISTER of March 24, 1972, the following correction is made:

In § 121.2531, delete from paragraph (a)(2) the item di(2-ethylhexyl) azelate, since the use of this substance is contemplated in paragraph (a)(1) by incorporating substances listed under paragraph (b)(2) wherein the item is also listed.

Dated: March 28, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6483 Filed 4-4-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2763) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of *N*-[(dimethylamino)methyl] acrylamide polymer with acrylamide and styrene intended for use as a component of paper and paperboard in contact with

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 is amended in § 121.2571 (b)(2) by alphabetically inserting in the list of substances a new item as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of Substances	*Limitations*
* * *	* * *
N-[(dimethylamino)methyl]-acrylamide polymer with acrylamide and styrene.	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 7, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on April 5, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 28, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6374 Filed 4-4-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-137V) filed by McKesson Laboratories, Bridgeport, Conn. 06602, proposing revised labeling for safe and effective use of chloramphenicol capsules for the treatment of dogs. The supplemental application is approved.

The firm is being assigned a code number and added to the list of sponsors in § 135.501(c) of part 135.

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

1. Section 135.501(c) is amended by adding a new code number 091 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.:	*Firm name and address*
* * *	* * *
091 -------	McKesson Laboratories, Bridgeport, Conn. 06602.

2. Part 135c is amended in § 135c.63 by adding a new paragraph (b)(3) as follows:

§ 135c.63 Chloramphenicol capsules, veterinary.

* * * * *

(b) * * *

(3) For chloramphenicol capsules containing 100 and 250 milligrams of chloramphenicol see code No. 091 in § 135.501 (c) of this chapter.

* * * * *

Effective date. This order shall be effective on April 5, 1973.

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

Dated: March 27, 1973.

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

[FR Doc.73-6377 Filed 4-4-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Pentobarbital Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (4–536V) filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, proposing revised labeling for the safe and effective use of sodium pentobarbital injection for the treatment of dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to part 135b:

§ 135b.84 Sodium pentobarbital injection.

(a) *Specifications.* Sodium pentobarbital injection is sterile and contains in each milliliter 64.8 milligrams of sodium pentobarbital.

(b) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for use as a general anesthetic in dogs and cats. Although it may be used as a general surgical anesthetic for horses, it is usually given at a lower dose to cause sedation and hypnosis and may be supplemented with a local anesthetic. It may also be used in dogs for the symptomatic treatment of strychnine poisoning.

(2) The drug is administered intravenously "to effect". For general surgical anesthesia, the usual dose is 11 to 13 milligrams per pound of body weight. For sedation, the usual dose is approximately 2 milligrams per pound of body weight. For relieving convulsive seizures in dogs, when caused by strychnine, the injection should be administered intravenously "to effect". The drug may be given intraperitoneally if desired. However, the results of such injections are less uniform. When given intraperitoneally, it is administered at the same dosage level as for intravenous administration. The dose must be reduced for animals showing undernourishment, toxemia, shock and similar conditions.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on April 5, 1973.

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

Dated: March 14, 1973.

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

[FR Doc.73-6386 Filed 4-4-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Diatrizoate and Meglumine Diatrizoate Injection

The Commissioner of Food and Drug has evaluated a new animal drug application (91–240V) filed by E. R. Squibb & Sons, Inc., New Brunswick, N.J. 08903, proposing the safe and effective use of sodium diatrizoate and meglumine diatrizoate injection for the treatment of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to part 135b:

§ 135b.86 Sodium diatrizoate and meglumine diatrizoate injection.

(a) *Specifications.* Sodium diatrizoate and meglumine diatrizoate injection contains 35-percent sodium diatrizoate and 34.3-percent meglumine diatrizoate in sterile aqueous solution.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is indicated for use in dogs and cats for visualization in excretion urography, including renal angiography, uretography cystography, and urethrography, aortography; angiocardiography peripheral arteriography and venography; selective coronary arteriography; cerebral angiography; lymphography; arthrography; discography, and sialography. It is also useful as an aid in delineating peritoneal hernias and fistulous tracts.

(2) For excretion urography administer 0.5 to 1.0 milliliter per pound of body weight to a maximum of 30 milliliters intravenously. For cystography remove urine, administer 5 to 25 milliliters directly into the bladder via catheter. For urethrography administer 1.0 to 5 milliliters via catheter into the urethra to provide desired contrast delineation. For angiocardiography (including aortography) rapidly inject 5 to 10 milliliters directly into the heart via catherer or intraventricular puncture. For cerebral angiography rapid injection of 3 to 10 milliliters via carotid artery. For peripheral arteriography and/or venography and selective coronary arteriography rapidly inject 3 to 10 milliliters intravascularly into the vascular bed to be delineated. For lymphography slowly inject 1.0 to 10 milliliters directly into the lymph vessel to be delineated. For arthrography slowly inject 1.0 to 5 milliliters directly into the joint to be delineated. For discography slowly inject 0.5 to 1.0 milliliter directly into the disc to be delineated. For sialography slowly inject 0.5 to 1.0 milliliter into the duct to be delineated. For delineation of fistulous tracts slowly inject quantity necessary to fill the tract. For delineation of peritoneal hernias inject 0.5 to 1.0 milliliter per pound of body weight directly into the peritoneal cavity.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on April 5, 1973.

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

Dated: March 27, 1973.

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

[FR Doc.73-6384 Filed 4-4-73;8:45 am]

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

Clopidol and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a new animal drug application (43–430V) filed by Central Soya Co., McMillan Feed Div., Ft. Wayne, Ind. 46805, proposing the safe and effective use of a premix containing 0.0345 percent clopidol and 0.0138 percent 3-nitro-4-hydroxyphenylarsonic acid for use in formulating complete feed for broiler chickens as provided for in § 135e.46. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135e is amended in § 135e.46, paragraph (b) by revising the present text and designating it as subparagraph (1) and adding a new subparagraph (2) as follows:

§ 135e.46 Clopidol.

* * * * *

(b) *Approvals.*—(1) Premix level 25 percent granted to firm No. 012 as identified in § 135.501(c) of this chapter.

(2) Premix level 0.0345 percent clopidol and 0.0138 percent roxarsone granted to firm No. 006 as identified in § 135.501 (c) of this chapter.

* * * * *

Effective date. This order shall be effective on April 5, 1973.

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

Dated: March 22, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-6389 Filed 4-4-73;8:45 am]

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

Dichlorvos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40–848V) filed by Shell Chemical Co., a division of Shell Oil Co., agricultural division, 2401 Crow Canyon Road, San Ramon, Calif. 94583, proposing an additional use for dichlorvos as an anthelmintic in swine feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120),

part 135e is amended in § 135e.54 in the table in paragraph (f) by revising the text in the "indications for use" column for item 1. as follows:

§ 135e.54 Dichlorvos.

* * * * *

(f) *Conditions of use.*—It is used as follows:

Principal ingredient	Amount	Limitations	Indications for use
1. Dichlorvos.....	* * *	* * *	For the removal and control of mature, immature, and/or fourth stage larvae of the whipworm (*Trichuris suis*), nodular worm (*Oesophagostomum sp.*), large roundworm (*Ascaris suum*) and the thick stomach worm (*Ascarops strongylina*) of the gastrointestinal tract.
* * *	* * *	* * *	* * *

Effective date.—This order shall be effective on April 5, 1973.

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

Dated: March 27, 1973.

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

[FR Doc.73-6376 Filed 4-4-73;8:45 am]

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

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (45-455V) filed by American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, proposing an additional safe and effective use for levamisole hydrochloride (equivalent) in swine feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135e is amended in § 135e.59 in paragraph (f) under the "Indications for Use" column for item 2. by changing the period at the end of the present text to a comma and adding to the present text the words "intestinal threadworms (*Strongyloides ransomi*)."

Effective date. This order shall be effective on April 5, 1973.

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

Dated: March 20, 1973.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.73-6485 Filed 4-4-73;8:45 am]

PHENETHICILLIN MONOGRAPHS

Recodification and Technical Revisions

In a notice of proposed rulemaking published in the FEDERAL REGISTER of September 12, 1972 (37 F.R. 18469), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising parts 141, 141a, and 146a and by establishing a new part 149k to provide for the recodification and technical revisions of the phenethicillin monographs. Interested persons were invited to submit their comments in response to the notice of proposed rulemaking within 60 days. One comment was received which proposed the use of a reference material and a higher sample concentration in the phenethicillin identity test to increase the specificity of the test and to make it more reliable. The Commissioner considers this request a valid one and the final rulemaking has been amended to reflect these changes.

In addition, a correction has been made in the labeling paragraph of the monographs providing for phenethicillin potassium tablets and phenethicillin potassium for oral solution. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

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 the Commissioner (21 CFR 2.120), parts 141, 141a, and 146a are amended and a new part 149k is added as follows:

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

§ 141.110 [Amended]

1. In Part 141, § 141.110(b) is amended in the table by changing the entry in the Antibiotic column for "phenethicillin" to "L-phenethicillin."

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.100, 141a.101, 141a.102, 141a.126 [Revoked]

2. Sections 141a.100, 141a.101, 141a.102, and 141a.126 are revoked.

PART 146a—CERTIFICATION OF PENICILLIN AND PENCILLIN-CONTAINING DRUGS

§§ 146a.16, 146a.17, 146a.18, and 146a.122 [Revoked]

3. Sections 146a.16, 146a.17, 146a.18, and 146a.122 are revoked.

4. The following new Part 149k is added to this chapter:

PART 149k—PHENETHICILLIN

Sec.
149k.1 Phenethicillin potassium.
149k.2—149k.10 [Reserved]
149k.11 Phenethicillin potassium tablets.
149k.12 Phenethicillin potassium for oral solution.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149k.1 Phenethicillin potassium.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium is the DL-α-phenoxyethyl penicillin potassium salt. It is so purified and dried that:

(i) Its potency is not less than 1,328 units per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 1.5 percent.

(iv) Its pH in an aqueous solution of 5,000 units to 10,000 units per milliliter is not less than 4.0 and not more than 7.5.

(v) Its phenethicillin content is not less than 81.5 percent.

(vi) It contains not less than 55 percent and not more than 75 percent of L-phenethicillin potassium.

(vii) It is crystalline.

(viii) It passes the identity test.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3(b) of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Total potency.* Assay for total potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 5,000 units to 10,000 units per milliliter.

(5) *Phenethicillin content.* Accurately weigh approximately 50 milligrams each of the sample and L-phenethicillin working standard into separate 100-milliliter volumetric flasks. Dissolve and dilute to volume with distilled water. Using a suitable spectrophotometer equipped with 1-centimeter quartz cells and distilled water as the blank, set the instrument to 100 percent transmission and then determine the absorbance of each solution at the absorbance peak at 268 nanometers. Calculate the percent phenethicillin as follows:

$$\text{Percent phenethicillin} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent L-phenethicillin content of standard}}{\text{Absorbance of standard} \times \text{weight of sample in milligrams}}$$

(6) *L-phenethicillin potassium content.*—(i) *Microbial assay of L-phenethicillin potassium equivalent (microbiological agar diffusion assay).* Using the L-phenethicillin working standard, proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain an activity estimated to be equivalent to 0.1 unit of L-phenethicillin per milliliter.

(ii) *L-phenethicillin equivalent of the D-phenethicillin working standard.* Using the L-phenethicillin working standard as the standard of comparison, proceed as directed in § 141.110 of this chapter, preparing the sample (D-phenethicillin working standard) for assay as follows: Dissolve an accurately weighed portion of D-phenethicillin working standard in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain an activity estimated to be equivalent to 0.1 unit of L-phenethicillin per milliliter.

(iii) *Calculation.* Calculate the L-phenethicillin potassium content of the sample as follows:

$$\text{Percent L-phenethicillin potassium content} = \frac{(R-r)}{(1-r)} \times 100$$

where:

R = Units of L-phenethicillin potassium equivalent (found per milligram of sample in microbial assay) / Units per milligram found in chemical assay of sample (total potency);

r = L-phenethicillin potassium equivalent in units per milligram (of D-phenethicillin potassium standard) / Potency in units per milligram of L-phenethicillin standard.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(8) *Identity.*—Add 0.5 ml of a methyl alcohol solution containing 8 mg per milliliter of L-phenethicillin working standard to a test tube. Add 0.5 ml of the sample solution, similarly prepared, to a second test tube. Evaporate the methyl alcohol in each test tube under a current of air. Add 0.1 ml of an aqueous chromotropic acid solution containing 10 mg per milliliter to each tube. Add 2 ml of concentrated sulfuric acid to each tube and heat in a glycerol bath at 150° C. for 3 to 4 minutes. The same green color is produced by both sample and working standard. (Phenoxymethyl penicillin or its salts give a blue or purple color.)

§§ 149k.2–149k.10 [Reserved]

§ 149k.11 Phenethicillin potassium tablets.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Phenethicillin potassium tablets are composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluent, binders, lubricants, colorings, and flavorings. Each tablet contains phenethicillin potassium equivalent to 400,000 units of phenethicillin (equivalent to 250 milligrams of phenethicillin). Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units or milligrams of phenethicillin that it is represented to contain. Its moisture content is not more than 2 percent. It shall disintegrate within 1 hour. The phenethicillin potassium used conforms to the standards prescribed by § 149k.1(a)(1).

(2) *Labeling.*—It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The phenethicillin potassium used in making the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The phenethicillin potassium used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. If necessary, further dilute an aliquot of the stock solution with solution 1 to obtain an assay solution containing 2,000 units per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter.

§ 149k.12 Phenethicillin potassium for oral solution.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium for oral solution is composed of phenethicillin potassium, with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. Each milliliter contains phenethicillin potassium equivalent to 40,000 units of phenethicillin (equivalent to 25 milligrams of phenethicillin). Its potency is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units or milligrams of phenethicillin that it is represented to contain. Its moisture content is not more than 1 percent. The phenethicillin potassium used conforms to the standards prescribed by § 149k.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The phenethicillin potassium used in making the batch for potency, safety, loss on drying, pH, phenethicillin content, L-phenethicillin potassium content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The phenethicillin potassium used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Effective date.—This order shall become effective May 7, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 21, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-6385 Filed 4-4-73;8:45 am]

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

Test for Metal Particles in Ophthalmic Ointments

In the FEDERAL REGISTER of September 2, 1970 (35 FR 18881), an order was published establishing limits on size and quantity of particulate contamination in antibiotic ophthalmic ointments. A laboratory procedure for examination of antibiotic ointments for such particulate contamination was also provided.

The scientific documentation used as a basis for requiring limits on particulate matter in antibiotic ointments is specifically data involving metal particles. Collapsible metal tubes, which are used almost exclusively as immediate containers for antibiotic ophthalmic ointments, are the primary source of objectionable, abrasive material that can mix with the ointment and be applied to the eye.

The procedure described in § 141.508 for optically determining the presence of particles was specifically developed to detect metal particles. Such procedure is not adequate for determining the presence or kind of other particulate matter.

Since the promulgation of § 141.508, the Food and Drug Administration has received numerous comments from industry regarding the applicability of the section to ophthalmic ointments. The policy of FDA has been to consider only metal particles under the guidelines established pursuant to § 141.508. This policy was formally announced in guidelines to the industry in 1965 and was the basis for the promulgation of § 141.508.

The FDA recognizes that on occasion ophthalmic ointments may be contaminated with particles that are nonmetallic. Because the methods of detection of such particles and the significance of their presence may vary, such instances of contamination must be considered individually.

Whether certifiable antibiotic or nonantibiotic preparations are involved, the FDA will exercise its regulatory responsibility of assuring that ophthalmic ointments are manufactured in accord with current good manufacturing practices and are not adulterated.

In order to clarify § 141.508 for manufacturers, the Commissioner of Food and Drugs concludes that this section should be revised to clearly indicate that the procedure and tolerances established by it apply to metal particles only. As information indicates the need and methodology is developed, tolerances will be established for particles other than metals.

Accordingly, 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 the Commissioner (21 CFR 2.120), part 141 is amended by revising § 141.508 to read as follows:

§ 141.508 Test for metal particles in ophthalmic ointments.

(a) *Procedure.* Extrude the contents of each of 10 tubes as completely as practicable into separate, clear, glass Petri dishes (60 millimeters in diameter), cover the dishes, and heat to 80° C. to 85° C. for at least 2 hours or until the ointment has melted completely and evenly in the dishes. A higher temperature of 100° C.±2° C. may be used if necessary to allow adequate settling of metal particles. Allow the ointment to cool to room temperature without agitation. Invert each Petri dish on the stage of a suitable microscope adjusted to furnish 30 times magnification and equipped with an eye-piece micrometer disc which has been calibrated at the magnification being used. In addition to the usual source of light, direct an illuminator from above the ointment at a 45° angle. Examine the entire bottom of the Petri dish for metal particles. By varying the intensity of the illuminator from above, such metal particles are recognized by their characteristic reflection of light. Count the total number of metal particles exceeding 50 microns in any single dimension.

(b) *Evaluation.* The batch is acceptable if (1) a total of not more than 50 such particles is found in 10 tubes; and (2) not more than one tube is found to contain more than eight such particles. If the batch fails the above test, repeat the test on 20 additional tubes of ointment. The total number of metal particles exceeding 50 microns in any single dimension from the 30 tubes tested shall not exceed 150, with not more than three tubes containing more than eight such particles.

Notice and public procedure and delayed effective date are not prerequisites to revision of this regulation because the specifications set forth have been applied and adopted by manufacturers of the subject products since 1965 and such revision merely clarifies the existing policy.

Effective date. This order shall be effective on April 5, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6388 Filed 4-4-73;8:45 am]

PART 148e—ERYTHROMYCIN

Erythromycin Stearate Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to providing for the certification of 500 milligram erythromycin stearate tablets.

The Commissioner has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

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 the Commissioner (21 CFR 2.120), § 148e.27 *Erythromycin stearate tablets* is amended in paragraph (a)(1) by changing the second sentence to read "Each tablet contains erythromycin stearate equivalent to 75, 100, 125, 250, or 500 milligrams of erythromycin."

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on April 5, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 21, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-6387 Filed 4-4-73;8:45 am]

Title 26—Internal Revenue Service

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7263]

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

Expenses of Work Incentive Programs

Correction

In FR Doc. 73-4402 appearing at page 6148 in the issue for Wednesday, March 7, 1973, in § 1.50A-4(f)(2), in (ii) of Example (2), the following should be inserted immediately after the 11th line: "A-3 with respect to the credit allowed X".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-65 R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Inner Harbor Navigation Canal, New Orleans, La.

This amendment adds regulations for the St. Claude and Florida Avenue Drawbridges across the Inner Harbor Navigation Canal to permit emergency repairs

to be made to the trunion pins, bearings, and miscellaneous mechanical parts of these bridges. These regulations will begin on April 12, 1973, and end on May 26, 1973.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by making the first paragraph of § 117.535 paragraph (a) and adding a new paragraph (b) to read as follows:

§ 117.535 Inner Harbor Navigation Canal, New Orleans, La.

* * * * *

(b) The draws of the St. Claude Avenue and Florida Avenue Bridges need not open for the passage of vessels from April 12, 1973 through May 26, 1973.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 12, 1973.

Dated: March 30, 1973.

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

[FR Doc.73-6567 Filed 4-4-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089, Amdt. 5]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of March 1973.

Upon further consideration of Service Order No. 1089 (37 FR 2677, 9118, 15930, 23336 and 38 FR 877), and good cause appearing therefor:

It is ordered, That: § 1033.1089 *Service Order No. 1089* (New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.), Service Order No. 1089 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.*—This order shall expire at 11:59 p.m., April 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., March 31, 1973.

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

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order 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.73-6581 Filed 4-4-73;8:45 am]

[Ex Parte 252 (Sub-No. 1)]

PART 1036—INCENTIVE PER DIEM CHARGES

Incentive Per Diem Charges, 1968

Order.—At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of March 1973.

Upon consideration of the record in the above-captioned proceeding, including: (1) The reports and orders of the Commission, 337 ICC 183, 337 ICC 217, 339 ICC 627, and 343 ICC 49; (2) the order entered on March 6, 1973, in which it was proposed to amend the Commission's rules and regulations, 49 CFR 1036.5, so as to make the incentive per diem charges applicable until further order of the Commission, in lieu of the present 6-month application of those charges from September 1 of each year through February of the following year; and (3) the responses thereto filed by numerous parties on various dates; and

It appearing, that this Nation is facing the most severe shortage of plain boxcars in the history of this Commission; that the 6-month application of incentive per diem charges was predicated on a finding that during this 6-month period, September 1 of each year through February of the following year, there was a reoccurring shortage of plain boxcars; but that, because of the Russian wheat sale and other factors, there is now and will be for an indefinite period, a continuing shortage of plain boxcars for loadings;

It further appearing, that the 6-month application of incentive per diem charges was also predicated on a finding that these charges would stimulate the faster return of cars during this period of reoccurring car shortages; but that, because of the factors noted above, extension of incentive per diem charges on a continuing basis for an indefinite period is required to improve the utilization and distribution of plain boxcars during periods not included in the present application of the rule in which car shortages are also occurring;

It further appearing, that the various requests for action by the Commission other than that proposed in the order, including the several requests for exemption from the incentive per diem charges, are either not responsive to the order or fail to show that the requested action would materially contribute to sound car service practices in a time of national emergency;

It further appearing, that certain requests for action by the Commission on pending petitions in this proceeding, seeking, for example, modification of the existing test period average, may, if adopted, improve the incentive per diem program; but that to withhold action on this matter for the period required to dispose of the proceedings which may arise from actions on the petitions, would not be responsive to the immediate emergency confronting the Nation;

And it further appearing, that the requests for oral argument and oral hearing do not present sufficient grounds to warrant granting the action sought;

Wherefore, and for good cause:

It is ordered, That, effective May 1, 1973, the Commission's rules and regulations, 49 CFR 1036.5 be, and they are hereby, amended by deleting therefrom the words "September 1 of each year through February 28 of the following year" and substituting therefor the words "May 1, 1973, and shall continue in effect until further order of the Commission."

And it is further ordered, That a copy of this order be served upon each respondent, and all other parties; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6582 Filed 4-4-73;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

Bowdoin National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on April 5, 1973.

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

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, and pole, bow and arrow and the capturing of bait fish (minnows) by seine and minnow trap on Bowdoin National Wildlife Refuge, Phillips County, Mont., is permitted on a

year-around basis, but only on areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters, 7 miles east of Malta, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colo. 80215. 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 September 30, 1973.

JOHN R. FOSTER,
Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Mont.

MARCH 29, 1973.

[FR Doc.73-6493 Filed 4-4-73;8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Montana

The following special regulations are issued and are effective on April 5, 1973.

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

MONTANA

NATIONAL BISON RANGE

Sport fishing on the National Bison Range, Moiese, Mont., is only permitted along the portions of the Jocko River as posted. These open areas are delineated on maps available at refuge headquarters, one-half mile east of Moiese, Mont. 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.

NINEPIPE NATIONAL WILDLIFE REFUGE (HEADQUARTERS NATIONAL BISON RANGE, MOIESE, MONT.)

Sport fishing is permitted in accordance with special regulations. Entire refuge is open from July 15, until beginning of waterfowl hunting season, and before July 15, on west and north shorelines from picnic area to Allentown Bridge, except central portion of north shore (nine-tenths of a mile) as posted. Entire refuge is closed during migratory waterfowl hunting season. Ice fishing is permitted after the closure of waterfowl hunting season until March 1. 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 30, 1973.

Special regulations: Ninepipe National Wildlife Refuge.

1. Offshore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

PABLO NATIONAL WILDLIFE REFUGE (HEADQUARTERS NATIONAL BISON RANGE, MOIESE, MONT.)

Sport fishing is closed on Pablo Reservoir during the migratory waterfowl hunting season. It is open during the balance of the year, in accordance with special regulations, on the north and east shorelines from inlet canal to south end of dam as posted. Ice fishing is permitted after the closing of the waterfowl hunting season. 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.

Special regulations: Pablo National Wildlife Refuge.

1. Offshore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

NORTHWEST MONTANA WATERFOWL PRODUCTION AREAS (HEADQUARTERS NATIONAL BISON RANGE, MOIESE, MONT.)

Sport fishing is permitted north end of Flathead Lake within the boundaries of the waterfowl production area. Fishing from shore is prohibited from March 1 to July 1. All islands at the mouth of Flathead River are closed to trespass except during the waterfowl hunting season. 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.

Special regulations: Northwest Montana Waterfowl Production Areas.

1. Vehicle travel is permitted only on designated roads and parking areas.

MARVIN R. KASCHKE,
Refuge Manager, National Bison Range, Moiese, Mont.

FEBRUARY 15, 1973.

[FR Doc.73-6544 Filed 4-4-73;8:45 am]

PART 33—SPORT FISHING

UL Bend National Wildlife Refuge, Mont.

The following special regulation is issued and is effective April 5, 1973.

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

MONTANA

UL BEND NATIONAL WILDLIFE REFUGE

Sport fishing with hook and line and bow and arrow on UL Bend National Wildlife Refuge, Phillips County, Mont., is permitted on a year-around basis on the entire refuge. Maps are available from refuge headquarters, 7 miles east of Malta, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colo. 80215. 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 September 30, 1973.

JOHN R. FOSTER,
Refuge Manager, UL Bend National Wildlife Refuge, Malta, Mont.

MARCH 29, 1973.

[FR Doc.73-6492 Filed 4-4-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DEFINITION OF "WIFE" AND "WIDOW"

On page 3202 of the FEDERAL REGISTER of February 2, 1973, there was published a notice of proposed rulemaking to amend § 3.807 to define "wife" and "widow" to include any husband or widower of a female veteran. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA regulation is effective October 24, 1972.

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 3.807, paragraph (d) is amended to read as follows:

§ 3.807 Dependents' educational assistance; certification.

For the purposes of dependents, educational assistance under 38 U.S.C. chapter 35 (see § 21.3020 of this chapter), the child, wife, or widow of a veteran will have basic eligibility if the following conditions are met:

* * * * *

(d) *Relationship.*—(1) "Child" means the son or daughter of a veteran who

meets the requirements of § 3.57, except as to age and marital status.

(2) "Wife" means a person whose marriage to the veteran meets the requirements of § 3.50(a). A husband is included.

(3) "Widow" means a person whose marriage to the veteran meets the requirements of § 3.50(b) or 3.52. A widower is included.

2. Immediately following § 3.807, the cross references are amended to read as follows:

CROSS REFERENCES: Husband or widower. See § 3.51 Discontinuance. See § 3.503(h) Election; concurrent benefits. See § 3.707 Nonduplication. See § 21.3023 of this chapter.

[FR Doc.6656 Filed 4-4-73;8:45 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

MEASUREMENT OF UNDERGRADUATE NONDEGREE COURSES

On page 4522 of the FEDERAL REGISTER of February 15, 1973, there was published a notice of proposed rulemaking to amend § 21.4272 to permit measurement of undergraduate nondegree courses on a credit-hour basis in certain instances in which the highest degree offered by the school is "associate." Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA regulation is effective March 25, 1973.

Approved: March 25, 1973.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

In § 21.4272, paragraph (c)(5) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

* * * * *

(c) *Nondegree courses.*—The course is offered by either a member or nonmember of a nationally recognized accrediting association, and

* * * * *

(5) If the school is a member of a nationally recognized accrediting association, and certifies that credit for at least 40 percent of the subjects within the curriculum, desired to be measured on a credit-hour basis, is granted upon transfer to the element of the school which offers an associate or higher degree, and credit is awarded at full value, i.e., credit hour for credit hour toward partial fulfillment of the requirements for an associate or higher degree, or

* * * * *

[FR Doc.73-6657 Filed 4-4-73;8:45 am]

Title 7—Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

QUARANTINED AREAS

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice of quarantine No. 45 relating to the gypsy moth and browntail moth and regulations supplemental to said quarantine (7 CFR 301.45, 301.45–1, et seq.) are hereby amended by deleting the State of New Hampshire from the list of States quarantined because of browntail moth under § 301.45(a) and by making minor changes to clarify provisions of § 301.45–2.

1. In § 301.45, Quarantine; restriction on interstate movement of specified regulated articles, paragraph (a) is amended to read as follows:

§ 301.45 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.*—Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 30, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined after public hearing that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, in order to prevent the spread of the gypsy moth (*Porthetria dispar*), and the States of Maine, Massachusetts, and New Hampshire to prevent the spread of browntail moth (*Nygmia phaeorrhoea*), dangerous insects injurious to forests and shade trees and not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. It has now been determined that it is no longer necessary to quarantine the State of New Hampshire to prevent the spread of the browntail moth. Therefore, under the authority of said provisions, the Secretary hereby continues to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont because of the gypsy moth; removes the State of New Hampshire from quarantine because of the browntail moth and continues to quarantine the States of Maine and Massachusetts because of the browntail moth with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section; continues in effect the regulations in this subpart governing such movement; and gives notice of said quarantine and regulations.

* * * * *

2. In § 301.45–2 *Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas and hazardous mobile home parks and recreational sites; and to exempt articles from certification, permit, or other requirements,* the first two sentences of paragraph (a) and all of paragraph (b) are amended to read as follows:

§ 301.45–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas and hazardous mobile home parks and recreational sites; and to exempt articles from certification, permit or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.*—The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.45–2a, each quarantined State, or each portion thereof in which gypsy moth or browntail moth has been found or in which there is reason to believe that gypsy moth or browntail moth is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement from infested localities. The Deputy Administrator in the supplemental regulation, may designate any regulated area or portion thereof as a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.45–1. * * *

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.*—The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and may designate the regulated area or portions thereof as a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.45–2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector, and notice thereof shall be given to the owner or person in possession of the premises.

* * * * *

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477)

These amendments delete the State of New Hampshire from the list of States quarantined because of browntail moth. The State remains under gypsy moth quarantine and regulations. The Deputy

Administrator has determined that surveys for the past 3 years following eradication treatments indicate the browntail moth infestations were eliminated in that State. Various minor changes are also made.

These amendments, insofar as they relieve certain restrictions presently imposed, should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. The minor changes, referred to above, insofar as they impose restrictions, are necessary in order to prevent the dissemination of the gypsy moth and the browntail moth and should be made effective promptly to accomplish their purposes in the public interest. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rulemaking and other public procedures with respect to the amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER. These amendments will become effective April 5, 1973.

Done at Washington, D.C., this 30th day of March 1973.

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

[FR Doc.73-6589 Filed 4-4-73;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth Regulated Areas

This document deletes New Hampshire from the browntail moth regulated areas and makes a minor editorial change. The Deputy Administrator has determined that surveys for the past 3 years following eradication treatments indicate the infestations were eliminated in that State.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45–2 of the gypsy moth and browntail moth quarantine regulations, 7 CFR 301.45–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.45–2a, is hereby amended as follows:

1. In § 301.45–2a, the introductory portion of paragraph (b) is amended to read:

§ 301.45–2a Regulated areas; suppressive and generally infested areas.

* * * * *

(b) The civil divisions and parts of civil divisions described below are designated browntail moth regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

* * * * *

2. In § 301.45–2a(b), the entire description for the State of New Hampshire is deleted.

(Secs. 8 and 9, 37 Stat. 318, as amended; sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 7 CFR 301.45–2)

These amendments shall become effective April 5, 1973.

The amendment which deletes New Hampshire from the browntail moth regulated areas relieves certain restrictions presently imposed and it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. The editorial change does not impose additional obligations on anyone. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of March 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-6590 Filed 4-4-73;8:45 am]

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

[Navel Orange Reg. 295]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 6–12, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and marketing order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.595 Navel Orange regulation 295.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continued good this week, with prices slightly lower than a week ago. Prices f.o.b. averaged $3.86 a carton on a reported sales volume of 779 carlots last week, compared with an average f.o.b. price of $3.87 per carton and sales of 822 carlots a week earlier. Track and rolling supplies at 360 cars were up 59 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance

with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1973.

(b) *Order.*—(1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 6, 1973, through April 12, 1973, are hereby fixed as follows:

(i) District 1: 625,637 cartons;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 4, 1973.

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

[FR Doc.73-6723 Filed 4-4-73;11:15 am]

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

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document fixes the expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee, the local administrative agency established pursuant to Marketing Order No. 908, for the administration of the program during the 1972–73 fiscal year. The document also fixes the rate of assessment, per carton of Valencia oranges handled, believed necessary to secure the income for the period. In addition, part of the unexpended assessment funds from the previous fiscal year are carried over into the reserve fund to be used for purposes specified in the order.

On March 19, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 7234) regarding proposed expenses and the related rate of assessment for the period November 1, 1972, through October 31, 1973, and carryover of unexpended funds from the period November 1, 1971, through October 31, 1972, pursuant to the marketing agreement, as amended, and order No. 908, as amended (7 CFR part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The notice provided that all written data, views, or arguments in connection with the proposals be submitted by March 26, 1973. None were received.

This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.212 Expenses and rate of assessment.

(a) *Expenses.*—Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1972, through October 31, 1973, will amount to $249,700.

(b) *Rate of assessment.*—The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.013 per carton of Valencia oranges.

(c) *Reserve.*—Unexpected funds, in excess of expenses incurred during the fiscal year ended October 31, 1972, in the amount of $10,000, are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1972, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: April 2, 1973.

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

[FR Doc.73-6547 Filed 4-4-73;8:45 am]

[Valencia Orange Reg. 425]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 6–12, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and marketing order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valenica oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.725 Valencia Orange regulation 425.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is fairly strong. Prices, f.o.b. for Valencia oranges, averaged $3.44 per carton on a sales volume of 228 cars compared with $3.38 per carton on a sales volume of 212 cars for the previous week. Track and rolling supplies at 118 cars were up 19 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1973.

(b) *Order.*—(1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 6, 1973, through April 12, 1973, are hereby fixed as follows:

(i) District 1: 63,690 cartons;

(ii) District 2: 84,017 cartons;

(iii) District 3: 375,000 cartons.

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

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

Dated: April 4, 1973.

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

[FR Doc.73-6724 Filed 4-4-73;11:15 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Ins. 442.1; AL-870(442)]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Loans and Grants for Community Domestic Water and Waste Disposal Systems

MISCELLANEOUS AMENDMENTS

Subpart A of Part 1823, Title 7, Code of Federal Regulations (37 FR 12036), §§ 1823.2, 1823.6, 1823.20, 1823.36, and appendix 1—§ 1823.1, are amended by revising the following paragraphs to incorporate certain provisions of the Rural Development Act of 1972 (Public Law 92-419) and to make certain procedural changes as indicated:

1. Section 1823.2 (a), (c), and (d) are amended to define Indian Tribes as "associations," to delete the word "permanent" from the definition for rural resident, and to redefine a "rural area" from 5,500 to 10,000 population.

2. Section 1823.2(i) has been added to include and define the term "project." This addition will redesignate paragraphs "(i) through (q)" to "(j) through (r)," respectively;

3. Section 1823.6(c)(1) is deleted. The $4 million limitation for loan and grant principal indebtedness has been removed. Subparagraph (2) of this paragraph is redesignated as subparagraph (1) without change; § 1823.6(c)(1)(ii) is amended to further define Federal limitations;

4. Section 1823.20 has been amended to require that applications from communities or areas of 5,500 persons or less with inadequate central facilities be given priority for financial assistance;

5. Section 1823.36 (b)(2)(i)(a) and (iv)(a) have been amended relative to the referral of certain applications;

6. Appendix 1—§ 1823.1(e) is amended to more clearly state the coordination of water and waste disposal projects with State, multijurisdictional, county, and municipal plans.

This amendment is being published without giving notice of proposed rulemaking, such notice being unnecessary since the amendments merely implement the Rural Development Act of 1972 and clarify an existing regulation.

As amended, the revised paragraphs will read as follows:

Subpart A—Loans and Grants for Community Domestic Water and Waste Disposal Systems

§ 1823.2 Definitions.

* * * * *

(a) *Association.*—The term "association" includes municipalities, counties, other political subdivisions of a State; districts, public authorities and the like; cooperatives and corporations operated on a nonprofit basis; and Indian tribes on Federal and State reservations and other federally recognized Indian tribes, which have the legal powers to engage in the activities authorized in this subpart.

* * * * *

(d) *Rural area.*—The terms "rural" or "rural area" shall not include any area in any city or town which has a population in excess of 10,000 inhabitants according to the latest reliable population estimate.

* * * * *

(i) *Project.*—The term "project" shall include facilities providing central services and facilities serving individual properties or both.

* * * * *

§ 1823.6 Loan and grant limitations.

* * * * *

(c) *Amount.*—(1) * * *

(ii) If any other Federal grants are made in connection with the proposed project, the amount of any FHA grant plus the amount of other Federal grants may not exceed 50 percent, or the applicable percentage for sewage treatment facilities, of the development cost of the project unless such other Federal grants are being made by the Department of Defense, EDA, or a Regional Economic Development Commission. In determining the Federal grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

* * * * *

§ 1823.20 Applications.

Each applicant will make application on standard form 101, "Preliminary Application for Requesting Federal Assistance for Public Works and Facility-Type Projects," which will be forwarded to the State office in accordance with § 1823.36. Priority will be given to those communities of 5,500 persons or less with inadequate existing central facilities. County supervisors will require any association undertaking to apply for financial assistance to file written notification of its intent to apply with appropriate clearinghouses in accordance with subpart M of this part. When the county supervisor has been notified that FHA has assumed jurisdiction for the project, he will complete the applicable portion of form FHA 442-34, "Information for Use in Establishing Processing Schedule," and forward it to the State office. No further action will be taken toward processing such applications until notified by the State director. The date that FHA assumes jurisdiction will be considered as the application date. Applicants need not be legally organized to file standard form 101.

§ 1823.36 Handling preliminary inquiries for loan and grant assistance for water and sewer projects (standard form 101).

* * * * *

(b) *Receiving and processing standard form 101, "Application-Federal Assistance for Public Works and Facility-Type Projects."* * * *

(2) *Action by State office.*—(i) * * *

(a) Inquiries for grants to a nonpublic body in an area having no place, town, or village of more than 10,000 population and not located in an EDA qualified area.

* * * * *

(iv) * * *

(a) Inquiries will be referred to DHUD from areas which contain a community with a population of 2,500 or more.

APPENDIX § 1–1823.1 (REFERRED TO IN FHA OFFICES AS EXHIBIT J), PLANNING AND DEVELOPING COMMUNITY WATER AND WASTE DISPOSAL FACILITIES.

This appendix (consisting of §§ 1823.1 through 1823.9) outlines the policies for planning and developing community water and waste disposal facilities.

* * * * *

(e) *Consistency with other development plans.*—FHA financial assistance for a water or waste disposal facility will not be approved unless it is determined that the proposed project is not inconsistent with any planned development provided State, multijurisdictional, county, or municipal plans approved (completed or under preparation) by competent authority for the area in which the rural community is located. Applicants will provide FHA with letters or certificates evidencing such consistency.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; orders of Act. Sec. of Agr., 36 FR 21529, 37 FR 22008, order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 FR 21529)

Effective date.—This revision shall become effective on April 5, 1973.

Dated: March 30, 1973.

J. R. HANSON,
Acting Deputy Administrator,
Farmers Home Administration.

[FR Doc.73-6549 Filed 4-4-73;8:45 am]

[FHA Instruction 442.9]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart I—Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

MISCELLANEOUS AMENDMENTS

Subpart I of Part 1823, Title 7, Code of Federal Regulations (35 FR 15091; 37 FR 14218), is amended to incorporate certain provisions of the Rural Development Act of 1972 (Public Law 92-419). Section 1823.252(a)(1) is amended to define Indian tribes as "associations"; § 1823.252(a)(4) is amended to change the population limit definition of a rural area from 5,500 to 10,000; § 1823.253(j)(1) is deleted to remove the $4 million total debt limitation on association loans. Section 1823.288 is clarified by amending it to allow a borrower association having not more than six members to use officers or directors on the appointed committee that certifies to the organization's accounts and records. This amendment is being published without giving notice of proposed rulemaking, such notice being unnecessary since the amendments merely implement the Rural Development Act of 1972 and clarify an existing regulation.

Sections 1823.252(a)(1) and (4), and 1823.288 as amended, read as follows:

§ 1823.252 Definitions.

(a) *General.* * * *

(1) *Association.*—The term "association" includes municipalities, counties, other political subdivisions of a State; districts, public authorities and the like; cooperatives and corporations operated on a nonprofit basis, and Indian tribes on Federal and State reservations and other federally recognized Indian tribes, which have the legal powers to engage in the activities authorized in this subpart.

* * * * *

(4) *Rural area.*—The term "rural" or "rural area" shall not include any area in any city or town which has a population in excess of 10,000 inhabitants according to the latest reliable population estimates.

* * * * *

§ 1823.288 Financial reports for organizations not required to submit an audit report.

Borrowers whose annual gross incomes for a full year of operation are less than $25,000 and not having an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FHA county supervisor with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the membership not including any officer, director, or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final form FHA 442-2, "Statement of Income and Expense," for the year and the form FHA 442-3, "Balance Sheet," will be used. Borrowers having six or less members may use officers or directors on such committees.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of Act. Sec. of Agr., 36 FR 21529, 37 FR 22008; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 FR 21529)

Effective date.—This revision shall become effective on April 5, 1973.

J. R. HANSON,
Acting Deputy Administrator,
Farmers Home Administration.

MARCH 30, 1973.

[FR Doc.73-6548 Filed 4-4-73;8:45 am]

Proposed Rules

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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

PAHRANAGAT NATIONAL WILDLIFE REFUGE, NEVADA, ET AL.

Addition to List of Areas Open to Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by chapter 2, part 242 of the Departmental Manual, it is proposed to amend 50 CFR part 33 by the addition of Pahranagat National Wildlife Refuge, Nev.; Laguna Atascosa National Wildlife Refuge, Tex.; Umatilla National Wildlife Refuge, Oreg. and Wash.; and Ridgefield and Conboy Lake National Wildlife Refuges, Wash., to the lists of areas open to sport fishing.

It has been determined that regulated sport fishing may be permitted as designated on the above refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, on or before May 7, 1973.

Accordingly, § 33.4, List of open areas; sport fishing, is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

NEVADA

Pahranagat National Wildlife Refuge

* * * * *

TEXAS

Laguna Atascosa National Wildlife Refuge

* * * * *

OREGON

Umatilla National Wildlife Refuge

* * * * *

WASHINGTON

Umatilla National Wildlife Refuge

Conboy Lake National Wildlife Refuge

Ridgefield National Wildlife Refuge

F. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

MARCH 29, 1973.

[FR Doc.73-6512 Filed 4-4-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 15]

ADVISORY COMMITTEES

Establishment, Continuation, Operation and Termination

Pursuant to section 8(a) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App.), which requires each agency head to establish uniform guidelines and management controls for the agency's advisory committees, it is proposed to amend Title 29 of the Code of Federal Regulations by adding a new part 15 to read as set forth below.

This new part 15 contains the Department of Labor's rules concerning the establishment, continuation, operation and termination of its advisory committees. It supplements the proposed government-wide guidelines (38 FR 2306) issued jointly by the Office of Management and Budget and the Department of Justice.

Interested persons are invited to submit comments, data, or arguments, until April 30, 1973 to: The Solicitor of Labor, U.S. Department of Labor, 14th and Constitution Avenue, Washington, D.C. 20210. Attention: Mr. Henry Rose, Associate Solicitor for Legislation and Legal Counsel.

The proposed part 15 reads as follows:

PART 15—DEPARTMENT OF LABOR ADVISORY COMMITTEES

Sec.
15.1 Scope and purpose.
15.2 Establishment of advisory committees.
15.3 Filing of advisory committee charter.
15.4 Termination of advisory committees.
15.5 Renewal of advisory committees.
15.6 Application of the Freedom of Information Act to advisory committee functions.
15.7 Advisory committee meetings.
15.8 Departmental management of advisory committees.
15.9 Additional regulations and guidelines for advisory committees.
15.10 Definitions.

AUTHORITY: Public Law 92-463, 86 Stat. 770 (5 U.S.C. App.), unless otherwise noted.

§ 15.1 Scope and purpose.

(a) This part contains the Department of Labor's regulations implementing section 8(a) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App.), which requires each agency head to establish uniform guidelines and management controls for the agency's advisory committees. These regulations supplement the Government-wide guidelines issued jointly by the Office of Management and Budget and the Department of Justice, and should be read in conjunction with them.

(b) The regulations provided under this part do not apply to statutorily created or established advisory committees of the Department, to the extent that such statutes have specific provisions different from those promulgated herein.

§ 15.2 Establishment of advisory committees.

(a) *Guidelines for establishing advisory committees.*—The guidelines in establishing advisory committees are as follows:

(1) No advisory committee shall be established if its functions are being or could be performed by an agency or an existing committee;

(2) The purpose of the advisory committee shall be clearly defined;

(3) The membership of the advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions;

(4) There shall be appropriate safeguards to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interest; and

(5) At least once each year, a report shall be prepared for each advisory committee, describing the committee's membership, functions, and actions.

(b) *Advisory committees established by the Department not pursuant to specific statutory authority.*—(1) Advisory committees established by the Department not pursuant to specific statutory authority may be created by the Secretary after consultation with the secretariat.

(2) When the Secretary determines that such an advisory committee needs to be established, he shall notify the secretariat of his determination and shall inform the secretariat of the nature and purpose of the committee, the reasons why the committee is needed, and the inability of any existing agency or committee to perform the committee's functions.

(3) After the secretariat has determined that establishment of such a committee is in conformance with the Act and has so informed the Secretary, the Secretary shall prepare a certification of the committee, stating the committee's nature and purpose, and that it is established in the public interest. That certification shall be published in the FEDERAL REGISTER.

(c) *Advisory committees created pursuant to Presidential directive.*—Advisory committees established by Presidential directive are those created pursuant to Executive order, Executive memorandum, or reorganization plan. The Secretary shall create such committees in accordance with the provisions of the Presidential directive and shall follow the provisions of this part, to the extent

they are not inconsistent with the directive.

(d) *Advisory committees created pursuant to specific statutory authority.*—The Secretary shall create advisory committees established pursuant to specific statutory authority in accordance with the provisions of the statute and shall follow the provisions of this part, to the extent they are not inconsistent with the statute: *Provided, however,* That the Secretary need not utilize the procedures described in paragraph (b) of this section.

(e) *Advisory committees established by persons outside the Federal Government, but utilized by the Department to obtain advice or opinion.*—In utilizing such committees, the Secretary shall follow the provisions of this part and the requirements of the act. Such committees, to the extent they are utilized by the Department, shall be considered, for the purposes of this part, to be advisory committees established by the Department.

§ 15.3 Filing of advisory committee charter.

(a) *Filing charter with Secretary.*—Before an advisory committee takes any action or conducts any business, a charter shall be filed with the Secretary, the standing committees of Congress with legislative jurisdiction over the Department, and the Library of Congress. Except for a committee in existence on the effective date of the act, or when authorized by statute, Presidential directive, or by the secretariat, such charter shall be filed no earlier than 30 days after publication of the committee's certification in the FEDERAL REGISTER.

(b) *Charter information.*—A charter shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and scope of activity;

(3) The period of time necessary for the committee to carry out its purposes;

(4) The agency or official to whom the advisory committee reports;

(5) The agency responsible for providing necessary support;

(6) A description of the committee's duties;

(7) The estimated number and frequency of committee meetings;

(8) The estimated annual operating costs in dollars and man-years;

(9) The committee's termination date, if less than 2 years; and

(10) The date the charter is filed.

(c) *Preparation and filing of initial charter.*—Responsibility for preparation of the initial committee charter shall be with the head of the appropriate administration, bureau, or office of the Department, in cooperation with the committee management officer. The Assistant Secretary for Administration and Management shall have responsibility for assuring the appropriate filings of such charters.

§ 15.4 Termination of advisory committees.

(a) All nonstatutory advisory committees including those authorized, but not specifically created by statute, shall terminate no later than 2 years after their charters have been filed, unless renewed, as provided in § 15.5.

(b) The charter of any committee in existence on the date the act becomes effective (January 5, 1973) shall terminate no later than January 5, 1975, unless renewed, as provided in § 15.5.

(c) Advisory committees specifically created by statute shall terminate as provided in the establishing statute.

§ 15.5 Renewal of advisory committees.

(a) Renewal of advisory committees not created pursuant to specific statutory authority.

(1) The Secretary may renew an advisory committee not created pursuant to specific statutory authority after consultation with the secretariat.

(2) When the Secretary determines that such an advisory committee should be renewed, he shall so advise the secretariat within 60 days prior to the committee's termination date and shall state the reasons for his determination.

(3) Upon concurrence of the secretariat, the Secretary shall publish notice of the renewal in the FEDERAL REGISTER and cause a new charter to be prepared and filed in accordance with the provisions of § 15.3.

(b) Renewal of advisory committees established pursuant to specific statutory authority. The Secretary may renew advisory committees established pursuant to specific statutory authority through the filing of a new charter at appropriate 2-year intervals.

(c) No advisory committee shall take any action or conduct any business during the period of time between its termination date and the filing of its renewal charter.

§ 15.6 Application of the Freedom of Information Act to advisory committee functions.

(a) It is the intention of the Federal Advisory Committee Act that advisory committees be treated essentially as agencies, for the purpose of the Freedom of Information Act (5 U.S.C. 552) and that they be permitted to withhold from the public the same types of information that an agency may withhold. It is necessary, therefore, to read the specific language of the Freedom of Information Act in light of these purposes. For example, the exemption for "intra-agency" memoranda in 5 U.S.C. 552(b)(5) shall be read, under the Federal Advisory Committee Act, to mean "intra-committee" memoranda.

(b) The records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, and other documents which are made available to or are prepared for or by an advisory committee shall be available to the public to essentially the same extent as they are available to the public from agencies under 5 U.S.C. 552.

(c) Advisory committee meetings conducted in accordance with § 15.7 may be closed to the public when discussing a matter that is of a 5 U.S.C. 552(b) nature, whether or not the discussion centers on a written document.

(d) No record, report, or other document prepared for or by an advisory committee may be withheld from the public unless the Associate Solicitor for Legislation and Legal Counsel determines that the document is properly within the exemptions of 5 U.S.C. 552(b). No committee meeting, or portion thereof, may be closed to the public unless the Associate Solicitor for Legislation and Legal Counsel determines in writing, prior to publication of the meeting in the FEDERAL REGISTER that such a closing is within the exemptions of 5 U.S.C. 552(b).

(e) In determining whether a document or a meeting is within the section 552(b)(5) exemption, the Associate Solicitor for Legislation and Legal Counsel shall also consider the extent to which the free exchange of internal views and the effective operation of the committee or the Department would be hindered by opening the meeting or releasing the document. No meeting shall be closed, and no document withheld, under section 552(b)(5) unless free exchange of views among committee members and committee or agency operations necessitates it.

§ 15.7 Advisory committee meetings.

(a) *Initiation of meetings.*—(1) Committee meetings may be called by:

(i) The head of the administration, bureau, or office most directly concerned with the committee's activities, or his delegate;

(ii) The departmental officer or employee referred to in paragraph (a)(1)(i) of this section, and the committee chairman, jointly; or

(iii) The committee chairman, with the advance approval of the officer or employee referred to in paragraph (a)(1)(i) of this section.

(2) The Department's committee management officer shall be promptly informed that a meeting has been called.

(b) *Agenda.*—Committee meetings shall be based on agenda approved by the officer or employee referred to in paragraph (a)(1) of this section. Such agenda shall note those items which may involve matters which have been determined by the Associate Solicitor for Legislation and Legal Counsel as coming within the exemptions to the Freedom of Information Act, 5 U.S.C. 552(b).

(c) *Notice of meetings.*—(1) Notice of advisory committee meetings shall be published in the FEDERAL REGISTER at least 7 days before the date of the meeting, irrespective of whether a particular meeting will be open to the public. Notice to interested persons shall also be provided in such other reasonable ways as are appropriate under the circumstances, such as press release or letter.

Responsibility for preparation of FEDERAL REGISTER and other appropriate notice shall be with the officer or employee referred to in paragraph (a)(1) of this section.

(2) Notice in the FEDERAL REGISTER shall state all pertinent information related to a meeting and shall be published at least 7 days prior to a meeting.

(d) *Presence of departmental officer or employee at meetings.*—No committee shall meet without the presence of the officer or employee referred to in paragraph (a)(1) of this section. At his option, the officer or employee may elect to chair the meeting.

(e) *Minutes.*—Detailed minutes shall be kept of all committee meetings and shall be certified by the chairman of the advisory commitee as being accurate.

(f) *Adjournment.*—The officer or employee referred to in paragraph (a)(1) of this section may adjourn a meeting at any time he determines it in the public interest to do so.

(g) *Public access to committee meetings.*—All advisory committee meetings shall be open to the public, except when the Associate Solicitor for Legislation and Legal Counsel determines, in writing, and states his reasons therefor prior to FEDERAL REGISTER notice, that a meeting, or any part thereof, is concerned with matters related to the exemptions provided in the Freedom of Information Act, 5 U.S.C. 552(b). In such instances, those portions of a committee meeting which come within the section 552(b) exemptions may be closed to the public.

(h) *Public participation in committee procedures.*—Interested persons shall be permitted to file statements with advisory committees. Subject to reasonable committee procedures, interested persons may also be permitted to make oral statements on matters germane to the subjects under consideration at the committee meeting.

§ 15.8 Departmental management of advisory committees.

Consistent with the other provisions of this part, the Department's advisory committee management officer shall:

(a) Exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by the Department;

(b) Assemble and maintain the reports, records, and other papers of advisory committees, during their existence;

(c) Carry out, with the concurrence of the Associate Solicitor for Legislation and Legal Counsel, the provisions of the Freedom of Information Act, as those provisions apply to advisory committees;

(d) Have available for public inspection and copying all pertinent documents of advisory committees which are within the purview of the Freedom of Information Act; and

(e) When transcripts have been made of advisory committee meetings, provide for such transcripts to be made available to the public at actual cost of duplication, except where prohibited by contractual agreements entered into prior to January 5, 1973, the effective date of the Federal Advisory Committee Act .

§ 15.9 Additional regulations and guidelines for advisory committees.

(a) The head of any administration, bureau, or office of the Department which may constitute an "agency" within the meaning of 5 U.S.C. 551(1) may, where necessary or appropriate, issue additional regulations or guidelines for advisory committees. Such regulations shall be consistent with the regulations promulgated under this part and shall be approved, in writing, by the Solicitor before issuance. The Solicitor shall also obtain any necessary governmental clearance before issuance.

(b) Variations from the provisions of this part which are consistent with the act and with OMB rules may be permitted when expressly approved by the Solicitor, in writing.

§ 15.10 Definitions.

For the purposes of this part:

(a) The term "Act" means the Federal Advisory Committee Act;

(b) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or subgroup thereof which is:

(1) Established by statute or reorganization plan, or

(2) Established or utilized by the President, or

(3) Established or utilized by one or more agencies or officers of the Federal Government in the interest of obtaining advice or recommendations for the President or one or more agencies of the Federal Government, except that such term excludes: (i) The Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government;

(c) The term "agency" has the same meaning as in 5 U.S.C. 551(1);

(d) The term "committee management officer" means the Department of Labor employee or his delegee, officially designated to perform the advisory committee management functions delineated in this part;

(e) The term "Department" means the Department of Labor;

(f) The term "OMB" means the Office of Management and Budget;

(g) The term "Secretary" means the Secretary of Labor;

(h) The term "secretariat" means the OMB Committee Management Secretariat.

Signed at Washington, D.C., this 30th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6587 Filed 4-4-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 273]

[Docket No. FDC-D-628]

BIOLOGICAL PRODUCTS

Proposed Deletion of Additional Standards for Measles Virus Vaccine, Inactivated; Notice of Opportunity for Hearing

The Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) provides the Commissioner of Food and Drugs with the authority to regulate through a system of licensure the interstate shipment of any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or its derivatives, applicable to the prevention, treatment, or cure of diseases or injuries of man so as to assure the continued safety, purity, and potency of such products. Pursuant to that authority, additional standards designed to assure the safety, purity, and potency of a biological product known as Measles Virus Vaccine, Inactivated, were published in the the FEDERAL REGISTER of March 19, 1963 (28 F.R. 2682). Following the publication of these standards, two manufacturers were issued product licenses for Measles Virus Vaccine, Inactivated.

While Measles Virus Vaccine, Inactivated, conferred satisfactory protection for several months after its administration, its antibody response and clinical efficacy were short lived. Consequently, the use of this product never gained the wide acceptance of the live, attenuated measles vaccine. Furthermore, in 1965-66 information was made available which indicated that certain untoward and unpredicted reactions occurred in children who had previously received the product when they were exposed to live measles virus, regardless of whether it was attenuated, in the form of live vaccine, or wild in the form of natural measles infection. Because of these problems, the product licenses for inactivated measles virus vaccine were revoked, without prejudice, at the request of the manufacturers. Thus, there remain standards in part 273 for a product for which no manufacturer is licensed to produce.

Accordingly, the Commissioner concludes that the standards for Measles Virus Vaccine, Inactivated (21 CFR 273.1080 through 273.1085) should be deleted from the regulations governing biological products. Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended: 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), it is proposed that part 273 (21 CFR part 273) be amended as follows:

1. In § 273.870 Dating periods for specific products by deleting the listing for "Measles Virus Vaccine, Inactivated."

2. In subpart B by deleting the heading "MEASLES VIRUS VACCINE, INACTIVATED," and by deleting under that heading §§ 273.1080 through 273.1085 in their entirety.

Any interested person may file a written appearance electing whether or not to avail himself of an opportunity for a hearing to show why the biological products regulations should not be so amended. Failure of any interested person to file a written appearance of election on or before May 7, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order amending 21 CFR part 273 as indicated.

If any interested person elects to avail himself of the opportunity for a hearing, he must file, on or before May 7, 1973, a written appearance requesting the hearing, giving the reasons why the biological products regulations should not be so amended. A request for a hearing may not rest upon mere allegations or denials, but must set forth the specific facts showing that a genuine and substantial issue of fact requires a hearing. If review of the data submitted by any interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine issue of fact precludes the actions contemplated by this notice, the Commissioner will publish an order amending the regulations as indicated and will state his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined, an Administrative Law Judge will be named, and he shall issue, as soon as practicable after May 7, 1973, a written notice of the time and place at which the hearing will commence. All interested persons will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing should be filed (preferably in quintuplicate) with the hearing clerk, Food and Drug Administration, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received requests and elections may be seen in that office during regular business hours, Monday through Friday.

Dated: March 27, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6480 Filed 4-4-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12660]

DOWTY ROTOL PROPELLERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty Rotol type (c) R.209/4–40–4.5/2 propellers. There have been reports of cracks in full width casehardened rollers in the bottom (C.F.) race on Dowty Rotol type (c) R.209/4–40–4.5/2 propellers that could result in excess vibration and eventual propeller failure. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require replacement of sets of rollers after each report of significant propeller induced vibration inflight, repetitive replacement of sets of rollers, inspections for broken rollers and proper preload in bearing assemblies, and replacement of propeller blades and blade-retaining bolts, if necessary, until through hardened sets of rollers are installed on DowtyRotol type (c) R.209/4–40–4.5/2 propellers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 7, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol type (c) R.209/4–40–4.5/2 propellers installed on, but not necessarily limited to, Nihon model YS–11 and YS–11A series airplanes equipped with Rolls-Royce Dart model 542 series engines.

Compliance is required as indicated.

To prevent propeller failure and cracking of full width casehardened rollers in the bottom (C.F.) race of the propeller blade bearings, accomplish the following:

(a) For propellers having blade bearing assemblies that incorporate modification No. (c) VP2416 (SB61–509) or modification No. (c) VP2677 (SB61–709) having sets of rollers P/N's 601026724 or 601026940, comply with paragraphs (b) and (c)—

(1) Before further flight, after each report of significant propeller-induced vibration inflight, except that the airplane may be flown in accordance with FAR § 21.197 to a base where the repair can be performed; and

(2) If initial compliance is not required by paragraph (a)(1), within the next 600 hours' time in service after the effective date of this AD or before the accumulation of 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, whichever occurs later.

(b) Replace sets of rollers specified in paragraph (a) in accordance with Dowty Rotol Service Bulletin No. 61–542–8, Revision 2, dated December 20, 1972, or an FAA-approved equivalent—

(1) With new parts of the same part number and thereafter continue to replace sets of rollers specified in paragraph (a) in accordance with paragraph (a)(1) and at intervals not to exceed 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, and comply with paragraph (c) at each replacement; or

(2) With through hardened sets of rollers which incorporate modification (c) VP2762 (SB61–771) or modification (c) VP2814 (SB61–795).

(c) At each set of roller replacement required by paragraphs (a) and (b), determine the number of broken rollers and the preload in each bearing assembly in accordance with Dowty Rotol Service Bulletin No. 61–542–8 Revision 2, dated December 20, 1972, or an FAA-approved equivalent. If 10 or more rollers are found to be broken or if the preload is found to be less than 0.0035 inches, before further flight remove the associated propeller blade and blade-retaining bolt from service, mark them in a manner that will prevent their further use, and replace them with parts of the same part number or FAA-approved equivalents.

(d) The replacement of sets of rollers required by paragraphs (a) and (b) and the inspections required by paragraph (c) may be discontinued when through hardened sets of rollers which incorporate modification (c) VP2762 (SB61–771) or modification (c) VP2814 (SB61–795) are installed in accordance with Dowty Rotol Service Bulletin No. 61–542–8 Revision 2, dated December 20, 1972, or an FAA-approved equivalent.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 30, 1973.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.73-6527 Filed 4-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–WE–1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Crescent City, Calif., transition area by expanding the 1,200-foot floor portion to include that airspace within 9.5 miles southwest and 4.5 miles northeast of the ILS localizer northwest course, extending to 25 miles northwest of the threshold of Runway 11.

The proposed alteration of the transition area is needed to provide controlled airspace for a procedure turn and final approach course for a new instrument approach precedure to Jack McNamara Field, Crescent City, Calif.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international standards and recommended practices.

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

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

In accordance with article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

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

If the proposal contained in this docket is adopted, the 1,200-foot portion of the Crescent City, Calif., transition area (38 FR 435) would be amended by adding:

* * * and within 9.5 miles southwest and 4.5 miles northeast of the ILS northwest course, extending from the threshold of Runway 11 to 25 miles northwest.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before May 7, 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, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 29, 1973.

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

[FR Doc.73-6522 Filed 4-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No 73-NW-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would alter the description of the Medford, Oreg., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before May 7, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The alteration to the transition area will provide controlled airspace for the holding pattern area for the Medford-Jackson County Airport ILS Runway 14 approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Medford, Oreg. transition area is amended to read:

MEDFORD, OREG.

That airspace extending upward from 700 feet above the surface within 7 miles northeast and 5 miles southwest of the Medford ILS localizer course extending from 3 miles northwest of the Pumice LOM, latitude 42° 27'03.8" N., longitude 122°54'44.1" W., to a point 24 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Medford VORTAC; that airspace extending from the 23-mile radius area bounded on the north by latitude 42°28'00" N., on the east by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg. VORTAC, on the south by latitude 42°04'00" N., and on the southwest by the southwest edge of V-23W; that airspace north of Medford within 16 miles west and 11 miles east of the Medford VORTAC 353° radial extending from 25 to 65 miles north of the VORTAC, and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V-27.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Seattle, Wash., on March 27, 1973.

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

[FR Doc.73-6523 Filed 4-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-NW-01]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before May 7, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new ILS runway 26 approach procedure has been developed for the Lewiston-Nez Perce County Airport, Lewiston, Idaho. In order to provide controlled airspace to protect aircraft executing this procedure, it is necessary to alter the Lewiston, Idaho, control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In § 71.171 (38 FR 351) the description of the Lewiston, Idaho, control zone is amended to read as follows:

LEWISTON, IDAHO

Within a 5-mile radius of Lewiston-Nez Perce County Airport (latitude 46°22'29" N., longitude 117°00'52" W.); and within 3-miles each side of the Lewiston-Nez Perce ILS localizer course, extending from the 5-mile radius zone to 16.5 miles east of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 425) the description of the Lewiston, Idaho, transition area is amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'29" N., longitude 117°00'52" W.); within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius to the VOR; within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR 6 miles northeast of the VOR; within 3 miles each side of the ILS olcalizer course extending from the 5-mile-radius area 11.5 miles east; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from the intersection of latitude 46°33'33" N. and the east edge of V-253, to latitude 46°42'00" N., longitude 116°31'30" W., to latitude 46°33'00" N., longitude 116°26'00" W., to latitude 46°15'00" N., longitude 116°30'00" W., to the intersection of latitude 46°16'00" N. and the south edge of V-520.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Seattle, Wash., on March 28, 1973.

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

[FR Doc.73-6524 Filed 4-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations so as to alter the transition area at Larned, Kans.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before May 7, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being established at the Larned-Pawnee County Airport, Larned, Kans., utilizing the city-owned NDB MHW as a navigational aid. Accordingly, in order to adequately protect aircraft executing this new approach procedure it is necessary to alter the Larned, Kans., transition area by adding a 700-foot floor transition area and redefining the existing 1,200-foot floor transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

LARNED, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Larned, Kans. NDB, located at latitude 38° 12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 277° bearing from the NDB extending from the 5.5-mile radius to 8 miles west, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north, 5 miles south of the 277° bearing from the NDB extending from 18.5 miles West to 6 miles East of the NDB, excluding that area that overlaps the Great Bend, Kans., 700-foot 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), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 22, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-6525 Filed 4-4-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an East Stroudsburg, Pa., transition area over Stroudsburg-Pocono Airpark, East Stroudsburg, Pa.

Because of the development of new instrument approach procedures for the airpark, controlled airspace will be required to give protection to aircraft executing the IFR arrival and departure procedures at the airpark.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before May 7, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of East Stroudsburg, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an East Stroudsburg, Pa., transition area as follows:

EAST STROUDSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°02'08" N., 75°09'45" W., of Stroudsburg-Pocono Airpark, East Stroudsburg, Pa., extending clockwise from a 337° bearing to a 116° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 116° bearing to a 177° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 177° bearing to a 221° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 221° bearing to a 258° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 337° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of a 066° bearing from a point 41°05'31" N., 74°59'29" W., extending from said point to 11.5 miles northeast and within

6.5 miles north and 5 miles south of the Stillwater, N.J. VORTAC 280° and 100° radials, extending from 10.5 miles west to 1.5 miles east of the VORTAC; excluding the portion within the Mount Pocono, Pa., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 16, 1973.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.73-6526 Filed 4-4-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 164]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Rules of Practice Governing Hearings Arising From Refusals To Register, Cancellations of Registrations, Changes of Classifications and Suspensions of Registrations

Notice is hereby given, pursuant to the provisions of sections 3, 6, and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 979, 984, and 997), that it is proposed to amend and revise Part 164 of Chapter 1 of Title 40 of the Code of Federal Regulations, as amended May 11, 1972 (37 FR 9476, to read as set forth below. Any person may file comments on this proposal on or before May 7, 1973. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, Room 3902, Waterside Mall, Washington, D.C. 20460. All written submissions filed pursuant to this notice will be available for public inspection at the office of the hearing clerk during regular business hours, 8 a.m.–4:30 p.m.

It is proposed that these rules, when adopted in final form, will govern all refusal to register, cancellation, change of classification and suspension hearings under this part. In developing these rules the agency has taken into account prior experience under this part, pertinent judicial decisions, and comments in response to earlier rules, proposed and adopted under this part.

Dated: April 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

The intent of these proposed rules is to broaden and refine present hearing procedures to encompass and conform to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, Public Law 92-516. That Act allows hearings not provided for in prior law when the Administrator determines to change the classification of a pesticide, to hold a hearing on classification or cancellation or to issue an emergency order of suspension. In addition, hearings on cancellation or suspension of registration as provided in prior law are retained. Suspension hearings are redesignated as "Expedited Hearings." Rules for commencing the cancellation and classification as well as the Administrator-called hearing process have been drawn in some detail to insure that all parties adversely affected by decisions of the Administrator and seeking adjudication under this part are afforded a clear avenue for proceeding. Prehearing procedures, including discovery, have been broadened for use at the Administrative Law Judge's discretion in order to fully illuminate issues and insure the production of a full record at hearing. Discovery procedures include adoption of the Federal Rules of Civil Procedure for general use in all but certain specified areas. In addition, for purposes of determination of questions of scientific fact, the convening of a committee of the National Academy of Sciences, which, under the prior law, provided an alternative to public hearing, has been made under this act part of the hearing procedure, commenced under these proposed rules at the prehearing discovery stage. Finally, rules for use of the subpena power have been added.

Rules governing the procedures of the hearing itself are not materially changed. The decision of the Administrative Law Judge has been designated an "initial decision" which will become final unless appealed by the parties or reviewed by the Administrator on his own motion. Provision has been made for "accelerated decisions" by the Administrative Law Judge prior to hearing which become final unless appealed or reviewed. These provisions are intended to afford greater efficiency in the conduct and resolution of hearing matters without affecting opportunity for review. Detailed provisions are made for review of interlocutory orders and initial decisions.

Provision is made for expedited hearings in the case of nonemergency and emergency suspensions of registration. Proposed rules suggest procedures which insure due process and maximum review, while allowing for the most expeditious presentation of facts and a "recommended" decision by the Administrative Law Judge.

The rules in this part upon adoption in final form shall apply to remaining phases of any proceedings underway insofar as practicable and fair, provided that once commenced or passed, any phase of a proceeding which might have been conducted differently under the rules in this part shall not be affected. For this purpose the advisory committee proceeding and Administrator's determination thereafter, pleading, prehearing discovery, the hearing, posthearing objections and briefs, final and interlocutory appeals to the Administrator shall each constitute a separate phase.

Part 164 of chapter 1, title 40 is revised as set forth below.

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, AND SUSPENSIONS OF REGISTRATIONS

Subpart A—General

Sec.
164.1 Number of words.
164.2 Definitions.
164.3 Scope and applicability of this part.
164.4 Arrangements for examining agency records, transcripts, orders and decisions.
164.5 Filing and service.
164.6 Time.
164.7 Ex parte discussion of proceeding.
164.8 Publication.

Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)

164.20 Commencement of proceeding.
164.21 Contents of a denial of registration, notice of intention to cancel a registration, or notice of intent to change a classification.
164.22 Contents of document setting forth objections.
164.3 Contents of the statement of issues to accompanying notice of intent to hold a hearing.
164.24 Filing copies of notification of intent to cancel registration or change classification or refusal to register.
164.25 Response to the Administrator's notice of intention to hold a hearing.

APPEARANCES, INTERVENTION, AND CONSOLIDATION

164.30 Appearances.
164.31 Intervention.
164.32 Consolidation.

ADMINISTRATIVE LAW JUDGE

164.40 Qualifications and duties of Administrative Law Judge.

PREHEARING PROCEDURES

164.50 Prehearing conference.
164.51 Discovery.

MOTIONS

164.60 Motions.

SUBPENA AND WITNESS FEES

164.70 Subpenas.
164.71 Fees of witnesses.

THE HEARINGS

164.80 Order of proceeding and burden of proof.
164.81 Evidence.
164.82 Transcripts.

INITIAL OR ACCELERATED DECISION

164.90 Initial decision.
164.91 Accelerated decision.

APPEALS

164.100 Appeals from or review of interlocutory orders or rulings.
164.101 Appeals from or review of initial decisions.
164.102 Appeals from accelerated decisions.
164.103 Final order on appeal or review.

MOTIONS TO THE ADMINISTRATOR

164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

AUTHORITY: Secs. 3, 6, and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended 86 Stat. 979, 984, and 997.

Subpart A—General

§ 164.1 Number of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 164.2 Definitions.

For the purposes of this part, the following terms shall be construed, as listed below:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973) and other legislation supplementary thereto and amendatory thereof.

(b) The term "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR 930, as amended by 37 FR 16787), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in title 5 of the United States Code.

(c) The term "Administrator" means the Administrator, Environmental Protection Agency, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead. When used in subparts B and C of this part the term Administrator shall be interchangeable with judicial officer.

(d) The term "Agency," unless otherwise specified, means the Environmental Protection Agency.

(e) The term "Applicant" means any person who has made application to have a pesticide registered or classified pursuant to the provisions of the Act.

(f) The term "Committee" means a group of qualified scientists designated by the National Academy of Sciences according to agreement under this Act to submit an independent report to the Administrative Law Judge on questions of scientific fact referred from a hearing under subpart B of this part.

(g) The term "Expedited Hearing" means a hearing commenced as the result of the issuance of a notice of intention to suspend or the suspension of a registration of a pesticide by an emergency order, and is limited to a consideration as to whether a pesticide presents an imminent hazard which justifies such suspension.

(h) The term "hearing" means a public hearing which is conducted pursuant to the provisions of the Administrative Procedure Act and the regulations of this part.

(i) The term "Hearing Clerk" means the Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

(j) The term "Initial Decision" means the decision of the Administrative Law Judge supported by findings of fact and conclusions regarding all material issues of law, fact, or discretion, as well as reasons therefor. Such decisions shall become the final decision and order of the Administrator without further proceedings unless an appeal therefrom is taken or the Administrator orders review thereof as herein provided.

(k) The term "Judicial Officer" means an officer or employee of the Agency appointed as a judicial officer, pursuant to these rules who shall meet the qualifications and perform functions as herein provided.

(l) *Office.*—There may be designated for the Agency one or more judicial officers, one of whom may be Chief Judicial Officer. As work requires, there may be a judicial officer designated to act for the purpose of a particular case. All prior designations of judicial officer shall stay in force until further notice.

(2) *Qualifications.*—A judicial officer may be a permanent or temporary employee of the Agency who performs other duties for the Agency. Such judicial officer shall not be employed by the office of categorical programs or have any connection with the preparation or presentation of evidence for a hearing.

(3) *Functions.*—The Administrator may delegate any or part of his authority to act in a given case under subparts B and C of this part to a judicial officer. The Administrator can separately delegate his authority to rule on interlocutory orders and motions, and may also delegate his authority to make findings of fact and draw conclusions of law in a particular proceeding, providing that this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of conclusions of law and findings of fact to any judicial officer.

(l) The term "party" means any person, group, organization, or Federal agency or department that participates in a hearing.

(m) The term "person" includes any individual, partnership, association, corporation, and any organized group of persons, whether incorporated or not.

(n) The term "petitioner" means any person adversely affected by a notice of the Administrator who requests a public hearing.

(o) The term "Presiding Officer" means any person authorized by the Administrator and qualified under the Administrative Procedure Act to conduct an expedited hearing.

(p) The term "recommended decision" means the recommended findings and conclusions of the presiding officer in an expedited hearing.

(q) The term "registrant" means any person who has registered a pesticide pursuant to the provisions of the Act.

(r) The term "Respondent" means the Assistant Administrator, Office of Categorical Programs of the Agency.

Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

§ 164.3 Scope and applicability of this part.

The provisions of subpart B of this part shall govern proceedings concerning refusals to register, cancellations of registration or changes of classifications conducted pursuant to the provisions of the Act; the provisions of subpart C of this part shall govern suspension proceedings conducted pursuant to the provisions of the Act.

§ 164.4 Arrangements for examining Agency records, transcripts, orders, and decisions.

(a) Reporting of orders, decisions, and other signed documents.—All orders, decisions, or other signed documents required by the rules in this part, whether issued by an Administrative Law Judge, Judicial Officer, or the Administrator, shall be made available to the public.

(b) Establishment of an Agency repository.—In addition, all transcripts and docket entries shall become part of the official docket and shall be retained by the hearing clerk. At least two copies of all final orders and decisions shall be retained by the hearing clerk and filed chronologically. These shial be periodically bound and indexed. All documents shall be made available to the public for reasonable inspections during Agency business hours.

(c) All orders, decisions, or other documents made or signed by the Administrative Law Judge shall be filed with the hearing clerk by the Administrative Law Judge. The hearing clerk shall immediately serve all parties with a copy of such order, decision, or other document.

§ 164.5 Filing and service.

(a) All documents or papers required or authorized to be filed, shall be filed with the hearing clerk, except as provided otherwise in this part. At the same time that a party files documents or papers with the clerk, it shall serve upon all other parties copies thereof, with a certificate of service on each document or paper, including on those filed with the hearing clerk. If filing is accomplished by mail addressed to the clerk, filing shall be deemed timely if the papers are postmarked on the due date except as to initial filings requesting a public hearing or responding to a notice of intent to hold a hearing, in which case such filings must be received by the hearing clerk either within the time required by statute or by the notice of intent to hold a hearing.

(b) Each document filed, other than papers commencing a proceeding, shall contain the IF & R docket number and, if the document affects less than all of the registrations included under that docket number, the registration number or file symbol of each product which is the subject of the document.

(c) In addition to copies served on all other parties, each party shall file an original and two copies of all papers filed.

§ 164.6 Time.

(a) *Computation.*—In computing any period of time prescribed or allowed by these rules, except as otherwise provided, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for the filing of any document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) *Enlargement.*—When by these rules or by order of the Administrative Law Judge, Presiding Officer, or the Administrator an act is required or allowed to be done at or within a specified time, the Administrative Law Judge (before his initial decision is filed), or the Presiding Officer (before his recommended decision is filed), or the Administrator (after the Administrative Law Judge's initial decision of the Presiding Officer's recommended decision is filed), for cause shown may at any time in his discretion (1) with or without motion and ex parte order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect. In this connection, consideration shall be given to the fact that, under the provisions of the act, the Administrator must issue his order not later than 90 days after the completion of the hearing, unless all parties agree by stipulation to extend this period of time pursuant to § 164.103.

(c) *Additional time after service by mail.*—A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when the service is made by mail 3 days shall be added to the prescribed period. Such addition for service by mail shall not apply in the case of filing initial requests for hearings or responding to a notice of intent to hold a hearing, in which cases statutory filing times will run from the date of the return receipt pursuant to § 164.8.

§ 164.7 Ex parte discussion of proceeding.

At no stage of a proceeding between its commencement and issuance of the final order shall the Administrator, his designee, or the Administrative Law Judge discuss ex parte the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however,* That the Administrator, his designee, or the Administrative Law Judge may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, his designee, or the Administrative Law Judge during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator, his designee, or the Administrative Law Judge shall cause any such communication to be filed with the hearing clerk and served upon all other parties to the proceeding who will be given the opportunity to file a reply thereto.

§ 164.8 Publication.

All notices of intention to cancel a registration, all notices of intention to change a classification, and all denials of registrations, all together with the reasons (including the factual basis) therefor, and all notices of intention by the Administrator to hold a hearing shall be sent to the registrant or applicant by registered or certified mail (return receipt requested), and published by appropriate announcement in the FEDERAL REGISTER by the Administrator. The Administrative Law Judge shall cause to be published in the FEDERAL REGISTER a notice of the public hearing as provided by §164.80 et seq. Said notice of public hearing shall designate the place where the hearing will be held and specify the time when the hearing will commence. The hearing shall convene at the place and time announced in the notice, unless amended by subsequent notice published in the FEDERAL REGISTER, but therefore it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)

COMMENCEMENT OF PROCEEDING

§ 164.20 Commencement of proceeding.

(a) A proceeding shall be commenced whenever a hearing is requested by any person adversely affected by a notice of the Administrator of his refusal to register or of his intent to cancel the registration or to change the classification of a pesticide. A proceeding shall likewise be commenced whenever the Administrator decides to call a hearing to determine whether or not the registration of a pesticide should be canceled or its classification changed. Such request or notice shall be timely filed with the hearing clerk, and the matter shall be docketed and assigned an "IF & R" docket number.

(b) If a request for a hearing is filed, the person filing the request shall, at the same time, file a document stating his objections to the Administrator's denial of registration or notice of intention and the accompanying reasons (including the factual basis). If a notice of intent to hold a hearing is filed by the Administrator, he shall, at the same time, file a statement of issues.

(c) Notice of the filing of any such objections or statement of issues shall be given to the public by appropriate announcement in the FEDERAL REGISTER by the Administrative Law Judge.

(d) Upon the filing of any objections or statement of issues, the proceeding shall be referred to the Chief Administrative Law Judge by the hearing clerk. The Chief Administrative Law Judge shall refer the proceeding to himself or another Administrative Law Judge who shall thereafter be in charge of all further matters concerning the proceeding, except as otherwise provided or by order of the Administrator or Judicial Officer.

§ 164.21 Contents of a denial of registration, notice of intention to cancel a registration, or notice of intent to change a classification.

(a) *Contents.*—The denial of registration or a notice of intention to cancel a registration or to change a classification shall be accompanied by the reasons (including the factual basis) for the action.

(b) *Amendments to contents of denials and notices.*—Such documents under this section may be amended or enlarged by the Administrator at any time prior to the commencement of the public heading. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by such amendments, the commencement of the hearing shall be delayed for an appropriate period.

§ 164.22 Contents of document setting forth objections.

(a) *Concise statement required.*—Any document containing objections to an order of the Administrator of his refusal to register, or his intent to cancel the registration, or change the classification of a pesticide, shall clearly and concisely set forth such objections and the basis for each objection; including relevant allegations of fact concerning the pesticide under consideration. The document shall indicate the registration number of the pesticide if applicable.

(b) *Amendments to objections by leave.*—Objections may be amended at any time prior to the commencement of the public hearing by leave of the Administrative Law Judge or by written consent of all adverse parties. The Administrative Law Judge shall freely grant such leave when justice so requires. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments to objections, the commencement of the hearing shall be delayed for an appropriate period.

(c) *Amendments to objections as a matter of right.*—Objections shall be amended as a matter of right when the Administrator amends his notice of intent to cancel a registration, change a

classification, or by his refusal to register a pesticide.

§ 164.23 Contents of the statement of issues to accompany notice of intent to hold a hearing.

(a) *Concise statement required.*—The statement of issues by the Administrator shall set a time in which any person wishing to participate in the hearing shall file a written response to the statement of issues as provided by § 164.24. The statement of issues shall include questions as to which evidence shall be taken at the hearing. Those questions may include questions concerning whether a pesticide's registration should be canceled or its classification changed, whether its composition is such as to warrant the claims for it, whether its labeling and other material submitted comply with the requirements of the act, whether it will perform its intended function without unreasonable adverse effects on the environment and whether, when used in accordance with widespread and commonly recognized practice, it will or will not generally cause unreasonable adverse effects on the environment.

(b) *Amendment to statement of issues.*—The statement of issues may be amended or enlarged by the Administrator at any time prior to the commencement of the public hearing. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments or enlargements to the statement of issues, the commencement of the hearing shall be delayed for an appropriate period.

§ 164.24 Filing copies of notification of intent to cancel registration or change classification or refusal to register.

After a copy of the document setting forth the objections and requesting a public hearing is filed with the hearing clerk, the hearing clerk shall serve a copy of the document upon the respondent and the Office of the General Counsel of the Agency. The respondent shall, by counsel, thereupon file with the hearing clerk a copy of the appropriate notice of intention to cancel, the notice of intention to change the classification, or the registration refusal order.

§ 164.25 Response to the Administrator's notice of intention to hold a hearing.

Any person wishing to participate in any proceeding commenced pursuant to any notice by the Administrator of intention to hold a hearing, shall file with the hearing clerk, within the time set by the Administrator in the notice (in no case less than 30 days from the date of the notice), a written response to the statement of issues which shall include the position and interest of such person with respect thereto.

APPEARANCES, INTERVENTION, AND CONSOLIDATION

§ 164.30 Appearances.

(a) *Representatives.*—Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(b) *Failure to appear.*—If any party to the proceeding after being duly notified, fails to appear or fails to give notice thereat that he wishes to participate in the public hearing, at any prehearing, he shall be deemed to have waived the right to participate in the public hearing in the proceeding unless otherwise provided for by order of the Administrative Law Judge.

§ 164.31 Intervention.

(a) *Pleading.*—Any person may file a motion for leave to intervene in a hearing conducted under this subpart. A motion must set forth the grounds for the proposed intervention and the position and interest of the movant in the proceeding.

(b) *When filed.*—A motion for leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first prehearing conference. Any motion filed after that time must contain, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file the motion prior to the commencement of the first prehearing conference and shall be granted only upon a finding (1) that extraordinary circumstances justify the granting of the motion, or (2) that the intervenor shall be bound by agreements, arrangements, and other matters previously made in the proceeding.

(c) *Disposition.*—Leave to intervene will be freely granted but only insofar as such leave raises matters which are pertinent to and do not unreasonably broaden the issues already presented. If leave is granted, the movant shall thereby become a party with the full status of the original parties to the proceedings. If leave is denied, the movant may request that the ruling be certified to the Administrator, pursuant to § 164.100 for a speedy appeal.

(d) *Amicus curiae.*—Persons not parties to the proceedings wishing to file briefs may do so by leave of the Administrative Law Judge granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. Unless all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position the brief will support. Upon a showing of good cause, the Administrator or Administrative Law Judge may grant permission for later filing.

§ 164.32 Consolidation.

The Administrative Law Judge, by motion or sua sponte, may consolidate two or more proceedings docketed under this subpart whenever it appears that this will expedite or simplify consideration of the issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred. At the conclusion of proceedings consolidated under this section, the Administrative Law Judge shall issue one decision under § 164.90 unless one or more of the consolidated proceedings have been dismissed pursuant to § 164.91.

ADMINISTRATIVE LAW JUDGE

§ 164.40 Qualifications and duties of Administrative Law Judge.

(a) *Qualifications.*—The Administrative Law Judge shall have the qualifications required by statute. He shall not decide any matter in connection with a proceeding where he has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the Administrative Law Judge.*—(1) Any party may, by motion made to the Administrative Law Judge, as soon as practicable, request that he disqualify himself and withdraw from the proceeding. The Administrative Law Judge shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(2) The Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.*—The Administrative Law Judge shall conduct the proceeding in a fair and impartial manner.

(d) *Power.*—Subject to review, as provided elsewhere in this part, the Administrative Law Judge shall have power to take actions and decisions in conformity with statute or in the interests of justice. He shall not interrupt the recording of the proceedings on the record over the objection of any party.

(e) *Absence or change of the Administrative Law Judge.*—In the case of the absence of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge or other qualified person so designated to act by the Administrator.

(f) *Hearing Clerk.*—The Chief Administrative Law Judge shall supervise the hearing clerk in the performance of his duties.

PREHEARING PROCEDURES

§ 164.50 Prehearing conference.

(a) *Purpose of the prehearing conference.*—Except as otherwise provided in paragraph (d) of this section, the Administrative Law Judge shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. More than one such conference may be held. Such order or orders shall direct the parties or their counsel to appear at a specified time and place to consider:

(1) The simplification of issues;

(2) The necessity or desirability of amendments to the objections or statement of issues, or any document filed in response thereto;

(3) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof and avoid unnecessary delay;

(4) Matters of which official notice may be taken;

(5) The limitation of the number of expert and other witnesses;

(6) Procedure at the hearing;

(7) The use of verified written statements in lieu of oral direct testimony;

(8) The intent of any party to request a scientific advisory committee as defined in § 164.2(f);

(9) The issuance of subpoenas and subpenas duces tecum for discovery and hearing purposes;

(10) A setting of a time and place for the public hearing, after giving careful consideration of the convenience of all the parties, the witnesses, the public interest and the necessity for notice in the FEDERAL REGISTER as provided by § 164.8; and

(11) Any other matter that may expedite the hearing or aid in the disposition of the proceeding.

(b) *Exchange of witness lists and documents.*—At a prehearing conference or within some reasonable time set by the Administrative Law Judge at a prehearing conference, each party shall make available to the other parties the names of the expert and other witnesses he expects to call, together with a brief narrative summary of their expected testimony. Copies of all documents and exhibits which he expects to introduce into evidence shall be marked for identification as ordered by the Administrative Law Judge. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion by a party.

(c) *Record of the prehearing conference.*—No transcript of any prehearing conference shall be made unless a request therefor by one of the parties is granted by the Administrative Law Judge. The Administrative Law Judge shall prepare and file for the record a written report of the action taken at each conference, which shall incorporate any stipulations or agreements made by the parties at or as a result of such conference, all rulings upon matters considered at such conference and appropriate orders containing directions to the parties. To the extent applicable, such orders shall control the subsequent course of the proceeding, unless modified by the Administrative Law Judge, on motion or sua sponte, to prevent manifest injustice.

(d) *Unavailability of a prehearing conference.*—Upon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing conference would serve primarily to delay the proceedings rather than to expedite them, the Administrative Law Judge, on motion or sua sponte, may order that the prehearing conference not be held. In these circumstances, he may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. Such correspondence shall not be made a part of the record, but the Administrative Law Judge shall submit a written summary for the record if any action is taken.

(e) *Submission of questions for an advisory committee.*—(1) *General.*—At any prehearing conference, or if none are held prior to the public hearing, except as herein provided, the Administrative Law Judge shall determine the intent of any party to request that questions of designated by the National Academy of scientific fact be referred to a committee Sciences.

(2) *Preparation of questions.*—On determining an affirmative intent, the Administrative Law Judge shall direct all parties to file and serve, within a time period subject to his discretion, proposed questions of scientific fact accompanied by reasons supporting their submission to said committee. Within 10 days of the service of such proposed questions, together with their supporting reasons, any party may respond in writing to the proposed submission of the questions to the said committee. The Administrative Law Judge shall determine whether or not a reference of questions of scientific fact to said committee is necessary or desirable. In the event he decides such reference is necessary or desirable, he shall so inform the National Academy in writing, and shall prepare in his discretion appropriate questions. If any of the questions prepared are not in substance based upon the submissions of the parties, the Administrative Law Judge shall permit any party 10 days after their preparation to respond in writing to the proposed submission of said question or questions. He shall then determine whether such questions should be referred to the committee.

(3) *Reference and report.*—Not less than 30 days after he has informed the National Academy that questions of scientific fact will be referred to it, the Administrative Law Judge shall refer the questions of scientific fact as prepared. The committee shall report in writing to the Administrative Law Judge within 60 days after such referral on these questions of scientific fact and the report, its record and any other matter transmitted as provided for by the Administrator's agreement with the National Academy of Sciences shall be made public and considered as part of the hearing record.

(4) *Request and submission subsequent to prehearing conference.*—At any time before the public hearing is officially closed, the Administrative Law Judge or a party by motion may request that questions of scientific fact not previously referred be referred or that questions previously referred be amended or expanded. The Administrative Law Judge may refer such questions if he finds that good cause exists and that reference of such questions is necessary or desirable.

§ 164.51 Discovery.

(a) *Applicability of Federal Rules of Civil Procedure.*—In recognition that the most effective means of discovery under this part is the free and mutual exchange of information between the parties, a process which functions best under the direction of an Administrative Law Judge at the prehearing phase of the proceedings, there shall be, as determined by the Administrative Law Judge, full disclosure of all evidence or testimony relevant and material to the issues. Except as hereinafter provided, the discovery rules of the Federal Rules of Civil Procedure shall apply, where practicable, to all proceedings under this subpart except that noticing of discovery without order does not apply.

(b) *When justified.*—At any time after the commencement of a proceeding, and upon a finding by the Administrative Law Judge of reasonableness, relevancy, and materiality to the scope of the issues involved in the hearing, the Administrative Law Judge may order, upon motion or sua sponte, the taking of discovery by any party of any other party or of any nonparty witness, as provided by the Federal Rules of Civil Procedure.

(c) *Procedure.*—(1) Any party to the proceeding desiring to take discovery shall make a motion or motions therefor. Such a motion shall set forth (i) the circumstances warranting the taking of the discovery, (ii) the nature of the information expected to be discovered and (iii) the time when and the place where it will be taken.

(2) The Administrative Law Judge may deny any motion to take discovery which he finds to be unjustified. If the Administrative Law Judge determines the motion to be justified, he shall issue an order and appropriate subpenas, if necessary, for the taking of such discovery together with the conditions and terms thereof.

(d) *Depositions upon oral questions.*—The Administrative Law Judge shall order depositions upon oral questions only upon a showing of good cause and upon a finding that (1) the information sought cannot be accomplished by alternative methods, or (2) there is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

MOTIONS

§ 164.60 Motions.

(a) *General.*—All motions except those made orally during the course of a public hearing shall be in writing, except as otherwise provided by this part, shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the hearing clerk and served on all parties. All motions, except as otherwise provided by this part, shall also state that the movant has communicated or attempted to communicate with all parties or their counsel with respect to such motion and whether they consent or have no objection to the granting of such motion.

(b) *Response to motions.*—Within 10 days after service of any motion filed pursuant to this part, or within such other time as may be fixed by the Administrator, his designee, or the Administrative Law Judge, any party may serve and file a response to the motion. The movant shall, if requested by the

Administrator, his designee, or the Administrative Law Judge, serve and file reply papers within the time set by the request.

(c) *Decision.*—The Administrative Law Judge shall rule upon all motions filed or made prior to the filing of his initial or accelerated decision at any time on ex parte motions or where the movant has stated that no party objects to the granting of such motion. Otherwise, such decision shall await the opposing papers. The Administrator or his designee shall rule upon all motions filed after the filing of the initial or accelerated decision. Oral argument of motions will be permitted only if the Administrative Law Judge or Administrator, or his designee, deems it necessary.

SUBPENA AND WITNESS FEES

§ 164.70 Subpenas.

(a) *Issuance of subpenas.*—The attendance of witnesses or the production of documentary evidence may, by subpena, be required at any designated place of hearing or place of discovery. Subpenas may be issued by the Administrative Law Judge sua sponte or upon a showing by an applicant that the evidence sought is reasonable, relevant and material to the scope of the issues involved in the hearing. The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of a witness or the content of the documents produced.

(b) *Motion for subpena duces tecum.*—Subpenas for the production of documentary evidence, unless issued by the Administrative Law Judge sua sponte, shall be issued only upon a written motion. Such motion shall specify, as exactly as possible, the documents desired and shall show the relevancy and materiality of their production.

(c) *Service of subpenas.*—Subpenas shall be served as provided by the Federal Rules of Civil Procedure.

§ 164.71 Fees of witnesses.

Witnesses summoned before the Administrative Law Judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

THE HEARINGS

§ 164.80 Order of proceeding and burden of proof.

(a) At the hearing, the proponent of cancellation or change in classification shall have the burden of going forward to present an affirmative case for the cancellation or change in classification of the registration, unless otherwise ordered by the Administrative Law Judge. In the case of the denial of an application for registration, the applicant shall have the burden of going forward.

(b) On all issues arising in connection with the hearing, the ultimate burden of persuasion shall rest with the proponent of the registration.

(c) If any party, other than the respondent, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Administrative Law Judge to dismiss the proceeding with or without prejudice, as the Administrative Law Judge may determine, unless a motion excusing the failure to appear has been made and granted. In the event that a party appears at the hearing and no representative of the Agency appears, the Administrative Law Judge shall proceed ex parte to hear the evidence of the party: *Provided*, That failure on the part of the Agency to appear at a hearing shall not be deemed to be a waiver of the Agency's right to file suggested findings of fact, conclusions and order, to be served with a copy of the Administrative Law Judge's initial or accelerated decision, and to file exceptions with and to submit argument before the Administrator with respect thereto.

§ 164.81 Evidence.

(a) *General.*—The Administrative Law Judge shall admit all relevant and material evidence, except evidence that is unduly repetitious. Relevant and material evidence may be received at any hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value. In all hearings the testimony of witnesses shall be taken orally, except as otherwise provided by these rules or by the Administrative Law Judge. Parties shall have the right to cross-examine a witness who appears at the hearing. In multiparty proceedings the Administrative Law Judge may limit cross-examination to the respondent and to one other party on each side if it appears that the cross-examination by one party will adequately protect parties similarly situated. Other parties may, however, engage in cross-examination upon alleging that their cross-examination will go into matters not already covered by the previous cross-examination.

(b) *Report of a committee of the National Academy of Sciences.*—If questions have been submitted to a committee designated by the National Academy pursuant to § 164.50(e), the report of the committee and the material accompanying it shall be received into evidence and made part of the record of the hearing. Objections to the report may also be made part of the record and go to the weight of its evidentiary value. If another committee has submitted a report concerning the registration of a pesticide containing the same basic chemicals as the pesticide in issue, the Administrative Law Judge may permit the introduction of the report and the material accompanying it.

(c) *Objections.*—If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the Administrative Law Judge, with the consent of all parties, orders that such argument not be transcribed. The ruling of the Administrative Law Judge on any objection shall be a part of the transcript. An automatic exception to that ruling will follow.

(d) *Exhibits.*—Except where the Administrative Law Judge finds that the furnishing of copies is impracticable, a copy of each exhibit filed with the Administrative Law Judge shall be furnished to each other party. A true copy of an exhibit may, in the discretion of the Administrative Law Judge, be substituted for the original.

(e) *Official notice.*—Official notice may be taken of such matters as are judicially noticed in the Federal courts: *Provided, however*, That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof.*—Whenever evidence is deemed inadmissible, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of a document or exhibit, it shall be inserted in the record in total. In the event the Administrator decides that the Administrative Law Judge's ruling in excluding the evidence was erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate the evidence and proceed to a final decision.

(g) *Verified statements.*—With the approval of the Administrative Law Judge, a witness may insert into the record, as his testimony, statements of fact or opinion prepared by him, or written answers to interrogatories of counsel, or may submit as an exhibit his prepared statement, provided that such statements or answers must not include argument. Before any such statement or answer is read or admitted into evidence the witness shall deliver to the Administrative Law Judge, the reporter, and opposing counsel a copy of such. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner and the witness shall be subject to oral cross-examination on the contents of such statements. Approval for such a procedure may be denied when it appears to the Administrative Law Judge that the memory or the demeanor of the witness is of importance.

§ 164.82 Transcripts.

(a) *Filing and certification.*—Hearings shall be stenographically reported and transcribed. As soon as practicable after the taking of the last evidence, the Administrative Law Judge shall certify (1) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such

particulars as he shall specify and (2) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript.

INITIAL OR ACCELERATED DECISION

§ 164.90 Initial decision.

(a) *Proposed findings of fact, conclusions, and order.*—Within 20 days after the last evidence is taken in a hearing, each party may file with the hearing clerk proposed orders, findings of fact, and conclusions of law based solely on the record, and a brief in support thereof. Within 10 days thereafter, each party may file a reply brief. The Administrative Law Judge may, in his discretion, extend the total time period for filing any briefs for an additional 30 days. In such instances, briefs and replies shall be due at such time as the Administrative Law Judge may fix by order. The hearing shall be deemed closed at the conclusion of the briefing period.

(b) *Initial decision.*—The Administrative Law Judge, within 25 days after the close of the hearing, shall evaluate the record before him, and prepare, and file his initial decision with the hearing clerk. A copy of the initial decision shall be served upon each of the parties, and the hearing clerk shall immediately transmit a copy to the Administrator. The initial decision shall become the decision of the Administrator without further proceedings unless an appeal is taken from it or the Administrator orders review of it, pursuant to § 164.101 .

§ 164.91 Accelerated decision.

(a) The Administrative Law Judge, in his discretion, may at any time render an accelerated decision in favor of respondent as to all or any portion of the proceeding, including dismissal without further hearing or upon such limited additional evidence as he may receive, under any of the following conditions:

(1) Untimely or insufficient objections filed pursuant to § 164.20;

(2) Failure to comply with discovery orders;

(3) Failure to comply with prehearing orders;

(4) Failure to appear or to proceed at prehearing conferences;

(5) Failure to appear at the hearing;

(6) Failure to state a claim upon which relief can be granted or direct or collateral estoppel.

(7) That there is no genuine issue of any material fact and that the respondent is entitled to judgment as a matter of law; or

(8) Such other and further reasons as are just.

(b) A decision rendered under this section shall have the same force and effect as an initial decision entered under § 164.90.

APPEALS

§ 164.100 Appeals from or review of interlocutory orders or rulings.

Except as provided herein, appeals as a matter or right shall lie to the Administrator only from an initial or accelerated decision of the Administrative Law Judge. Appeals from other orders or rulings shall, except as provided in this section, lie only if the Administrative Law Judge certifies such orders or rulings for appeal. The Administrative Law Judge may certify an order or ruling for appeal to the Administrator when: (a) the order or ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (b) either (1) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding or (2) review after the final judgment is issued will be inadequate or ineffective. The Administrative Law Judge shall certify orders or rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When an order or ruling is not certified by the Administrative Law Judge, it shall be reviewed by the Administrator only upon appeal from the initial or accelerated decision except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except in extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal; where a stay is granted, a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the Administrative Law Judge, but the Administrator may allow further briefs and oral argument.

§ 164.101 Appeals from or review of initial decisions.

(a) *Exceptions and request for oral argument.*—(1) Within 20 days after filing of the Administrative Law Judge's initial decision, each party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Administrator for decision by filing them in writing with the hearing clerk, including a section containing corrected findings of fact, conclusions, orders, or rulings. Within the same period of time each party filing exceptions shall file with the hearing clerk a brief concerning each of the exceptions being appealed. The party shall include, in its brief, page references to the relevant portions of the record and to the Administrative Law Judge's recommended findings.

(2) Within 7 days of the service of exceptions, and of a brief under paragraph (a) (1) of this section, any other party or amicus curiae may file and serve a brief responding to exceptions or arguments raised by any other party. Such brief shall include references to the relevant portions of the record. Such brief shall not, however, raise additional exceptions.

(3) Five copies of all material filed under this section shall be filed with the hearing clerk.

(b) *Review by Administrator when no exceptions are filed.*—If no exceptions are filed within the time provided, the hearing clerk shall notify the Administrator 30 days from the date of the filing of the Administrative Law Judge's initial decision. Within 10 days after said notification, the Administrator shall issue an order either declining review of the initial decision or expressing his intent to review said initial decision. Such order shall include a statement of issues to be briefed by the parties and a time schedule concerning service and filing of briefs adequate to allow the Administrator to issue a final order within 90 days from the close of the hearing.

(c) *Argument before the Administrator.* (1) A party, if he files exceptions and a brief, shall state in writing whether he desires to make an oral argument thereon before the Administrator; otherwise, he shall be deemed to have waived such oral argument. The Administrator shall however, on his own initiative, have the right to set an appeal for oral argument.

(2) If the Administrator determines that additional issues should be argued, counsel for the parties shall be given reasonable written notice of such determination so as to permit preparation of adequate argument on all the issues to be argued.

§ 164.102 Appeals from accelerated decisions.

(a) Within 20 days after filing of an accelerated decision by the Administrative Law Judge, any party may file exceptions and a supporting brief with the hearing clerk, stating with particularity the grounds upon which he asserts that the decision is incorrect. The party shal linclude in its brief page references to the relevant portions of the record, if applicable.

(b) Within 7 days of the service of exceptions and brief under paragraph (a) of this section, any other party or amicuc curiae may file and serve a brief responding thereto, with appropriate page references to the relevant portions of the record, if applicable.

(c) Ordinarily, the appeal from an accelerated decision will be decided on the basis of the submission of briefs, but the Administrator may allow additional briefs and oral argument.

§ 164.103 Final order on appeal or review.

Within 90 days after the close of the hearing, unless otherwise stipulated by the parties, the Administrator shall, on appeal or review from an initial or accelerated order of the Administrator Law Judge, issue his final decision and order, including his rulings on any exceptions filed by the parties; such final order may accept or reject all or part of the initial or accelerated decision of the Administrative Law Judge even if acceptable to the parties.

MOTIONS TO THE ADMINISTRATOR

§ 164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

(a) *Filing; service.*—A motion for reopening the hearing to take further evidence, or for rehearing or reargument of any proceeding or for reconsideration of the order, must be made by motion to the Administrator filed with the hearing clerk. Every such motion must state specifically the grounds relied upon.

(b) *Motion to reopen hearings.*—A motion to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the Administrator's final order. Every such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Motions to rehear or reargue proceedings, or to reconsider orders.*—A motion to rehear or reargue the proceeding or to reconsider the order shall be filed within 10 days after the date of service of the order. Every such motion must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 164.111 Procedure for disposition of motions.

Within 7 days following the service of any motion provided for in § 164.110, any other party to the proceeding may file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Administrator shall announce his decision whether to grant or to deny the motion. Unless the Administrator shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the motion. In the event that any such motion is granted by the Administrator, the applicable rules of practice, as set out elsewhere herein, shall be followed.

Subpart C—General Rules of Practice for Expedited Hearings

§ 164.120 Notification.

(a) Whenever the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings, but that the hazard does not constitute an emergency, he shall notify the registrant of his intention to suspend registration of the pesticide at issue.

(b) Such notice shall include findings pertaining to the question of imminent hazard and shall either be personally served on the registrant or be sent to the registrant by registered or certified mail, return receipt requested, and filed with the hearing clerk.

§ 164.121 Expedited hearing.

(a) *Request.*—(1) An expedited hearing shall be held whenever the Administrator has received from the registrant a timely request for such hearing in response to the Administrator's notice of intention to suspend.

(2) A request for an expedited hearing is timely if made in writing or by telegram and filed with the office of the hearing clerk within 5 days of the registrant's receipt of the notice of intention to suspend.

(3) At the time of filing a request for an expedited hearing, the registrant shall also file a document setting forth objections to the Administrator's notice of intention to suspend and its findings pertaining to the question of imminent hazard. Such objections shall conform to the requirements of § 164.21.

(b) *Presiding officer.*—(1) An expedited hearing shall be conducted by a presiding officer appointed by the Administrator, and such officer need not be an Administrative Law Judge.

(2) The presiding officer shall not have the authority to make an initial decision on the merits but shall make a recommended decision only.

(c) *The issue.*—The expedited hearing shall address only the issue of whether an imminent hazard exists.

(d) *Time of hearing.*—The hearing shall commence within 5 days after the filing of the request with the office of the hearing clerk unless the registrant and respondent agree that it shall commence at a later time. As soon as possible, the presiding officer shall publish in the FEDERAL REGISTER notice of such hearing.

(e) *Intervention.*—Any person adversely affected by the Administrator's notice may move to intervene within 5 days after the receipt by the registrant of said notice or at any time prior to the conclusion of the presentation of the evidence, upon good cause found, except

(1) Leave to intervene will be granted only if the motion to intervene meets the standards of § 164.31 and, in addition, indicates that the movant would raise matters or introduce evidence pertinent to the issue of imminent hazard which would substantially assist in its resolution.

(2) A movant denied permission to intervene under this section but who otherwise meets the standards of § 164.31 and who is adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding, for all purposes of its further review.

(3) When an "emergency order" is issued pursuant to § 164.123, no person other than the respondent and the registrant shall participate in the hearing except that any person adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding for all purposes of its further review.

(f) *Appearances and consolidation.*—The provisions of §§ 164.30 and 164.32 apply to an expedited hearing insofar as may be practicable.

(g) *Order of proceeding and burden of proof.*—At the hearing, the proponent of suspension shall have the burden of going forward to present an affirmative case for the suspension. However, the ultimate burden of persuasion shall rest with the proponent of the registration.

(h) *Evidence.*—The provisions of § 164.81, where applicable, apply to an expedited hearing.

(i) *Transcripts.*—The presiding officer shall make provision for daily transcripts and otherwise comply with the provisions of § 164.82.

(j) *Proposed findings or conclusions; recommended decision.*—(1) Within 4 days of the conclusion of the presentation of evidence, the parties may propose findings and conclusions to the Presiding Officer. Such proposed findings and conclusions shall be accompanied by a brief with supporting reasons.

(2) Within 8 days of the conclusion of the presentation of evidence, the Presiding Officer shall submit to the parties his proposed recommended findings and conclusions and a statement of the reasons on which they are based.

(3) Within 10 days of the conclusion of the presentation of evidence the Presiding Officer shall submit to the Administrator his recommended findings and conclusions, together with the record.

(4) Within 12 days of the conclusion of the presentation of evidence the parties shall submit to the Administrator their objections to the Presiding Officer's recommended findings and conclusions and written briefs in support thereof.

§ 164.122 Final order and order of suspension.

(a) *Final order.*—Within 7 days of receipt of the record and of the Presiding Officer's recommended findings and conclusions, the Administrator shall issue a final decision and order. Such final order may accept or reject in whole or in part the recommendations of the Presiding Officer.

(b) *Order of suspension.*—No final order of suspension shall be issued unless the Administrator has issued or at the same time issues a notice of his intention to cancel the registration or change the classification of the pesticide. Such notice shall be given as provided in § 164.8.

§ 164.123 Emergency order.

(a) Whenever the Administrator determines that an emergency exists, that does not permit him to hold a hearing before suspension, he may issue a suspension order in advance of notification to the registrant.

(b) The Administrator shall immediately notify the registrant of the suspension order. The registrant may then request a hearing in accordance with §§ 164.121 and 164.122, but the suspension order shall remain in effect during the hearing and until the Administrator determines otherwise.

[FR Doc.73-6573 Filed 4-4-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 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.

Alejos, Frederick, 2415 Bahama Drive, Apartment 105, Dallas, Tex., convicted on September 3, 1965, in the Criminal District Court of Dallas County, Tex., and on July 25, 1968, in the Criminal District Court of Dallas County, Tex.

Bartelli, Joseph P., 94-08 80th Street, Jamaica, N.Y., convicted on October 14, 1952, in the Superior Court, Richmond County, N.Y.

Bennett, Ray A., 6991 East University Avenue, Gainesville, Fla., convicted on January 21, 1949, in the U.S. District Court, Southern District of Florida, Jacksonville Division.

Bryant, Michael A., Route 5, Box 492, Winchester, Va., convicted on October 12, 1970, in the Circuit Court of Augusta County, Va.

Budde, Stanley, 5394 Hovander Road, Ferndale, Wash., convicted on September 22, 1964, in the Superior Court of Washington in and for Grays Harbor County.

Callaway, Donald D., Route No. 1, Warrens, Wis., convicted on September 27, 1971, in Monroe oCunty Court, State of Wisconsin.

Cooney, Timothy J., Box 346, Clarion, Pa., convicted on May 29, 1969, in the Court of Common Pleas, Clarion County, Pa.

D'Andrea, Albert, 61-11 155th Street, Flushing, N.Y., convicted on October 29, 1957, in the U.S. District Court, Eastern District of New York.

De Moss, David L., 621 Harvard Avenue East, Apartment 3, Seattle, Washa convicted on November 15, 1958, in the Kitsap County, Wash., Superior Court, and on November 9, 1959, in the Kitsap County, Wash., Superior Court.

Farnsworth, Larry C., P.O. Box 181, Seaview, Wash., convicted on February 6, 1956, in the Superior Court of the State of Washington for Cowlitz County.

Fisher, Myron A., 405 Chester Pike, Darby, Pa., convicted on April 22, 1918, in the Supreme Court in and for Erie County, N.Y.

Hayman, Nelson H., 1611 Tyler, Detroit, Mich., convicted on February 16, 1934, Fourth Judicial District Court of the State of Minnesota.

Hoyt, Floyd K., 2051 Castleberry Lane, Las Vegas, Nev., convicted on January 5, 1959, in the Superior Court of the State of Washington for Skamania County.

Kelly, Paul E., 265 Ravoux Street, Apartment 11, St. Paul, Minn., convicted on June 22, 1965, in the Ramsey County, Minn., District Court, Second Judicial District.

Lansdown, Harold J., Hartville, Mo., convicted on June 10, 1963, in the Circuit Court of Wright County, Mo.

Lounsberry, Frank H., 910—12th Street, Nevada, Iowa, convicted on June 16, 1971, in the U.S. District Court, Southern District of Iowa, Des Moines, Iowa.

Lucas, Gene J., 1392 West Calvary Road, Duluth, Minn., convicted on November 28, 1950, in the District Court of Lampasas County, Lampasas, Tex., convicted on February 3, 1954, in the District Court, St. Louis County, Duluth, Minn., and on January 29, 1957, in Stearns County Court, St. Cloud, Minn.

Mayfield, Milton B., 4848 Art Street, San Diego, Calif., convicted on December 10, 1931, in the Superior Court, San Diego, Calif.

Miley, Wayne, 1149-A South San Thomas Expressway, Campbell, Calif., convicted on May 16, 1956, in the Superior Court, Santa Clara County, Calif.

Norris, Robert M., Jr., R. D. 2, Boyertown, Pa., convicted on May 19, 1967, in the Montgomery County Court, Norristown, Pa.

Parrish, John P., 2213 Belle Haven Road, Alexandria, Va., convicted on February 25, 1967, in the U.S. District Court, Eastern District of Virginia, Alexandria Division.

Payne, Stuart L., 933 Glenwood Road, Glendale, Calif., convicted on May 24, 1951, by a general court-martial convened by headquarters, Scott Air Force Base, Ill.

Quatrini, Alfred, 31024 Merilyn, Warren, Mich., convicted on November 9, 1936, in the U.S. District Court, Eastern District of Michigan.

St. Pierre, Clifford E., P.O. Box 762, Palmer, Alaska, convicted on April 2, 1951, in the county court for the county of Delaware, N.Y.

Sampson, Joseph L., 2429 Rosewood, Austin, Tex., convicted on February 15, 1962, in the 147th Judicial District Court of Travis County, Tex.

Saquella, Michael, 62 Matthew Drive, Fairport, N.Y., convicted on November 10, 1939, in the Genesee County Court, Batania, N.Y.

Schoeb, Kenneth A., 408 Bennett Street, Milford, Mich., convicted on December 8, 1966, in the Superior Court of the State of California for the county of Los Angeles.

Spence, Alexander, 1381 Pocono Street, Pittsburgh, Pa., convicted on January 25, 1957, in the Court of Oyer and Terminer, Allegheny County, Pa., and on December 12, 1958, in the U.S. District Court, Northern District of Ohio.

Tyler, Charles F., general delivery, Tateville, Ky., convicted on December 23, 1955, in the Allegany County Court, Belmont, N.Y.

Willette, James H., 63 Pioneer Avenue, Caribou, Maine, convicted on July 3, 1947, in the District Court of Tihue County of Kauai, territory of Hawaii.

Signed at Washington, D.C., this 29th day of March 1973.

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

[FR Doc.73-6603 Filed 4-4-73;8:45 am]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document regarding joint call for report of condition of insured banks, see FR Doc. 73-6569, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF DEFENSE

Department of the Army

ARMY MILITARY POLICE SCHOOL BOARD OF VISITORS

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following committee meeting.

The U.S. Army Military Police School Board of Visitors will meet at 0815 hours, April 24, 1973, at Gullion Hall, corner of Academic Avenue and 40th Street, Fort Gordon, Ga. Committees will work in three conference rooms, Building, 38701, 38801, and 40701 on April 24 and 25, 1973. The meeting will conclude with the presentation of committee reports to the School Commandant, 1510-1630 hours, April 25, 1973, in Gullion Hall.

Specific agenda as follows:

AGENDA

Time	Event	Location	Responsible officer
	TUESDAY, APRIL 24, 1973 [1]		
0815-0820	Welcome	Gullion Hall	Major General Moore.
0820-0920	School orientation and discussion.	do	Colonel Kortum.
0940-1010	Systems engineering briefing	Bldg. 38801, conference room	Colonel Riddle.
0940-1010	Electives program briefing	Bldg. 38701, conference room	Colonel Stevens.
0940-1010	Faculty development briefing	Bldg. 4670, conference room	Dr. Vanderford.
	WEDNESDAY, APRIL 25, 1973 [2]		
1510-1630	Presentation of committee reports.	Gullion Hall	Mr. Brandstatter.

[1] Committees will work on problems which have been presented to them in their assigned conference rooms and other areas of the school during the remainder of the day and on Apr. 25, 1973.
[2] This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Any additional information concerning the meeting may be obtained from Col. Zane V. Kortum, MPC, Commandant, U.S. Army Military Police School, Fort Gordon, Ga., 404-780-2015.

R. B. BELNAP,
Special Advisor to TAG.

MARCH 27, 1973.

[FR Doc. 73-6502 Filed 4-4-73;8:45 am]

ARMY TRANSPORTATION SCHOOL BOARD OF VISITORS

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following committee meeting.

The U.S. Army Transportation School Board of Visitors will meet during the period April 26-28, 1973, in Room 2, Wylie Hall, Fort Eustis, Va. Sessions on Thursday and Friday will commence at 9 a.m. and conclude approximately 3 p.m. The Saturday session will begin at 9 a.m. and conclude approximately 10 a.m.

Agenda subjects will be as follows:

The Impact of TRADOC on USATSCH;
CONEDS and the academic program;
Servicemen's Opportunity College (SOC); and
NCOES—Basic and Advanced.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Any additional information concerning the meeting may be obtained from Dr. H. Jackson Darst, special assistant to the commandant—educational adviser, Fort Eustis, Va., 703-927-4400.

R. B. BELNAP,
Special Advisor to TAG.

MARCH 27, 1973.

[FR Doc.73-6501 Filed 4-4-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 7010]

ARIZONA

Modification of Classification Arizona 3478 To Permit Grant of Right-of-Way; Correction

The land description appearing in published notice 38 FR 7477 of the issue of March 22, 1973, is hereby corrected to read:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 S., R. 13 E.,
Sec. 4, the west 90 feet of lots 25 and 40 except the north 150 feet of lot 25.

Dated: March 29, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-6491 Filed 4-4-73;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER

Delegation of Authority Regarding Purchasing Authority

SEC. 1. *Administrative officer.* The administrative officer may execute, approve, and administer contracts, not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes order No. 1 published March 21, 1969, at 34 FR 5512.

(National Park Service Order No. 66, FR 21218, as amended 37 FR 4001, dated February 25, 1972, southwest region, Order No. 5, 37 FR 7722)

Dated: February 28, 1973.

COLEMAN C. NEWMAN,
Superintendent,
Amistad Recreation Area.

[FR Doc.73-6498 Filed 4-4-73;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, CHANNEL ISLANDS NATIONAL MONUMENT

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative officer.*—The administrative officer may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Redelegation.* The authority delegated in section 1 above may not be redelegated.

(National Park Service Order No. 66 (36 FR 21218) as amended (37 FR 4001) dated Feb. 25, 1972; as amended (37 FR 12854) dated June 29, 1972; western region order No. 7 (37 F.R. 6326) dated Mar. 28, 1972)

Dated February 27, 1973.

DONALD M. ROBINSON,
Superintendent, Channel Islands National Monument.

[FR Doc.73-6496 Filed 4-4-73;8:45 am]

[Order No. 5]

ADMINISTRATIVE OFFICER ET AL., COULEE DAM NATIONAL RECREATION AREA

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment or Services

SECTION 1. *Administrative officer.*—The administrative officer may execute and approve contracts not in excess of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Procurement and property management assistant.* The procurement and property management assistant may issue purchase orders not in excess of $2,500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 3. *Purchasing agent.*—The purchasing agent may issue purchase orders not in excess of $500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 4. *Revocation.*—This order supersedes Order No. 4 published September 30, 1967, at 32 FR 13732.

(National Park Service Order No. 66 (36 FR 21218) as amended; 37 FR 4001 dated Feb. 25,

1972; Pacific northwest region order No. 3 (37 FR 6325))

Dated February 23, 1973.

WILLIAM N. BURGEN,
Superintendent, Coulee Dam National Recreation Area.

[FR Doc.73-6500 Filed 4-4-73;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, HALEAKALA NATIONAL PARK

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative officer.*—The administrative officer may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Redelegation.*—The authority delegated in section 1 above may not be redelegated.

(National Park Service Order No. 66 (36 FR 21218) as amended (37 FR 4001) dated Feb. 25, 1972; western region order No. 7 (37 FR 6326) dated March 28, 1972)

Dated: February 27, 1973.

RUSSELL W. CAHILL,
Superintendent, Haleakala National Park.

[FR Doc.73-6497 Filed 4-4-73;8:45 am]

[Order No. 2]

ADMINISTRATIVE CLERK, PETERSBURG NATIONAL BATTLEFIELD

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Equipment, Supplies, or Services

1. *Administrative clerk.*—The administrative clerk, Petersburg National Battlefield, National Park Service, may issue purchase orders not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the administrative clerk in behalf of any area under the administration of the Petersburg National Battlefield, National Park Service.

2. *Revocation.*—This order supersedes Order No. 1 (29 FR 2794), Amendment No. 1 (29 FR 9342), and Amendment No. 2 (31 FR 1012).

(National Park Service Order No. 66 (36 FR 21218), as amended; northeast region order No. 7 (37 FR 6325), as amended)

Dated: February 15, 1973.

LARRY L. HAKEL,
Superintendent, Petersburg National Battlefield, National Park Service.

[FR Doc.73-6499 Filed 4-4-73;8:45 am]

[Order No. 3]

ADMINISTRATIVE ASSISTANT, PINNACLES NATIONAL MONUMENT

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative assistant.*—The administrative assistant may issue purchase orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Redelegation.*—The authority delegated in section 1 above may not be redelegated.

SEC. 3. *Revocation.*—This order supersedes Order No. 2 published May 22, 1968.

(National Park Service Order No. 66 (36 FR 21218), as amended (37 FR 4001) dated February 25, 1972; western region order No. 7 (37 FR 6326) dated Mar. 28, 1972.)

Dated: February 27, 1973.

GORDON K. PATTERSON,
Superintendent, Pinnacles National Monument.

[FR Doc.73-6495 Filed 4-4-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-36]

EASTOVER MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Eastover Mining Co. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Brookside Nos. 1 and 3 mines, Bailey's Creek No. 1 mine, Darby No. 4 mine, and Baker No. 1 mine, all located in southeastern Kentucky.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner requests that the standard be modified because the access roads, which vary in length from 3,000 feet to 3 miles, are very narrow due to the steep slopes of the mountains. Petitioner states that access roads can be safely maintained by the use of gravel and salt. Also, grading equipment is used to push snow and mud over the outer edge of the road.

Petitioner contends that the application of the mandatory standard would result in a diminution of safety to miners in the affected areas because the use of berms would not permit safe maintenance of the road. In fall, winter, and spring frequent thaws and freezes occur and berms would trap runoff water creating hazardous travel conditions. Petitioner also avers that the use of berms would eliminate many possible passing areas for coal trucks and cars thus creating a hazard for loaded coal trucks. Petitioner further states that the banks of the roads are on fill material and will not support rails.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 7, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

MARCH 25, 1973.

[FR Doc.73-6513 Filed 4-4-73;8:45 am]

[Docket No. M 73-39]

PEABODY COAL CO.

Petition for Modification of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Co., has filed a petition to modify the application of 30 CFR 77.803 to its Matanzas No. 3 mine near Centertown, Ky.

30 CFR 77.803 reads as follows:

§ 77.803. *Fail safe ground check circuits on high-voltage resistance grounded systems.* On and after September 30, 1971, all high-voltage, resistance grounded systems shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or ground check wire is broken.

Petitioner asks that this standard be modified because 30 CFR 77.803 is presently being applied by the Bureau of Mines erroneously and without factual or legal basis to high-voltage circuits supplying stationary equipment when it was intended and should apply only to high-voltage circuits supplying portable or mobile equipment. Petitioner also states that 30 CFR 77.800 should apply to high-voltage circuits that supply power to stationary equipment.

30 CFR 77.800 reads as follows:

§ 77.800. *High-voltage circuits; circuit breakers.* High-voltage circuits supplying power to portable or mobile equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained and equipped with devices to provide protection against under voltage, grounded phase, short circuit and overcurrent. High-voltage circuits supplying power to stationary equipment shall be protected against overloads by either a current breaker or fuses of the correct type and capacity.

As an alternate method petitioner proposes to meet all requirements of 30 CFR 77.800 which includes protection for stationary equipment by circuit breaker or fuses of the correct type and capacity and in addition petitioner will use a grounding resistor of proper rating to limit the voltage drop in the grounding circuit external to the resistor to less than 100 volts under fault conditions.

Also petitioner states that it will employ instantaneous tripping to protect against short circuits and grounded phase relaying to cause the circuit breaker to trip on ground faults of less than 15 amperes and will apply a potential transformer connected across the grounding resistor to open the circuit breaker if the grounding resistor fails.

Petitioner avers that the alternate system will guarantee the miners no less protection and in fact will provide more protection than the use of a ground check circuit. Petitioner further contends that the application of 30 CFR 77.803 actually diminishes the safety afforded to miners when applied to stationary equipment.

Petitioner requests that the Bureau of Mines be enjoined from applying 30 CFR 77.803 to high-voltage supply circuits for stationary equipment at its Matanzas No. 3 mine and further requests an order applying 30 CFR 77.800 to high-voltage circuits supplying stationary equipment. In the alternative, petitioner requests an order modifying application of 30 CFR 77.803 to the extent that it not be required to remove the grounding resistor from the circuits in question as such would greatly increase the hazard to the miners and asks that its proposed alternative be accepted.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 7, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

MARCH 27, 1973.

[FR Doc.73-6514 Filed 4-4-73;8:45 am]

[Docket No. M 73-37]

UNITED STATES FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the United States Fuel Co. has filed a petition to modify the application of 30 CFR 75.1403-10(b) to its King Mine at Hiawatha, Utah.

30 CFR 75.1403-10(b) reads as follows:

(b) Cars on main haulage roads should not be pushed, except where necessary to push cars from sidetracks located near the working section to the producing entries and rooms, where necessary to clear switches and sidetracks, and on the approach to cages, slopes, and surface inclines.

In support of its request for modification of a mandatory safety standard, petitioner makes the following statements:

At King Mine a surface incline of 6,000 feet connects the portal with the preparation plant. Empty mine cars are hoisted to the portal with the double drum hoist as the loads are lowered to the preparation plant.

A 16-ton locomotive pushes the empty trip (15 cars) to second west parting, a distance of approximately 1,450 feet, and then pulls a 15 car trip of loads to the portal, where [sic] they are connected to the hoist rope for lowering to the preparation plant, thus completing the cycle. Thirty car trips are taken into the mine from second west portal by 50-ton locomotives. All men and material are taken into the mine through other, far removed, portals. No men are assigned to work in the area between these two partings during production shifts. The track through these two partings is well installed and maintained by nonproduction shift crew and by motormen and hoistmen when they have no coal to run. There have been no accidents in this area which could be related to pushing empties since the present track layout was installed in 1952.

30 CFR 75.1403-10 would allow pushing loads out to the portal. However, this would, in our opinion, be far more hazardous than pulling the loads out and pushing empties in for the following reasons:

Motormen have much less control over the trip in the portal area from a standpoint of stopping the trip and blocking the trip above a steep surface incline while the locomotive is uncoupled and while the rope is attached to the trip. [sic] It would be easily possible to incur rope damage if motormen pushed loads too far, or if a derailment should occur. It would be very difficult to disengage the hoisting rope from the empty trip without the locomotive being hooked onto the opposite end of trip to push up the slack.

We submit that pushing 15 car trips from portal landing to second west side track is a safe procedure as now practiced and documented by 21 years of safe operation and that any other procedure and/or injecting more personnel into a very simple and safe operation would contribute no greater degree of safety.

Current plans at this King Mine include phasing out King I haulage with all locomotives and mine cars. This will be accomplished after new portals are surfaced and conveyors installed or approximately 1 year from this date.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 7, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MARCH 27, 1973.

[FR Doc.73-6515 Filed 4-4-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

KOOTENAI NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Kootenai National Forest Multiple-Use Advisory Committee will meet at 2 p.m., May 11, 1973, at 120 West Fourth Street, Libby, Mont. 59923.

The purpose of this meeting is to discuss the following suggested agenda items:

1. Public involvement and multiple-use emphasis on planning units.
2. Reforestation—timber stand improvement program.
3. Selective and clear cut logging and related slash burning.
4. Christmas tree sales.
5. Recreational uses and off-road vehicle use regulations.
6. Road building and closures.
7. Constraints affecting allowable sell and impact of Lincoln County funds by continuing environmental requirements.
8. Public Law 92-463 and the need to continue the Advisory Committee.

The meeting will be open to the public. Written statements may be filed with the Committee before or after the meeting.

The Committee will utilize the following rules for publish participation:

To the extent that time permits, members of the public may make oral statements on agenda items following completion of discussion of the agenda by the Advisory Committee.

JOHN V. PUCKETT,
Acting Forest Supervisor.

MARCH 29, 1973.

[FR Doc.73-6576 Filed 4-4-73;8:45 am]

MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Malheur National Forest Grazing Advisory Board will meet at 7 p.m., April 10, 1973, in the Malheur Forest conference room at 139 Northeast Dayton, John Day, Oreg.

The purpose of this meeting is to review and make recommendations on grazing applications received for temporary grazing permits on the Murderers Creek, Fawn Springs, and Rail Creek Cattle and Horse Allotments; and to consider the complaints of the permittees on the Long Creek Allotment concerning Malheur Forest policy relating to the administration of the grazing permit.

The meeting will be open to the public. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation: Public members may speak up at any time during the meeting unless announced otherwise by the president of the board after the meeting convenes.

Dated: March 27, 1973.

A. G. OARD,
Forest Supervisor.

[FR Doc.73-6577 Filed 4-4-73;8:45 am]

SALMON RIVER BREAKS PRIMITIVE AREA PUBLIC ADVISORY COMMITTEE

Cancellation of Meeting

The Salmon River Breaks Primitive Area Public Advisory Committee meeting scheduled for April 27, 1973, has been canceled pending circulation of data from public meetings. The meeting will be rescheduled at a later date.

Dated: March 29, 1973.

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

[FR Doc.73-6575 Filed 4-4-73;8:45 am]

WALLOWA-WHITMAN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Wallowa-Whitman National Forest Multiple Use Advisory Committee will meet at 9:30 a.m., Friday, May 11, 1973, at the La Grande Range and Wildlife Habitat Laboratory, Gekeler Lane and C Avenue, La Grande, Oreg.

The purpose of this meeting is the annual spring meeting of the Advisory Committee to consider broad questions of policy, programs and procedures affecting the administration of the Wallowa-Whitman National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor John L. Rogers, Box 907, Baker, Oreg. 97814. Telephone 523-6391. Written statements may be filed with the committee before or after the meeting.

JOHN L. ROGERS,
Forest Supervisor.

MARCH 30, 1973.

[FR Doc.73-6578 Filed 4-4-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

AUTOMATED MERCHANDISE AND PRODUCT IDENTIFICATION CODES

Notice of Solicitation of Proposals and Comments Regarding Adoption by Retail and Grocery Industries

Correction

In FR Doc. 73-6323, appearing at page 864 of the issue for Monday, April 2, 1973, the first line of the last numbered paragraph of the second column which now reads "5. Technical information on the automatic" should read "6. Indication of the form your participa-".

National Oceanic and Atmospheric Administration

NAVAL BIOMEDICAL RESEARCH LABORATORY

Notice of Application for Economic Hardship Exemption

Notice is hereby given that the following applicant has filed an application for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and § 216.13 of the interim regulations governing the taking and importing of marine mammals (37 FR 28177).

Naval Biomedical Research Laboratory, Naval Supply Center, Oakland, Calif. 94625, to collect during April, May, and June 1973 bacterial and tissue samples from a maximum of 25 aborted, dead, or stillborn fetuses of California sea lions (*Zalophus californianus*) on each of three trips to San Miguel Island.

The applicant states that:

(a) The purpose of the research will be to study the occurrence of *Leptospira* species of bacteria in sea lions, which bacteria have been isolated from aborted fetuses and implicated as the etiological agent causing death in hundreds of young adult sea lions, and which bacteria are known to cause abortion in terrestrial animals and to infect man;

(b) It is critical to the Laboratory's study and obligations under its research contract to confirm and extend its findings this year during April, May, and June when the fetuses are available.

(c) Only aborted, stillborn, or dead fetuses would be collected, and no adult animals or viable pups would be sampled;

(d) Samples would be taken from the aborted or stillborn pups by swabbing noses, throats, and rectums for virus and bacteria isolations. Tissue would be collected and frozen for further toxicological tests, in addition to being fixed for histopathological studies.

(e) Every attempt will be made not to disturb the living animal population, using a field team of four to six people with considerable experience in this work;

(f) If the Laboratory is not able to continue its program of research it would create a severe economic hardship for many of its staff who are specifically funded for this research;

(g) Six staff members working on this program would have to be fired or shifted, if possible, to other programs.

(h) If the Laboratory's team were disbanded it would take at least another year to assemble the expertise to bring the study to a successful conclusion.

(i) The economic loss would not necessarily be confined to this particular research program since the finding of certain agents in sea lions has a potentially major economic impact. Both the *Leptospira* species and virus isolate are potentially dangerous to domestic animals. This is particularly true of the virus which is indistinguishable from a virus which devastated the swine population in California from 1930-50. Such an epizootic would have an economic impact on a national scale. The Laboratory's research is at a point where it is critical to confirm the nature of this virus in marine mammals; how it is transmitted within and to the herd; the nature of its pathogenicity for marine mammals; and its incidence as a potential threat to domestic food-producing animals.

Documents submitted in connection with this application are available for inspection in the Office of the Director, National Marine Fisheres Service, Washington, D.C. 20235. Confidential financial documents and trade secrets will not be available.

All factual statements and opinions contained in this notice, with respect to the application, are those supplied by the applicant and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Issued in Washington, D.C., and dated April 3, 1973.

ROBERT W. SCHONING,
Acting Director, National
Marine Fisheries Service.

[FR Doc.73-6680 Filed 4-4-73;8:45 am]

Office of Import Programs

COLLEGE OF WILLIAM AND MARY ET AL.

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

In the notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 7013 in the FEDERAL REGISTER of Thursday, March 15, 1973, the following docket should be deleted:

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

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

[FR Doc.73-6550 Filed 4-4-73;8:45 am]

THE JOHNS HOPKINS UNIVERSITY

Notice of Consolidated Decision on Applications for Duty-Free Entry of Digital Precision Density Meters

The following is a consolidated decision on applications for duty-free entry of digital precision density meters pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00029-01-19000. Applicant: The Johns Hopkins University, 34th and Charles Streets, Baltimore, Md. 21218. Article: Digital precision density meter. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used to measure the density of viscous proteins from muscle such as myosin, paramyosin, F-actin and their subunits in order to calculate

precise partial specific volumes. This information will provide added precision to the determination of molecular weights in the ultracentrifuge and is necessary for studying the size and shape of proteins of muscle. The article will also be used for monitoring the salt gradient of the preparative columns used for purifying myosin and other proteins from muscle. In addition the article is intended to be used for training in various techniques, including methods of enzyme purification, differentiation and gradient centrifugation and statistical analysis of data. Application received by Commissioner of Customs: July 13, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 15, 1973.

Docket No. 73-00058-33-19000. Applicant: Duke University Medical Center, Department of Biochemistry, Durham, N.C. 27710. Article: Digital precision density meter, DMA-02. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used to measure the densities of solutions containing proteins of biomedical importance, and from this information the effective density of the protein itself (partial specific volume) will be calculated. Application received by Commissioner of Customs: July 27, 1972. Advice submitted by Department of Health, Education, and Welfare on March 15, 1973.

Docket No. 73-00083-01-19000. Applicant: California University, 1438 South 10th Street, Richmond, Calif. 94804. Article: Digital precision density meter, model DMA-02C. Manufacturer: Anton Parr KG, Austria. Intended use of article: The article is intended to be used to determine precisely partial specific volume in making determination of molecular weight of biopolymers by sedimentation equilibrium. Application received by Commissioner of Customs: July 31, 1972. Advice submitted by Department of Health, Education, and Welfare on March 15, 1973.

Docket No. 73-00212-33-19000. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, Mass. 02118. Article: Precision density meter for liquids and gases, model No. DMA-02C-DMA 190. Manufacturer: Anton Paar, KG, Austria. Intended use of article: The article is intended to be used for rapid and accurate determination of liquids and gases. The materials to be investigated are biological lipids to be studied individually and in various combinations as suspensions or true solutions in water and in aqueous buffers. They comprise the phospholipids: phosphatidyl choline, phosphatidyl ethanolamine, phosphatidyl serine, phosphatidyl inositol, sphingomyelin and cardiolipin, etc., cholesterol, other sterols and cholesterol esters and waxes, bile salts, lysophosphatides, and certain gangliosides. Application received by Commissioner of Customs: October 19, 1972. Advice submitted by Department of Health, Education, and Welfare on March 15, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provide an accuracy of 1.5×10^{-9} grams per cubic centimeter (g/cm^3) in the zero to 0.05 g/cm^3 range as well as capabilities for use in a flow through mode and in determining opaque suspensions. The most closely comparable domestic instrument, the American Instrument Co. (AMINCO) model 300, does not provide the accuracy in the range described above, or the capabilities for use in a flow through mode and in determining opaque suspensions. The Department of Health, Education, and Welfare (HEW) in the respectively cited memoranda advised that one or more of the capabilities of the articles described above is (are) pertinent to the purposes for which the articles are intended to be used. We, therefore, find that the model 300 is not of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-6552 Filed 4-4-73;8:45 am]

TUFTS UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 25, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00414-33-46500. Applicant: Tufts University, 136 Harrison Avenue, Boston, Mass. 02111. Article: Ultramicrotome, model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for ultrathin sectioning of skin tissue during research on blister-forming diseases. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00171-33-08900. Applicant: University of Connecticut, Department of Biobehavioral Science, U-154, Storrs, Conn. 06268. Article: Magnetic diver apparatus. Manufacturer: Karolinska Institute, Sweden. Intended use of article: The equipment is intended to be used for biochemical experiments and assays on very small parts of animal tissues. In addition the equipment will be used for the recording of electrical signals from isolated brain preparations or from single cells from the central nervous system of animals. Application received by Commissioner of Customs: June 12, 1972.

Docket No. 73-00415-33-46070. Applicant: Wayne State University, Department of Dermatology, Research Medical Building, 550 East Canfield, Detroit, Mich. 48201. Article: Scanning electron microscope, model SSM-2. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for observation of human skin in normal and pathologic conditions. In addition the article will be used for teaching a course in electron microscopic techniques for residents and students in dermatology. Application received by Commissioner of Customs: March 6, 1973.

Docket No. 73-00416-98-34060. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Polarized positive ion source. Manufacturer: Auckland Nuclear Accessory Co. Ltd., New Zealand. Intended use of article: The article is intended to be used to provide polarized protons and deuterons for injection into the ANL Zero Gradient Synchroton (ZGS). Application received by Commission of Customs: March 12, 1973.

Docket No. 73-00417-33-90000. Applicant: Brandeis University Basic Medical Sciences, Research Center, Waltham, Mass. 02154. Article: X-ray diffraction generator, GX6. Manufacturer: Elliott Automation and Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for small-angle, high resolution X-ray diffraction experiments on membrane, muscle, and virus structure to obtain knowledge of the molecular structure and organization. Application received by Commissioner of Customs: March 12, 1973.

Docket No. 73-00418-33-11000. Applicant: Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park, Calif. 94025. Article: Gas chromatograph mass spectrometer, model LKB 9000. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article is intended to be used for research on health-related problems. The primary use of the article will include the following:

(1) Elucidation of structures of the active components of Phytolacca dodecandra;

(2) Biosynthesis of antibiotics, terpenes, and other microbial metabolites by the use of stable isotope-labeled precursors;

(3) Identification of metabolites of drugs administered to experimental animals and humans;

(4) Determination of the identity and purity of drugs from the pharmaceutical analysis program; and

(5) Structure determinations of natural products, particularly compounds of high molecular weight such as peptide and polysaccharide derivatives.

Application received by Commissioner of Customs: March 12, 1973.

Docket No. 73-00419-33-46595. Applicant: Environmental Protection Agency, National Environmental Research Center, Experimental Biology Laboratory Division, Room H-229 Technical Center, Research Triangle Park, N.C. 27711. Article: LKB pyramitome, model 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to trim sections of plastic embedded material (mainly mammalian tissues derived from primates) for experiments to be conducted on the normal and pathologic behavior of cells and tissues with regard to the transport and ingestion of macromolecules. In addition, variations in the behavior of cells and tissues under experimental pathologic conditions will be studied. Application received by Commissioner of Customs: March 12, 1973.

Docket No. 73-00507-01-07500. Applicant: Brooklyn College of the City of New York, Bedford Avenue and Avenue H., Brooklyn N.Y. 11210. Article: LKB 8700 precision calorimetery system. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to measure the heats of solution of reactants in reactions having a solvent effect on their enthalpies of activation during experimental measure of transition state structure. The article will also be used in the undergraduate and graduate research courses (§§ 83.1, 83.2, 810.1, 810.2, 810.3) to train students in advanced research techniques. Application received by Commissioner of Customs: January 23, 1973.

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

[FR Doc.73-6553 Filed 4-4-73;8:45 am]

TULANE MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00259-33-07700. Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Fundus camera. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to take photographs of the retina in humans both with and without the injection of fluorescein dye to demonstrate the blood flow in the retina. The article will be used for studying various disease conditions such as diabetes in the way they affect the vasculature of the eye. The photographs taken will be used to teach both residents and medical students in opthalmology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 15, 1973, that the fluorescence photographic capability and the basic design of the foreign article is pertinent to the applicant's studies of the effect of various disease on the vasculature of the eye and in teaching students in opthalmology. HEW further advises that it knows of no instrument or apparatus which is scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-6551 Filed 4-4-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TOPICAL FLUORIDE SOLUTIONS, PASTES, AND GELS PROMOTED OR SOLD FOR PROFESSIONAL USE

Safety and Efficacy Review; Request for Data and Information

On January 30, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2781) requesting data and information to support the claims for over-the-counter (OTC) drug products containing dentifrices and dental care agents except mouthwashes and oral antiseptics. The information was requested as part of the review currently being undertaken by the Food and Drug Administration of all OTC drug products currently marketed in the United States, to determine whether they are safe and effective and not misbranded for their labeled indications. Included in the list of products on which data were requested were topical fluoride solutions, pastes, and gels.

There are basically two types of fluoride products in this category which are currently marketed: those which are used as OTC dentifrices, and those which are used as prescription solutions, gels, pastes, and rinses by dentists. The January 30, 1973, notice was not intended to encompass these latter products, which include:

A. Solutions containing:
1. Sodium fluoride, 2 percent.
2. Acidulated phosphate-fluoride, 2 percent.
3. Stannous fluoride, 8 percent.

B. Gels containing acidulated phosphate-fluoride, 2 or 1.36 percent.

C. Pastes containing stannous fluoride, 65 grams plus 100 grams of pumice.

D. Rinses containing fluorides.

E. Other topical fluoride products or concentrations.

In a letter to known distributors of such prescription products, dated July 21, 1972, the FDA stated its awareness that many of these preparations are extensively marketed and that these products are regarded as new drugs for which safety and effectiveness for their intended uses has not been established pursuant to the new drug provisions of the Federal Food, Drug, and Cosmetic Act. Adequate data has not been submitted to substantiate the safety and effectiveness of all formulations currently marketed. The letter therefore stated that the FDA intended to undertake a review of these prescription drugs with the assistance of dental experts to determine their safety and effectiveness for their recommended conditions of use.

In order to expedite this review and to establish the appropriate conditions for marketing these prescription drugs, and to assure that they may be used safely and effectively and that they are not misbranded, the Commissioner of Food and Drugs invites the early submission of unpublished data and other information pertaining to the labeling and formulation of such preparations. The submission of published data is not required. To be considered, eight copies of the data must be submitted bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

1. Drug trade name and established name.
2. Instructions submitted to the user, label(s), and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).
3. A statement setting forth the complete formulation of the product.
4. Copies of unpublished data pertinent to a determination of the safety and effectiveness of the product.

Submissions should be conspicuously marked and forwarded to: Food and Drug Administration, Bureau of Drugs,

c/o Clarence C. Gilkes, D.D.S., Executive Secretary of the Dental Drug Products Advisory Committee (BD–160), 5600 Fishers Lane, Rockville, Md. 20852.

Submission of data must be on or before May 7, 1973.

The OTC drug review panel on dentifrices and dental care products will consider whether some or all of these Rx products should be available as OTC drugs, but it will not otherwise review these products.

Dated: March 28, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73–6479 Filed 4–4–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–73–148]

REVIEW AND EVALUATION OF DEPARTMENTAL PROGRAMS

Notice of Request for Comments and Information

Notice is hereby given that HUD is conducting a review and evaluation of departmental programs to determine:

(a) The current role of Government in housing and housing finance.

(b) What the role of Government should be in housing and housing finance.

(c) What changes in policy and programs are necessary to achieve the appropriate role of Government in housing and housing finance.

The Department is soliciting from all interested organizations and individuals any comments or information which they consider to be pertinent to the study. All such comments and information must be submitted in writing on or before May 1, 1973, and addressed to the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, Washington, D.C. 20410, Attention: Housing Policy Review Team, room 4102. All comments and information submitted will be subject to the provisions of the Freedom of Information Act (section 552 of Title 5, United States Code).

Dated: April 3, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73–6642 Filed 4–4–73;8:45 am]

[Docket No. N–73–147]

URBAN STUDIES FELLOWSHIP ADVISORY BOARD

Notice of Closed Meeting

Pursuant to the provisions of section 10(a) of Public Law 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Urban Studies Fellowship Advisory Board will be held commencing at 9 a.m. on Wednesday and Thursday, April 11 and 12, 1973, in room 7202, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410.

Purpose. The Urban Studies Fellowship Board was established on April 16, 1967, pursuant to section 802(a) of the Housing Act of 1964, as amended (20 U.S.C. 801). The purpose of the Board is to make recommendations to the Secretary of Housing and Urban Development with respect to persons to be selected for fellowships for the graduate training of professional city planning and urban and housing technicians and specialists. The Board also reviews program policy and recommends to the Secretary necessary policy revisions.

Agenda. At this scheduled meeting the Board will review applications and make recommendations for the selection of awardees. The meeting will be closed to the public pursuant to a determination made under the provisions of section 10(d) of Public Law 92–463.

However, members of the public are invited to submit material in writing to the chairman concerning matters felt to be deserving of the Board's attention. Such material should be addressed to: Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development, Washington, D.C., 20410.

C. W. GRAVES,
Deputy Assistant Secretary for Community Planning and Management.

[FR Doc.73–6628 Filed 4–4–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73–61 N]

GREAT LAKES PILOTAGE ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92–463, section 10(a), approved October 6, 1972, that the Great Lakes Pilotage Advisory Committee will conduct an open meeting on April 25, 1973, in conference room 2075, Federal Building, 1240 East Ninth Street, Cleveland, Ohio, beginning at 10 a.m.

Members of this Advisory Committee are:

(1) Capt. Ernest A. Clothier, President, American Pilots Association.
(2) Dr. Eric Schenker, Professor of Economics and Associate Director, Center for Great Lakes Studies.
(3) Mr. Richard L. Schultz, Executive Director of the Cleveland-Cuyahoga County Port Authority.

The summarized agenda for the April 25, 1973, meeting consists of:

(1) Committee administrative matters.
(2) Current pilotage operational matters.
(3) Great Lakes Pilotage Draft Staff Report.

The Great Lakes Pilotage Advisory Committee was established by the Great Lakes Pilotage Act of 1960 (Public Law 86–555) to provide advice and consultation with respect to proposed pilotage regulations and policies.

The public may file statements with the committee and oral statements may be presented before the committee provided advance approval has been obtained.

Further information may be obtained by writing Chief, Ports and Waterways Planning Staff, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20590, or by calling 202–426–2274.

Dated: March 29, 1973.

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

[FR Doc.73–6568 Filed 4–4–73;8:45 am]

Federal Aviation Administration

[OE Docket No. 73–SO–2]

SOUTHERN CAPITAL TV, INC.

Notice of Petition for and Grant of Review

On February 26, 1973, the Federal Aviation Administration, southern region, issued a Determination of No Hazard to Air Navigation under Aeronautical Study No. 72–SO–1627–OE. The determination concerns a proposal by Southern Capital TV, Inc., Tallahassee, Fla., to erect a television antenna tower near Tallahassee, Fla., at latitude 30°34'29" N., longitude 84°12'05" W. The overall height of the structure, including all appurtenances and lighting, would be 1,004 feet above ground level and 1,149 feet above mean sea level.

The Department of Transportation of the State of Florida has petitioned the Administrator of the Federal Aviation Administration for a discretionary review of the determination. The petition sets forth the following considerations as its basis for the review:

1. The proposed structure would exceed the standards for determining obstructions to air navigation as set forth in part 77, subpart C, of the Federal Aviation regulations, §§ 77.23(a)(1) and 77.23(a)(4) and its hazardous effect cannot be eliminated by the proposed procedural adjustments.

2. The proposed structure would require revision to minimum flight altitudes as they concern a segment of Federal Airway V198 and standard instrument approach procedures for Tallahassee Municipal Airport and Tallahassee Commercial Airport and that such adjustment will adversely affect instrument flight rules (IFR) traffic.

3. Visual flight rules (VFR) traffic would be seriously compromised for the reason that the proposed structure would be located in east/west and north/south VFR routes with high density traffic.

4. The establishment of antenna farm areas under Federal Aviation regulations, part 77, subpart F, has been forgotten.

Pursuant to the authority in § 77.37 (c), which has been delegated to me (30 FR 13023), the petition for discretionary review is hereby granted. The review

will be conducted on the basis of written materials pursuant to Federal Aviation Regulations, § 77.37(c)(1).

Interested persons may, on or before May 7, 1973, submit aeronautical information relevant to the question as to whether or not the proposed television antenna structure would have an adverse effect on the safe and efficient use of airspace by aircraft. Each submission must contain sufficient detail to establish a clear understanding of the reason for any claim. Submissions should be in triplicate and addressed to the Chief, Airspace Obstruction and Airports Branch, AAT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

Pending final disposition of the petition, the "Determination of No Hazard to Air Navigation" issued by the southern region under Aeronautical Study No. 72-SO-1627-OE is not and will not be final.

Issued in Washington, D.C., on March 27, 1973.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.73-6521 Filed 4-4-73;8:45 am]

ADVISORY COUNCIL FOR MINORITY ENTERPRISE

CAPITAL DEVELOPMENT COMMITTEE

Public Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), notice is hereby given that a public meeting of the Capital Development Committee of the Advisory Council for Minority Enterprise will be held Friday, April 13, in room 4833 of the Department of Commerce Building, 14th Street, and Constitution Avenue NW., Washington, D.C.

The meeting will convene at 10 a.m. and will be open to the public. Any member of the public who wishes to do so may file a written statement with the committee before or after the meeting. Such statements may be filed at suite 310, 1000 Vermont Avenue NW., telephone number 202-967-2841.

Interested persons may make oral statements at the meeting to the extent that the time available for the meeting permits.

The purpose of the meeting will be to consider recommendations of task forces established at the Capital Development Committee's December 5, 1972 meeting.

JOHN C. TOPPING, Jr.,
Staff Director and Legal Counsel.

[FR Doc.73-6629 Filed 4-4-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Special Prehearing Conference

In the matter of the Commonwealth Edison Co. (La Salle County Nuclear Power Station, Units 1 and 2).

Take notice, on March 20, 1973, in a special prehearing conference, the next conference was scheduled for April 16, 1973, in Washington, D.C. The Board subsequently recognized that it would not have adequate time to properly consider the intervenor's motion to compel and the applicant's response prior to that date; therefore, the special prehearing conference previously scheduled on April 16 is now rescheduled for 10 a.m., local time, on April 25, 1973, at the Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C. 20268.

The rescheduling of the prehearing date does not change the due dates of various documents the parties agreed to submit at the prehearing conference of March 20, 1973.

It is so ordered.

Issued at Washington, D.C., this 2d day of April 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-6571 Filed 4-4-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO. ET AL.

Notice of Evidentiary Hearing

Take notice, on September 30, 1972, the Commission published a notice of hearing in the FEDERAL REGISTER (37 FR 20584), for consideration of an operating license and a mandatory environmental hearing under appendix D of 10 CFR part 50, for the Duane Arnold Energy Center.

The evidentiary hearing on the environmental issues will be held at the East Room, the Roosevelt Hotel, 200 First Avenue SE., Cedar Rapids, Iowa, at 10 a.m., local time, on May 3, 1973.

The public is invited to attend the hearing. Limited appearances will be welcomed but each appearance must be limited to not more than 5 minutes.

It is so ordered.

Issued at Washington, D.C., this 30th day of March 1973.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-6488 Filed 4-4-73;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Evidentiary Hearing

In the matter of Northern Indiana Public Service Co. (proposed Bailly Generating Station Nuclear 1).

Take notice that further evidentiary hearings in this construction permit proceeding shall commence on April 30, 1973, at 10 a.m., local time, in Wellman's Restaurant, 559 West Street, or U.S. 30 West, Valparaiso, Ind. 46383. The evidentiary hearing schedule in this proceeding is as follows, and all sessions will be held at Wellman's Restaurant:

April 30-May 4, 1973; May 22-May 25, 1973; May 29-June 1, 1973; and June 5-June 8, 1973.

If further hearing sessions are found to be necessary, subsequent notice will be given setting out the date, time, and place for such sessions.

It is so ordered.

Issued at Washington, D.C., this 29th day of March 1973.

For the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.73-6503 Filed 4-4-73;8:45 am]

[Dockets Nos. 50-272 and 50-311]

PUBLIC SERVICE ELECTRIC & GAS CO.

Notice of Availability of Final Environmental Statement for the Salem Nuclear Generating Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's Regulations in appendix D to 10 CFR part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the continuation of the provisional construction permits and issuance of operating licenses for the operation of Salem Nuclear Generating Station, Units 1 and 2, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Salem Free Public Library, 112 West Broadway, Salem, N.J. 08079. The final environmental statement is also being made available at the division of State and regional planning, Department of Community Affairs, P.O. Box 1978, Trenton, N.J. 08625, and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Del. 19808.

The notice of availability of the draft environmental statement was published in the FEDERAL REGISTER on October 31, 1972 (37 FR 23198). The comments received from Federal, State and local officials and interested members of the public have been included as appendixes to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 30th day of March 1973.

For the Atomic Energy Commission.

R. W. FROELICH,
Acting Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.73-6519 Filed 4-4-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 73-3-133]

ASIATIC FORWARDERS, INC.

Order Extending Temporary Relief To Perform Household Goods Services for Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1973.

From time to time, at the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit unauthorized indirect air carriers to transport by air household goods of Department of Defense personnel.[1] The relief is to expire 180 days after the Board's decision in the "Household Goods Air Freight Forwarder Investigation," docket 20812, became final[2] or, as to each individual company, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first.[3]

Asiatic Forwarders, Inc. (Asiatic Forwarders) was one of the original group of carriers to obtain this relief.[4] A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority.[5]

By application filed December 31, 1968, Domestic Air Express (DAX), Asiatic Forwarders et al., requested approval, under section 408 of the Act, of control relationships resulting from DAX's proposed acquisition of Asiatic Forwarders and subsidiary companies.[6] DAX held only domestic air freight forwarder authority.[7] The applicants in the acquisition case stated that, if the acquisition were approved by the Board,[8] Asiatic Forwarders' application for domestic air freight forwarder authority would be withdrawn. Final consummation of the acquisition was subject to the condition that DOD would not withdraw its selection of Asiatic Forwarders to transport household goods for DOD personnel.

Subsequently, control relationships resulting from acquisition by DAX of Intra Mar Shipping Corp. (Intra Mar), holder of an international air freight forwarder authorization, were approved.[9] By letter dated May 16, 1969, counsel for Asiatic Forwarders requested withdrawal of its application for air freight forwarder authority.[10]

On March 17, 1972, Asiatic Forwarders filed a new application for air freight forwarder authority.[11] Following issuance of the Board's decision in the "Household Good's Case," Asiatic Forwarders was advised of the Board's policy against multiple authorizations[12] and that an authorization would not be granted as long as it continued to be an affiliate of DAX or until DAX and Intra Mar surrendered their authorizations. Asiatic Forwarders has advised that Intra Mar is willing to surrender its international authority, but DAX is in the process of reorganization under court jurisdiction in accordance with chapter XI of the Bankruptcy Act and its domestic authorization cannot be surrendered. Asiatic Forwarders alleges that it is DAX's best source of revenue and that Asiatic Forwarders' primary activity is transporting household goods for DOD personnel between Alaska and Hawaii or between either of those States and the mainland.[13]

Asiatic Forwarders is seeking authority to continue to transport household goods for DOD personnel. Since DAX is not in a position to divest itself of Asiatic Forwarders or surrender its domestic operating authorization, and the Board will not issue multiple authorizations to a group of forwarders interrelated through agency or interlocking relationships, Asiatic Forwarders suggested several alternative solutions. It proposes that the Board issue (1) a domestic exemption for military shipments, (2) authority limited to transportation of household goods as defined by Interstate Commerce Commission and correspondingly restrict DAX's authority, or (3) domestic authority limited to transportation between Alaska and Hawaii, and between either of these States on the one hand and the Mainland on the other, and correspondingly restrict DAX's authority.

The Board has carefully considered the situation faced by Asiatic Forwarders and its parent, DAX, and has concluded that action requiring precipitous termination of the relationship between DAX and Asiatic Forwarders, or termination of DAX's air freight forwarder operating authorization would not best serve the public interest. DAX apparently is now dependent to a large degree upon its subsidiary, Asiatic Forwarders, for financial assistance which may be critical to its ability to recover from bankruptcy. By the same token, the hopes for recoupment of debts owed by DAX, of which a substantial amount are payable to direct air carriers, rest upon DAX's rehabilitation.

On the other hand, the Board is not disposed to issue specialized air freight forwarder licenses restricted in scope as to geography or commodity.[14] While the tailoring of an operating authorization in the manner suggested by Asiatic Forwarders may serve the particular needs of it and its parent company, it would serve no overall regulatory purpose. On the contrary, it would fragmentize the operating authority and would not be conducive to the orderly administration of the Board's scheme for licensing air freight forwarders.

All circumstances considered, the Board has determined that the public interest will best be served by extending temporarily the relief under which Asiatic Forwarders is permitted to transport by air household goods of DOD personnel to afford an opportunity for DAX to rehabilitate itself to the satisfaction of the bankruptcy court and to permit DAX and Asiatic Forwarders to so order their affairs as to permit disposition of Asiatic Forwarders' application in a manner fully consistent with established Board policy against multiple authorizations. We will extend the relief for 2 years from the date of this order and defer processing Asiatic Forwarders' application for air freight forwarder authority to await further clarification of the continuing operations of Asiatic Forwarders and DAX. Our proposed extension of interim relief will also give the bankruptcy court the widest latitude in fashioning an appropriate solution to DAX's corporate difficulties.

No substantive harm should result from the relief granted herein. While it permits an overlap of operating authority, it is for a temporary period; and DAX's facilities are so limited as to preclude any extensive household goods operations.[15] On the other hand, our action will allow the continuation of important public benefits, including the provision of a valuable public service for personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Asiatic Forwarders, Inc., is hereby relieved from the provisions of title IV of the act to the extent

---

[1] From Mar. 9, 1965, until June 26, 1972, such temporary relief was granted to 40 household goods movers.

[2] Order on reconsideration issued Oct. 16, 1972, Order 72-10-59. Temporary relief to expire Apr. 16, 1973.

[3] Order 71-10-56 dated Oct. 13, 1971.

[4] Order E-21883, dated Mar. 9, 1965.

[5] Asiatic Forwarder had filed such application on Jan. 16, 1965. It was consolidated in the Household Goods Case, Docket 20812.

[6] Docket 20490.

[7] The authority is still in force.

[8] Approved by Order 69-2-117, dated Feb. 24, 1969.

[9] Order 69-6-173, dated June 30, 1969.

[10] Application for forwarder authority dismissed by Order 69-6-167, dated June 30, 1969.

[11] At about the same time, DAX, the parent, filed a petition for bankruptcy under chapter XI of the Federal Bankruptcy Act.

[12] The Board has not permitted a person, or a group of persons related by financial, interlocking or contractual relationships, to hold more than one domestic and one international air freight forwarder operating authorization. This policy is based on a concern of possible unfair competitive practices or the curtailment of fully competitive operations among interrelated companies. See orders E-22185, May 20, 1965, E-22496, Aug. 2, 1965, 72-7-33, July 10, 1972.

[13] Pursuant to Board regulations, this is considered interstate, or domestic transportation.

[14] Other than the geographic scope delineated by parts 296 and 297 of the Economic Regulations. Cf. Household Goods Air Freight Forwarder Investigation, decided July 10, 1972 (order 72-7-33).

[15] Moreover, it is understood that DAX is not now on the roster of forwarders authorized by DOD to perform household goods services for that Department.

necessary to transport by air used household goods [16] of personnel of DOD upon tender by that Department;

2. That the relief granted herein to Asiatic Forwarders shall terminate 2 years from the service date of this order; [17]

3. That, in the event DAX is discharged from bankruptcy or severs its control of Asiatic Forwarders during the term of the relief granted herein, Asiatic Forwarders shall report such discharge or severance within 30 days of such occurrence; and

4. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6580 Filed 4-4-73;8:45 am]

[Docket No. 24488; Order 73-3-132]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1973.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the act) and part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Traffic Conferences 3/1 and Traffic Conference 3 of the International Air Transport Association (IATA). The subject agreements, as designated by the above CAB agreement numbers, were adopted at London in March 1973.

The agreements would extend the present fares in the U.S.-North/Central and South Pacific markets and within the area comprised of Asia, Australia, and Australasia which are scheduled to expire on March 31, 1973, through April 30, 1973, in the case of the North/Central and South Pacific and through May 14, 1973, in the case of fares within Asia, at which time new fare structures are scheduled to become effective.

The Board finds that the continuation of the present fares in order to avoid a hiatus in IATA-agreed fares is appropriate, and the agreements will therefore be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the act, does not find that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the act.

Agreement CAB	IATA No.	Title	Application
23594:			
R-1	002 I	Standard Revalidation Resolution-South Pacific	3/1. (South Pacific).
R-2	056a I	South Pacific First-Class Fares (Revalidating and Amending).	3/1. (South Pacific).
R-3	066a I	South Pacific Economy-Class Fares (Revalidating and Amending).	3/1 (South Pacific).
R-4	070p I	South Pacific 23 Day Excursion Fares (Revalidating and Amending).	3/1. (South Pacific).
R-5	076s I	JT 3/1 South Pacific Group Fares (Revalidating and Amending).	3/1. (South Pacific).
R-6	084d I	JT 3/1 South Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1. (South Pacific).
23595:			
R-1	002 I	Standard Revalidation Resolution	3.
R-2	053 I	TC 3 First-Class Fares (Revalidating and Amending)	3.
R-3	063 I	TC 3 Economy-Class Fares (Revalidating and Amending).	3.
R-4	080e I	TC 3 Inclusive Tour Fares (Revalidating and Amending).	3.
23598:			
	002 (I)	Standard Revalidation Resolution-North and Central Pacific.	3/1. (North Central Pacific).

Accordingly, it is ordered, That:

Agreement CAB 23594, 23595, and 23598, as set forth above, be and hereby are approved: *Provided,* That approval is subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6579 Filed 4-4-73;8:45 am]

[Docket No. 23333; Order 73-3-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares, Cargo Rates, and Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1973.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association (IATA). The agreements were adopted for April 1, 1973, effectiveness at the Composite Currency Conference at London in March 1973, and have been assigned CAB agreement No. 23605.

In general, the agreements propose upward adjustments in dollar-specified fares for transportation from the Western Hemisphere to the area comprised of Asia/Australia/Australasia via the Pacific, as well as currency adjustments in certain passenger fares and cargo rates within Asia and cargo rates over the South Atlantic.[1] The agreement is a result of the devaluation of the U.S. dollar on February 12, 1973, and reflects adjustments intended to maintain an appropriate equilibrium among currencies whose relative values, one to another, have fluctuated in recent weeks and to avoid carrier revenue losses due to such fluctuations.

Insofar as the agreement applies directly in air transportation as defined by the act, Transpacific passenger fares for westbound-originating travel would be increased by 5 percent. Eastbound travel originating in certain countries in Asia whose currencies have declined in unit value would be subject to the same percentage increase.[2] Passenger fares and cargo rates from Guam and American Samoa to Far East points would also be increased 5 percent.[3] The new fares established pursuant to the agreement would be effective through April 30, 1973, in the case of fares over the Pacific, and May 14, in the case of fares within the Pacific area, when new fare agreements for each area are scheduled to become effective. The cargo rate increases would be effective through September 30, 1973, when the current worldwide cargo rate agreement expires.

Finally, the agreement proposes two new resolutions establishing special rules for currency adjustments pending further IATA conference action to establish new IATA exchange rates or otherwise adjust fares to prevent revenue losses from further currency fluctuations. Generally, the proposed rules, which will apply to the new fares/rates established by the subject agreement, are similar to the provisions of the currently applicable IATA Resolution 021f. When payment is not restricted solely to the local currency of the country of sale, the resolutions specify rules for currency conversion to the effect that the price paid will reflect the full extent of the currency realinements. These resolutions also include procedures for the adjustment of fares/rates in local (nonbasic) currencies when such local currency depreciates in relation to the U.S. dollar or the pound sterling by more than 2¼ percent from the parities exist-

[16] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personnel effects), displays and exhibits.

[17] Relief granted herein incorporates and supersedes the relief granted to Asiatic Forwarders by order 71-10-66.

[1] The South Atlantic cargo rate agreement is for effect Apr. 15, 1973.

[2] Bangladesh, Cambodia, Fiji, India, Indonesia, Korea, Laos, Nepal, Philippines, Thailand, and Vietnam.

[3] Nandi, Fiji to Pago Pago, American Samoa fares would also increase by 5 percent.

ing on February 28, 1973.[4] These currency exchange resolutions would be effective through October 31, 1973, in the case of passenger fares, and through September 30, 1973, in the case of cargo rates.

Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) have submitted statements in support of the proposed increases in Transpacific fares. The carriers maintain that the primary reason for the increases is to ensure that countries with appreciated currencies do not incur de facto fare reductions with an attendant economic penalty to their national carriers. Insofar as the currency realinements affect the U.S. carriers, they maintain that the costs of operating in the Far East have increased significantly due to the devaluation of the dollar in relation to local currencies, and that an increase in revenue is necessary to offset these increased costs.[5] The carriers assert that the increase in Transpacific revenue due to the 5-percent adjustment will, for the most part, do no more than meet the added costs of doing business. The carriers also point out that the 5-percent increase is well below the relative effective depreciation of the dollar, which varies by amounts ranging to over 17 percent in the case of the Japanese yen. Finally, the carriers claim that the increase is clearly justified in light of the fact that they are continuing to experience inadequate returns on Pacific operations.

As the U.S. dollar is the basic currency for the sale of air transportation across the Atlantic and Pacific, it seems clear that carriers operating those routes would suffer substantial injury in the absence of some increase in dollar-specified fares for the reasons put forth by the carriers. Those foreign air carriers, the bulk of whose expenses are incurred in relatively higher-valued foreign currencies, would also be affected, in a number of cases even more adversely than U.S. carriers. The precise impact in particular markets depends upon the exchange relationship between the dollar and the local national currency and a determination of revenues earned and expenses incurred in particular countries. When particular currencies float so also does the net impact on particular carriers.

We need not focus here on the argument that the fare increases are justified by the carriers' historical and current rate of return positions in the Pacific; increases to adjust for currency realinements should be specifically related to the impact of those currency adjustments. However, there is no way to adjust dollar rates and fares to match precisely the impact of devaluation on each carrier, and at the same time maintain the uniform fare structure among carriers which is a practical competitive necessity. It must, of course, be noted that the IATA currency adjustment stems from official actions and policies of this government, and others, with respect to currency exchange rates in foreign trade generally and that it does not in fact reflect the full 10-percent official devaluation of the dollar. As we have previously indicated, carriers should not be precluded from fare or rate adjustments to offset cost increases flowing from changes in exchange rates, provided the carrier is not in an excess-earnings position. The 5-percent upward adjustment agreed upon does not appear out of line with the expected impact of currency adjustments on the carriers as a group, and accordingly we will approve the agreements.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in agreement CAB 23605 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered:

Agreement CAB	IATA No.	Title	Application
23605:			
R-1	021L	Special rules for fares currency adjustments (New)	1;[6] 2; 3.
R-2	021LL	Special rules for currency adjustments (cargo rates) (New)	1;[6] 2; 3.

[6] Except for transportation wholly within TC1.

2. It is not found that the following resolutions incorporated in agreement CAB 23605 as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23605:			
R-3	022a	TC3 Special Rules for Sales of Cargo Air Transportation (New).	3.
R-4	022e I	TC3 Special Rules Relating to Sales of Passenger Air Transportation (New).	3.
R-5	022g I	JT31 Special Rules Relating to Sales of Passenger Air Transportation (New).	3.

3. It is not found that the following resolution, incorporated in agreement CAB 23605 as indicated, and which does not directly affect air transportation as defined by the act, is adverse to the public interest or in violation of the act:

Agreement CAB	IATA No.	Title	Application
23605:			
R-6	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (New).	3; (South Atlantic).

Accordingly, it is ordered, That:

1. Agreement CAB 23605, R-1 and R-2, be and hereby is approved, provided that:

With respect to resolutions 021L and 021LL, in the event that actions pursuant to said resolutions result in revision of a basic specified or constructed fare or rate, such new basic fare or rate shall be filed with the Board as an agreement under section 412 of the act and approved by the Board prior to being placed in effect; and

2. Agreement CAB 23605, R-3 through R-6, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6470 Filed 4-4-73;8:45 am]

[4] We will apply our usual condition to require that any such action which results in revision of a basic specified or constructed fare or rate, be filed with the Board as an agreement under section 412 of the act, and approved by the Board before being placed into effect.

[5] TWA has provided detailed preliminary estimates of increased costs amounting to approximately $0.6 million for 1973.

[Docket No. 24488; Order 73-3-116]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to South Atlantic Fares

Issued under delegated authority on March 28, 1973, an agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the act) and part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The agreement, which has been assigned the CAB agreement No. 23599, was adopted at meetings held in London in March 1973.

For the most part, the resolutions incorporated in the subject agreement relate to fares and provisions which either are not applicable or are not directly applicable in air transportation as defined by the act and, therefore, are of primary interest to other governments. The agreement would establish fare levels to apply over the South Atlantic between South America and Europe/Africa and Asia for a 1-year period generally effective May 1, 1973. Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions are adverse to the public interest or in violation of the act:

Agreement CAB	IATA No.	Title	Application
23599:			
R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-In).	1/2.
R-2	001h	do	1/2/3.
R-3	001d	Special Emergency Escape for South Atlantic Agreements (New).	1/2.
R-4	001v	Special Escape for JT12/123 Agreement (South Atlantic) (New).	1/2; 1/2/3.
R-8	022h	JT1/2 (South Atlantic) Special Rules Relating to Sales of Passenger Air Transportation (New).	1/2; 1/2/3.

2. It is not found that the following resolutions, which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23599:			
R-5	002	Standard Revalidation Resolution-South Atlantic	1/2.
R-6	002	do	1/2/3.
R-7	002s	do	1/2.
R-9	054c	South Atlantic Normal First Class Fares	1/2.
R-10	060	Economy Class Conditions of Service (Revalidating and Amending).	1/2; 1/2/3.
R-11	064c	South Atlantic Economy Class Fares	1/2.
R-12	070yy	South Atlantic 45 Day Economy Class Excursion Fares (New).	1/2.
R-13	071y	South Atlantic 45 Day Economy Class Excursion Fares (Revalidating and Amending).	1/2.

3. It is not found that the following resolutions affect air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
23599:			
R-14	076r	South Atlantic Affinity Group Fares (Revalidating and Amending).	1/2.
R-15	077e	South Atlantic Individual Fares for Ships' Crews (Revalidating and Amending).	1/2.
R-16	077e	do	1/2/3.
R-17	081k	South Atlantic 28 Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2; 1/2/3.

Accordingly, it is ordered, That:

1. Those portions of agreement CAB 23599 set forth in finding paragraphs 1 and 2 above be and hereby are approved; and

2. Jurisdiction is disclaimed with respect to portions of agreement CAB 23599 set forth in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions by April 9, 1973.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6471 Filed 4-4-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of International Commerce, Office of the Assistant Secretary for Domestic and International Business, Office of the Director.

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

[FR Doc.73-6557 Filed 4-4-73;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a 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 Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Resources and Trade Assistance, Domestic and International Business Administration, Office of the Director.

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

[FR Doc.73-6561 Filed 4-4-73;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary of Labor, Office of the Secretary of Labor.

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

[FR Doc.73-6559 Filed 4-4-73;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director of the Women's Bureau, Office of the Director.

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

[FR Doc.73-6560 Filed 4-4-73;8:59 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Regional Affairs, Office of the Under Secretary, Office of the Secretary.

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

[FR Doc.73-6562 Filed 4-4-73;8:45 am]

DEPARTMENT OF THE TREASURY

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 the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Director,

Office of Revenue Sharing, Office of Deputy Secretary.

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

[FR Doc.73-6565 Filed 4-4-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Revocation 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 revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Administrator.

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

[FR Doc.73-6558 Filed 4-4-73;8:45 am]

NATIONAL LABOR RELATIONS BOARD

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Labor Relations Board to fill by noncareer executive assignment in the excepted service the position of Chief Counsel to Board Member, Board Members' Offices.

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

[FR Doc.73-6563 Filed 4-4-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Grant of Authority To Make a 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 Legislative Liaison Officer, Office of the Director.

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

[FR Doc.73-6564 Filed 4-4-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BENTAZON

Notice of Establishment of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany, N.J. 07054, submitted a petition (PP 3G1309) requesting establishment of a temporary tolerance for residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-(4)3*H*-one 2,2-dioxide) in or on the raw agricultural commodity soybeans at 0.05 part per million.

It has been determined that the requested temporary tolerance is safe and will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name.

This temporary tolerance expires March 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: March 30, 1973.

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

[FR Doc.73-6574 Filed 4-4-73;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a report of condition as of the close of business March 28, 1973, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller form, Call No. 485,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve form 105—Call 207,[1] and shall send the same to the Federal Reserve Bank of the district wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition and one copy thereof on FDIC form 64—Call No. 103,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1972.[1] The original report of condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition and one copy thereof on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

JUSTIN T. WATSON,
Acting Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.73-6569 Filed 4-4-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY COORDINATING COMMITTEE

Notice of Meeting and Agenda

Agenda, for a meeting of the Coordinating Committee to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, D.C., on April 16, 1973, at 1:30 p.m. in room 2043.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Introductory remarks—Mr. Shearon Harris.
B. Progress statements by Technical Advisory Committee chairmen:

[1] Filed as part of original document.

TAC on Power Supply—Mr. M. F. Hebb, Jr.
TAC on Fuels—Mr. Paul Martinka
TAC on Finance—Mr. Gordon R. Corey
TAC on Research & Development—Dr. H. Guyford Stever
TAC on Conservation of Energy—Dr. Bruce Netschert
C. Discussion of report completion schedule.
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.73-6625 Filed 4-4-73;8:45 am]

NATIONAL POWER SURVEY, EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda, for a meeting of the Executive Advisory Committee to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, D.C., on April 17, 1973, 9:30 a.m., hearing room A.

1. Call to order and opening remarks by FPC Chairman John N. Nassikas.
2. Objectives and purposes of meeting.
A. Comments by EAC Chairman Shearon Harris.
B. Statements of key issues by chairmen of Technical Advisory Committees:
Power Supply—Mr. M. F. Hebb, Jr.
Fuels—Mr. Paul Martinka
Finance—Mr. Gordon R. Corey
Research & Development—Dr. H. Guyford Stever
Conservation of Energy—Dr. Bruce Netschert
C. Other business.
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.73-6624 Filed 4-4-73;8:45 am]

[Docket No. CI73-620]

KILROY PROPERTIES INC.

Notice of Application

MARCH 30, 1973.

Take notice that on March 16, 1973, Kilroy Properties Inc. (Applicant), 1908 First City National Bank Building, Houston, Tex. 77002, filed in docket No. CI73-620 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Lake Hatch Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 5, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 M ft^3 of gas per day at 45 cents per M ft^3 at 14.7 lb/in^2a, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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 filled 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.73-6626 Filed 4-4-73;8:45 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document regarding joint call for report of condition of insured banks, see FR Doc. 73-6569, Federal Deposit Insurance Corporation, supra.

CENTRAL MORTGAGE CO., INC.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 2(g)(3) of the Bank Holding Company Act (12 U.S.C. 1841 (g)(3)), by Central Mortgage Co., Inc., Springfield, Mo. (Central), a registered bank holding company, for a determination that Central will not in fact be capable of controlling Mr. Adrian Harmon to whom Central proposes to transfer shares of a subsidiary corporation to be formed, the assets of which will be comprised of the present farming assets of Central. Mr. Harmon is president and a director of Central and will be a director of the farming corporation to be formed.

Section 2(g)(3) of the act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 30, 1973. If a request for hearing is filed, such request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, April 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6593 Filed 4-4-73;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., 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 80 percent or more of the voting shares of the Citizens National Bank of Harrisonville, Harrisonville, Mo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant has 24 subsidiary banks with aggregate deposits of $1 billion, representing approximately 8 percent of total commercial bank deposits in Missouri, and is the third largest bank holding company and banking organization in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through February 28, 1973.) The acquisition of Bank ($12 million deposits) would increase applicant's share of the State's total deposits by 0.1 percent, increasing concentration in Missouri only slightly.

Bank, located 35 miles south of downtown Kansas City, is 78th in size of 124 banks in the Kansas City banking market (approximated by the Kansas City SMSA less the portion of Cass County south of Harrisonville). Applicant, through its lead bank, Commerce Bank of Kansas City, N.A. ($564.2 million deposits), and two other subsidiary banks, holds 15.4 percent of the commercial bank deposits in the Kansas City banking market and thereby ranks as the largest banking organization in the market. However, applicant is not dominant in the market; and the next two largest banking organizations each control approximately 11 percent of market deposits. Acquisition of Bank would increase applicant's share of the relevant market to 15.7 percent. This slight increase in concentration, which would result from acquisition of a bank on the fringe of the market, is not considered significant.

Applicant's closest subsidiary banking office is located 30 miles north of Bank. There is only a minimal amount of present competition between any of applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that any significant competition would develop between any of applicant's present subsidiaries and Bank in the future due to the distances separating the banking offices, Missouri's restrictive branching law, and the presence of numerous banking alternatives in the intervening areas. The area is not presently attractive for de novo entry since the population per banking organization in Cass County is approximately 3,600 as compared to the State average of approximately 7,800. The Board concludes that consummation of the proposal would not significantly eliminate existing or potential competition. To the extent that Bank under applicant's operation can increase its competitive effectiveness, other banks which obtain a portion of their deposits from Harrisonville may grow at a somewhat slower rate than otherwise might be expected. However, the Board concludes that consummation of the proposal would have no significant adverse effects on any of these banks.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are presently being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application.

In connection with this application, two protesting banks petitioned the Board to conduct a formal hearing on the application pursuant to the Board's rules of procedure (12 CFR 262.3(g)(2,3)) or to allow protestants to present views orally before the Board. On February 15, 1973, the Board denied protestants' requests on the basis that, since the Comptroller of the Currency did not recommend denial of the application, no formal hearing was required by the act. Further, it appeared to the Board that there were sufficient facts on the record for the Board to make an informed judgment on the issues and that an oral proceeding was unnecessary. However, protestants were afforded a 2-week period to submit additional material for the Board's consideration in connection with its decision on the application.

In addition to raising competitive contentions, the protesting banks contend that the acquisition of Bank by applicant would be in violation of the branch banking restrictions of the State of Missouri. The Board has repeatedly stated that a State's restrictive branch banking laws are not automatically applicable to bank holding company operations, and the Board has found in this case, based upon the facts of record, that Bank will not be operated in such a manner that it and any banking subsidiary of applicant could be characterized as being engaged in unitary operations. The Board, therefore, concludes that Bank will not constitute a branch office of any banking subsidiary of applicant.

It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6594 Filed 4-4-73;8:45 am]

COUNCIL GROVE BANCSHARES, INC.

Formation of Bank Holding Company

Council Grove Bancshares, Inc., Council Grove, Kans., 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 79 percent or more of the voting shares of Council Grove National Bank, Council Grove, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than April 15, 1973.

Board of Governors of the Federal Reserve System, March 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6540 Filed 4-4-73;8:45 am]

FIRST BANCORP., INC.

Order Granting Approval of Acquisition of Bank

First Bancorp., Inc., Corsicana, 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 the successor by merger to Citizens State Bank, Malakoff, Tex. (Bank). The successor bank to Bank has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as a proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, First National Bank of Corsicana, and received permission from the Board on March 13, 1973, to acquire all of the outstanding shares of Citizens National Bank in

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

Ennis. The aggregate deposits of $58.5 million of these two banks represent less than one-half of 1 percent of all deposits of commercial banks in Texas.[1] Acquisition of Bank (deposits of $4.9 million) would not significantly increase the concentration of banking resources in Texas.

Bank is the fourth largest of six banks in its market and has about 10½ percent of deposits there. There is little substantial existing competition between Applicant's banking subsidiaries and Bank, since they are located in different banking markets and also due to the fact that Applicant owns 24 percent of the voting shares of Bank. This latter factor militates against the probability of future substantial competition developing between Applicant and Bank. The Board concludes that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Applicant, its subsidiary banks, and Bank appear satisfactory, particularly in view of the fact that approval of this application will result in increased capital for Bank. These factors lend support for approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before 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,[2] effective March 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6595 Filed 4-4-73;8:45 am]

FIRST JERSEY NATIONAL CORP.

Proposed Acquisition of Atlantic City Loan Company

First Jersey National Corp., Jersey City, N.J., 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 the loans, accounts, and notes receivable, and fixed assets of Atlantic City Loan Co., Atlantic City, N.J. Notice of the application was published on October 27, 1972, in the Press and Sunday Press newspaper circulated in Atlantic City, N.J.

Applicant states that the proposed subsidiary would engage in the activities of making secured and unsecured loans under the Revised Statutes, title 17, chapter 10 of the Small Loan Laws of the State of New Jersey. Such activities have been specified by the Board in § 225.4(a) 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).

Interested persons may express their views on the question 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 26, 1973.

Board of Governors of the Federal Reserve System, March 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6596 Filed 4-4-73;8:45 am]

FIRST VALLEY CORP.

Proposed Acquisition of First Valley Life Insurance Co.

First Valley Corp., Bethlehem, Pa., 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 First Valley Life Insurance Co., Phoenix, Ariz., a proposed de novo corporation. Notice of the application was published on November 29, 1972, in four newspapers circulated in communities where applicant's offices are located.

Applicant states that the proposed subsidiary would engage in the underwriting, as reinsurer, of credit life and disability insurance directly related to extensions of credit by applicant's subsidiary bank, First Valley Bank, Bethlehem, Pa. Such activities have been specified by the Board in § 225.4(a) 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).

Interested persons may express their views on the question 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 Philadelphia.

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 25, 1973.

Board of Governors of the Federal Reserve System, March 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6541 Filed 4-4-73;8:45 am]

THE FORT WORTH NATIONAL CORP.

Order Approving Acquisition of Bank

The Fort Worth National Corp., Fort Worth, 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 Exchange Bank & Trust Co., Dallas, Tex.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls five banks[1] with aggregate deposits of about $673 million, representing 2.2 percent of the total deposits of commercial banks in the State. Applicant ranks as the sixth largest bank holding company and seventh largest banking organization in Texas and the largest in the Fort Worth banking market, where it controls approximately 29.7 percent of the total commercial bank deposits in that market. (All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Feb. 28, 1973.) In addition, applicant controls between

[1] All banking data are as of June 30, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane and Brimmer. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] Bank of Fort Worth, Riverside State Bank and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of applicant's fiduciary holdings in said banks and section 2(a)(5)(A) of the act.

24.4 percent and 24.9 percent of the voting shares of two other banks located in the Fort Worth market, holding aggregate deposits of $69.5 million. Applicant also owns 5 percent of the shares of First National Bank, Paducah, Tex. Upon consummation of the acquisition of Bank ($105.7 million in deposits), applicant's share of commercial bank deposits in the State would increase by only 0.4 percentage points and it would become the sixth largest banking organization in the State. Consummation of the proposal herein would constitute applicant's initial entry into the Dallas banking market.

Bank is located about 7 miles northwest of downtown Dallas, and as the sixth largest among 120 banking organizations serving the Dallas banking market, controls about 1.7 percent of total commercial bank deposits in that market. Applicant, headquartered in the adjacent Fort Worth market, has its closest subsidiary located approximately 37 miles southwest of Bank. It appears that no meaningful competition exists between any of applicant's subsidiary banks and Bank.

In view of applicant's intention to expand into major markets across the State, the existing ratio of persons per banking office and bank deposits per capita in the Dallas market, it would appear that conditions are attractive for entry de novo by applicant or through acquisition of a bank smaller than Bank. However, acquisition of Bank by applicant should have a beneficial effect on competition among commercial banks in the Dallas area as the proposed acquisition will permit Bank to draw needed financial, technical, and management resource strength from applicant. As a consequence, Bank's competitive posture in the Dallas market should be significantly improved. The area's five largest banking organizations control approximately 72 percent of total area deposits and the introduction of an external competitive force into this concentrated market is likely to increase the vigor of present competition.

There are few modest-sized banks in the Dallas market which are not already involved in bank holding company ownership. Approval of this application would eliminate Bank as a possible lead bank in a regional holding company. However, in view of Bank's limited financial and managerial resources, its potential as a lead bank is uncertain. Moreover, on the facts of record, including the distances involved and the Texas law prohibiting branch banking, consummation of the proposal herein is unlikely to foreclose any significant potential competition between Bank and any of applicant's subsidiary or satellite banks. The Board concludes, on the basis of the record before it, that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area and may, in fact, serve to stimulate competition in the Dallas banking market.

The financial and managerial resources and future prospects of applicant and its subsidiaries appear satisfactory. The financial condition and managerial resources of Bank have deteriorated in recent years; however, as a subsidiary of applicant, Bank's prospects for future growth and service as a meaningful competitor in the Dallas area would be significantly improved. The expected strengthening of Bank's financial position and management lend weight to approval of the application.

Although the banking needs of the residents of the Dallas area are adequately served by existing institutions, provision of applicant's broad range of services through Bank should provide a more convenient source for these sophisticated services to the increasing number of customers locating in Bank's immediate service area. Addition of these services should contribute positively to the convenience and needs of the communities served by Bank. These considerations are consistent with approval of this application.

Applicant owns directly three principal nonbanking subsidiaries acquired between June 30, 1968, and December 31, 1970. One of these, Foster Financial Corp., Fort Worth, Tex., engages in the mortgage banking business and is the second largest mortgage firm in Fort Worth in terms of its mortgage servicing portfolio.[2] It also operates one office in Dallas. Bank, with a mortgage portfolio of around $6 million, is not a significant competitor in the Dallas mortgage market, nor is Foster Financial. Thus, the two organizations would appear to have a negligible effect on competition for mortgage loans in the Dallas SMSA. Accordingly, it is the Board's conclusion that approval would not adversely affect mortgage banking competition in the Dallas area. Foster Financial Corp. and its subsidiary, Westcliff Co., are engaged in land development, which is not a permitted activity under § 225.4(a) of regulation Y. (See 1972 Federal Reserve Bulletin 429.) In approving this application, the Board has taken into consideration applicant's commitment to divest such activity within a 2-year period.

Applicant's banking and nonbanking activities remain subject to Board review, and the Board retains the authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interests.

On the basis of the record, the application is approved for the reasons summarized above. The transaction 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,[3] effective March 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6597 Filed 4-4-73;8:45 am]

[2] Applicant's other principal nonbanking interests include a savings and loan association which it is required to divest under an order of the U.S. Court of Appeals for the Fifth Circuit; and an insurance brokerage company which is also subject to 10 year "grandfather" privileges at this time.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

SARATOGA BANKSHARES

Formation of Bank Holding Company

Saratoga Bankshares, Saratoga, Wyo., 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 Saratoga State Bank, Saratoga, Wyo. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank, to be received not later than April 17, 1973.

Board of Governors of the Federal Reserve System, March 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6539 Filed 4-4-73;8:45 am]

THIRD NATIONAL CORP.

Proposed Acquisition of John W. Murphree Co.

Third National Corp., Nashville, Tenn., 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 the successor by merger to John W. Murphree Co., Nashville, Tenn. Notice of the application was published on January 25, 1973, in The Nashville Tennessean, a newspaper circulated in Nashville, Tenn.

Applicant states that the proposed subsidiary would engage in the activities of a mortgage company, including the making or acquiring for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for any person; and to act as agent or broker in the sale of mortgage redemption insurance, credit life, accident, and health insurance, and the sale of a homeowner's insurance policy with respect to a residence mortgaged to said company. Applicant states that these activities are among the activities that have been specified by the Board in

§ 225.4(a) 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).

John W. Murphree Co., has been engaged in real estate development activities, but applicant states that by the time the merger is consummated, John W. Murphree Co., will have liquidated all its interest in the real estate development activities.

Interested persons may express their views on the question 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 Atlanta.

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 24, 1973.

Board of Governors of the Federal Reserve System, March 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6537 Filed 4-4-73;8:45 am]

UNIVERSITY BANCSHARES CO.

Formation of Bank Holding Company

University Bancshares Co., Stillwater, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 100 percent of the voting shares of University Bank (formerly University National Bank), Stillwater, Okla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 26, 1973.

Board of Governors of the Federal Reserve System, March 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc. 73-6598 Filed 4-4-73;8:45 am]

WINTERS NATIONAL CORP.

Formation of Bank Holding Company

Winters National Corp., Dayton, Ohio, 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 acquistion of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Winters National Bank & Trust Co. of Dayton, Dayton, Ohio. 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 Cleveland. 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 17, 1973.

Board of Governors of the Federal Reserve System, March 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6538 Filed 4-4-73;8:45 am]

WORCESTER BANCORP. INC.

Proposed Acquisition of Empire Group, Inc.

Worcester Bancorp. Inc., Worcester, Mass., 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 all of the voting shares of the below-listed companies through the acquisition of Empire Group, Inc., Natick, Mass., as follows:

1. Empire Mortgage Corp. of Massachusetts, Natick, Mass.;
2. Empire Mortgage Corp. of Connecticut, Hartford, Conn.;
3. Empire Finance Corp. of Rhode Island, Providence, R.I.;
4. Empire Mortgage Corp. of New Hampshire, Concord, N.H.

Notice of the application was published in newspapers of general circulation as follows:

1. February 15, 1973, The Boston Globe, Boston, Mass.;
2. February 15, 1973, The Providence Journal, Providence, R.I.
3. February 15, 1973, The Natick Bulletin, Natick, Mass.;
4. February 15, 1973, Worcester Telegram and Gazette, Worcester, Mass.;
5. February 15, 1973, The Concord Monitor, Concord, N.H.;
6. February 15, 1973, The Hartford Courant, Hartford, Conn.

Applicant states that the proposed subsidiaries would engage in making second mortgage loans on residential real estate. Applicant states that the activities to be engaged in have been specified by the Board in § 225.4(a) 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 has applied separately under section 4(c)(13) of the Bank Holding Company Act to acquire a Canadian company that engages in making second mortgage loans on residential real estate and is not engaged in activities within the United States.

Interested persons may express their views on the question whether consummation of the proposals 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 these questions 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 applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

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 25, 1973.

Board of Governors of the Federal Reserve System, March 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6599 Filed 4-4-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Notice of Closed Meeting; Correction of Previous Notice

MARCH 30, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Public Programs Panel will take place in Washington, D.C., on April 16, 1973, not April 13 as stated in the previous notice, dated March 26, 1973 (published on Mar. 30, 1972, 38 FR 8316).

The purpose of this meeting is to review museum program proposals that have been submitted to the endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-6490 Filed 4-4-73;8:45 am]

RESEARCH GRANTS PANEL

Notice of Closed Meeting

MARCH 30, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Research Grants Panel will take place in Washington, D.C., on April 16-17, 1973.

The purpose of this meeting is to review research grant proposals that have been submitted to the endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-6489 Filed 4-4-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ELECTRICAL SCIENCES AND ANALYSIS

Agenda and Notice for Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Advisory Panel for Electrical Sciences and Analysis will be held at 9 a.m. on April 17, 1973, and at 9 a.m. on April 20, 1973, in room 338, 1800 G Street NW., Washington, D.C. 20550. The purpose of this panel is to provide advice and recommendations concerning support for research in electrical sciences and analysis.

The agenda for this meeting shall include:

APRIL 17 SESSION

A.M.

9:00--- Welcome—Section Head, Electrical Sciences and Analysis Section.
9:05--- Introductory remarks—Panel Chairman.
9:15--- Discussion of Research Opportunities in Advanced Automation Technology—Panel Chairman.
10:00--- Discussion of Pattern Analysis and Processing—Panel Chairman; recess of full panel for reassembly into working groups to furthur discuss topic (specific room numbers to be announced).
12:00--- Break for lunch.

P.M.

1:00--- Assembly of full panel (room 338)—presentations of working groups' conclusions on pattern analysis and processing.
2:00--- Discussion of high impact research opportunities and applications—Panel Chairman.
3:30--- Discussion of mechanisms for promoting interaction of university and industry research in advanced automation/pattern analysis and processing—Panel Chairman.
4:30--- Closing summary—Panel Chairman.

APRIL 20 SESSION

A.M.

9:00--- Welcome—Section Head, Electrical Sciences and Analysis Section.
9:05--- Introductory remarks—Panel Chairman.
9:15--- Discussion of research opportunities in biomedical engineering—Panel Chairman.
10:00--- Discussion of research opportunities in the area of noninvasive biomedical techniques—Panel Chairman.
11:00--- Recess of full panel for reassembly into working groups to discuss high impact biomedical research opportunities (specific room numbers to be announced).
12:00--- Break for lunch.

P.M.

1:00--- Assembly of full panel (room 338)—presentations of working groups' conclusions on high impact biomedical research opportunities.
2:30--- Discussion of large-scale biomedical screening research opportunities.
3:30--- Discussion of mechanism for promoting interaction of university, industry and medical research in biomedical engineering—Panel Chairman.
4:30--- Closing summary—Panel Chairman.

The meeting shall be open to the public. Individuals who may want to attend should notify the Electrical Sciences and Analysis Section by phone (202—632-5881) or by mail (room 342, 1800 G Street NW., Washington, D.C. 20550), not later than close of business on April 16, 1973.

For further information concerning this panel, contact Dr. Mohammed S. Ghausi, Section Head, Electrical Sciences and Analysis Section, Division of Engineering, room 342, 1800 G Street NW., Washington, D.C. 20550. Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 26, 1973.

[FR Doc.73-6588 Filed 4-4-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

TENNESSEE

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Tennessee, dated March 23, 1973, and published March 29, 1973 (38 FR 8194), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 21, 1973:

THE COUNTIES OF

Anderson.	Lawrence.
Bedford.	Lincoln.
Bledsoe.	Loudon.
Blount.	McMinn.
Carter.	Marshall.
Claiborne.	Meigs.
Cocke.	Moore.
Franklin.	Roane.
Giles.	Rutherford.
Grainger.	Sequatchie.
Greene.	Sevier.
Hamblen.	Sullivan.
Hancock.	Unicoi.
Hardin.	Union.
Hawkins.	Van Buren.
Hickman.	Warren.
Jefferson.	Washington.
Johnson.	Wayne.
Knox.	White.

Dated: March 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-6543 Filed 4-4-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5322]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Intrasystem Financing

MARCH 29, 1973.

Notice is hereby given that the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807 (Columbia), a registered holding company, and its above-named wholly owned subsidiary companies (hereinafter referred to as "Columbia of West Virginia", "Columbia of Kentucky", "Columbia of Virginia", "Columbia of Ohio", "Ohio Valley", "Columbia of Pennsylvania", "Columbia Transmission", "Columbia of New York", "Columbia of Maryland", "Hydrocarbon", "Columbia LNG", "Coal Gasification", and "Development Canada") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The subsidiary companies propose to issue and sell, and Columbia proposes to acquire, prior to April 1, 1974, (a) unsecured installment notes not in excess of the respective amounts set forth below and, (b) common stock, at the par value, in the respective amounts set forth below. Columbia also proposes to advance on open account to certain of the subsidiary companies, from time to time during 1973, up to the respective amounts set forth below:

	Advances	Common stock	Installment notes
Columbia of West Virginia	$4,000,000	$4,150,000	
Columbia of Kentucky	2,400,000		$675,000
Columbia of Virginia	600,000		500,000
Columbia LNG		9,300,000	22,950,000
Development Canada		15,000,000	
Hydrocarbon			1,500,000
Columbia Transmission	46,100,000	25,000,000	32,800,000
Columbia of Ohio	26,000,000		
Ohio Valley	1,100,000		
Columbia of Pennsylvania	4,000,000		4,500,000
Columbia of New York	500,000		
Columbia of Maryland	300,000		100,000
Coal Gasification		4,000,000	
Total	85,000,000	57,450,000	63,025,000

The $4,150,000 equity contribution to Columbia of West Virginia, includes 88,000 shares of common stock, $25 par value, in the aggregate of $2,200,000 to finance net cash required for construction, and a cash capital contribution in the aggregate amount of $1,950,000 to offset Columbia of West Virginia's anticipated net loss from operations. Regarding Columbia of West Virginia, Columbia also proposes, in addition to the advance and the common stock investment shown in the preceding table, and the cash capital contribution of $1,950,000, (1) to forgive interest coming due and payable through March 31, 1974, in an amount of up to $1,850,000, on all of that subsidiary's indebtedness to Columbia; and (2) to defer payment of installment debt maturities due from that subsidiary until the year following the last installment nominally due under each issue of said installment debt. The filing indicates that the present proposals for financing Columbia of West Virginia, through March 31, 1974, reflect the fact that Columbia of West Virginia, incurred a sizable net loss in the years 1971 and 1972, that a further loss is estimated for 1973, and that until extraordinary cost increases can be recouped through rate increases or otherwise, it is anticipated that Columbia of West Virginia, will continue to have sizable operating deficits.

The subsidiary companies will use the proceeds from the issue and sale of their notes and common stock along with internally generated funds to finance their respective construction programs, which, in the aggregate, are estimated for 1973 to require net capital expenditures of $230,744,000. The proceeds of the open account advances will be used by the subsidiary companies to finance the purchase of winter service gas, current inventories, and other short-term seasonal purposes.

The installment notes will be acquired no later than March 31, 1974, will be dated when issued, will, except in the case of Columbia LNG, be payable in 25 equal annual installments on March 31, of each of the years 1975–1999, inclusive, and may be prepaid at any time, in whole or in part, without premium. The installment notes issued by Columbia LNG for financing the Green Springs, Ohio, reformed gas facility, in the amount of $14,260,000, will be due in 10 equal annual installments on April 1st of each of the years 1975 to 1984, inclusive. Columbia LNG installment notes for the Cove Point, Md., storage and regasification facility, in the amount of $8,690,000, will be due in 20 equal annual installments on October 1st of each of the years 1977 to 1996, inclusive. Interest on all of the notes will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures prior to the issuance of said notes, decreased by an amount necessary in order that the interest rate be a multiple one-tenth of 1 percent.

The proposed open account advances will be made by Columbia from time to time during 1973 and will be paid by the subsidiary companies in three equal installments on February 28, March 29, and April 30, 1974. The open account advances will initially bear interest at the prime commercial bank rate in effect from time to time at Morgan Guaranty Trust Company of New York. The interest charges will be adjusted, after the storage financing period, to the effective interest cost Columbia achieves on its short-term borrowing for this purpose.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $5,700, including legal fee of $600.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: The Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, Commonwealth of Virginia State Corporation Commission, and the Kentucky Public Service Commission. It is also stated that the orders of said commissions will be filed with this Commission by amendment. No other State commission and no Federal commission, other than this Commission, is stated to have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6436 Filed 4-4-73;8:45 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 30, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 31, 1973, through April 9, 1973.

By the Commission:

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6509 Filed 4-4-73;8:45 am]

[File 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

MARCH 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being

traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 30, 1973, through April 8, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-6511 Filed 4-4-73;8:45 am]

[812-3352]

FUND MANAGEMENT CORP.

Notice of Filing of Application

MARCH 30, 1973.

Notice is hereby given that Fund Management Corp. (Applicant), 1900 Avenue of the Stars, Suite 2400, Los Angeles, Calif. 90067, investment adviser to New America Fund, Inc. (Fund), a closed-end, diversified, management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the requirement of section 15(a) of the Act prohibiting a person from serving as investment adviser to an investment company registered under the Act pursuant to a written contract not approved by a majority vote (as defined in the Act) of the outstanding voting securities of the investment company. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant acts as investment adviser to the Fund pursuant to an investment advisory and management contract (the Advisory Contract) which was approved for additional 1-year periods in November 1971, and November 1972 (subject in the latter case to any earlier submission of a new or amended advisory contract to the Fund's stockholders), by the directors of the Fund in person at a meeting called for the purpose of voting on such approval, including a majority of such directors not parties to the Advisory Contract or interested persons (as defined in the Act) of any such party. At all times relevant to the Application, in excess of 95 percent of the outstanding stock of Applicant was and remains owned by Calcap Financial Corp. (CFC). On October 15, 1971, the date of the Fund's proxy statement relating to its annual meeting of stockholders subsequently held on December 16, 1971, there were 423,700 shares of CFC common stock outstanding and the only persons owning in excess of 5 percent of such shares were Donald I. Reifler, 166,100 shares (39.20 percent); G. Merrill Bothamley, 166,100 shares (39.20 percent); and Gerald L. Salzman, 44,300 shares (10.46 percent). Messrs. Bothamley and Salzman were at October 15, 1971, and presently are, officers and/or directors of the Fund, Applicant, and CFC. Mr. Reifler was also an officer and/or director of the Fund, Applicant, and CFC until December 18, 1972, at which time he resigned from all positions with such corporations and any affiliated corporations.

Described below are material transactions in the common stock of CFC which have occurred subsequent to October 15, 1971. All information concerning CFC common stock reflects a 1,000-for-1 stock split effected in April 1972.

(1) In January 1972, CFC acquired a business and in connection therewith issued 42,497 shares of CFC common stock, 26,102 of which shares were received by Robert S. Jepson, Jr., presently an officer and director of CFC and other subsidiaries of CFC and a director of Applicant.

(2) In August 1972, Mr. Jepson acquired 73,322 shares of common stock form CFC for an aggregate consideration of $58,156 evidenced by a promissory note.

(3) Applicant is advised that in approximately August 1972, a final divorce decree was entered ordering, among other things, Mr. Reifler to transfer 50 percent of his CFC shares (83,050 shares) to his former wife.

(4) On December 1, 1972, CFC sold 166,100 shares of common stock to Michael Coen for $220,000.

(5) On December 18, 1972, Mr. Jepson acquired 83,050 shares of CFC common stock from Mr. Reifler for $30,000. On that same date Mr. Reifler transferred his remaining 83,050 shares to his former wife.

(6) On December 18, 1972, Mr. Jepson sold 8,207 shares of CFC common stock to each of Mr. Salzman and Ben Murillo, Jr., in each case for $1,642 cash. At that time Mr. Murillo was an officer of the Fund, Applicant, and CFC. Subsequent thereto Mr. Murillo resigned as an officer of the Fund and Applicant.

The outstanding common stock of CFC is presently owned as follows:

Name	Number of shares	Percent
G. Merrill Bothamley	166,100	25.04
Robert S. Jepson, Jr.	166,100	25.04
Michael Coen	166,100	25.04
Lisette L. Reifler	83,050	12.52
Gerald L. Salzman	52,507	7.91
Ben Murillo, Jr.	8,207	1.24
Maxwell Gluck	5,000	.75
Former CCM Shareholders	16,355	2.46
Total	663,419	100.00

In addition, pursuant to an agreement entered into in November 1972, CFC granted to Mr. Murillo in January 1973, an option to purchase 64,848 shares of common stock for $46,259, which option is exercisable at any time until May 31, 1973. Although no negotiations have been entered into to date, it is considered likely that CFC and/or existing shareholders of CFC may purchase the 83,050 shares of CFC received by Lisette Reifler on December 18, 1972.

Applicant requests an exemptive order pursuant to section 6(c) of the Act to the effect that if the transactions in the securities of CFC subsequent to October 15, 1971, or any of them, may be deemed to constitute an assignment of the Advisory Contract within the meaning of section 2(a)(4) of the Act, Applicant may continue to serve as investment adviser to the Fund pursuant to the Advisory Contract notwithstanding that such Advisory Contract following such assignment would not have been approved by the vote of a majority (as defined in the Act) of the outstanding voting securities of the Fund, subject to the conditions that (i) Applicant use its best efforts to cause the Fund to hold its annual meeting of stockholders as soon as practicable (preliminary proxy materials pertaining to such meeting having been filed with the Commission on January 18, 1973), at which meeting stockholder approval of a new investment advisory contract between the Fund and Applicant will be requested; (ii) from December 18, 1972, to and through the close of business on the date of said annual meeting of stockholders of the Fund, Applicant fulfill its obligations to the Fund under the Advisory Contract at the lower of (a) Applicant's cost to fulfill such obligations (which shall be deemed to include its obligation to bear certain expenses of the Fund as set forth in the Advisory Contract) or (b) the fee payable to Applicant by the Fund (1 percent of the average annual net assets, payable quarterly); and (iii) the right of FMC to retain the amount received by it from the Fund in accordance with and during the period referred to in the preceding condition (ii) shall be subject to stockholder ratification of such retention by FMC at the forthcoming annual meeting of Fund stockholders and if the retention of such amount by FMC is not ratified by the vote of a majority (as defined in the Act) of the outstanding voting securities of the Fund, FMC shall immediately pay such amount to the Fund. Because Applicant's costs to perform its obligations under the Advisory Contract exceed the fee paid Applicant thereunder, satisfaction of condition (ii) above by Applicant has not and will not result in any greater or lesser cost to the Fund through the date of said annual meeting.

Applicant states that it does not concede that an assignment of the advisory contract has necessarily occurred. However, because of uncertainties with respect to the scope of the definition of assignment in section 2(a)(4) of the act, applicant believes the issuance of the requested exemptive order would be consistent with the public interest and the protection of investors by enabling applicant to continue to fulfill its obligations to the fund under the advisory contract, as desired by the fund, without any additional cost to the stockholders of the fund.

Section 6(c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the act if and to the extent

that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than April 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service, by affidavit (or, in the case of an attorney at law, by certificate), shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the Application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6504 Filed 4-4-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Amending Order Suspending Trading

FEBRUARY 23, 1973.

The Commission having determined to amend its order of February 23, 1973, summarily suspending trading in the securities of Logos Development Corp., for the period February 24, 1973, through March 4, 1973;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 24, 1973, through March 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6506 Filed 4-4-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Amending Order Suspending Trading

MARCH 2, 1973.

The Commission having determined to amend its order of March 2, 1973, summarily suspending trading in the securities of Logos Development Corp., for the period March 5, 1973, through March 14, 1973;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $0.01 par value and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6, 1973, through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6507 Filed 4-4-73;8:45 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 30, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 1, 1973, through April 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6508 Filed 4-4-73;8:45 am]

[File 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

MARCH 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 30, 1973, through April 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6505 Filed 4-4-73;8:45 am]

[File 500-1]

TRANSBANC DEPOSITORY RECEIPT AND FUNDING CORP.

Order Suspending Trading

MARCH 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Transbanc Depository Receipt and Funding Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m., e.s.t., on March 28, 1973, through April 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6510 Filed 4-4-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 967]

ALABAMA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe flooding and tornadoes which began on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Morgan, and Winston Counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 1401 Peachtree NE., Atlanta, Ga. 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1973.

Dated: March 29, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6516 Filed 4-4-73;8:45 am]

[Notice of Disaster Loan Area 966]

MISSISSIPPI

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a

major disaster area following heavy rains and flooding which began on or about March 14, 1973, applications for disaster relief loans will be accepted from flood victims in Alcorn, Bolivar, Clay, Grenada, Humphreys, Itawamba, Lauderdale, Lee, Lowndes, Leflore, Monroe, Sunflower, Tallahatchie, Tippah, Union, Warren, Washington, and Yazoo Counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 1401 Peachtree NE., Atlanta, Ga. 30309.

And at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1973.

Dated: March 29, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6517 Filed 4-4-73;8:45 am]

MAXIMUM INTEREST RATES

Charge on Guaranteed Loans

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on or after April 1, 1973, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate; 9¼ percent per annum. On immediate participation loans approved on or after April 1, 1973, the maximum interest rate shall be 8¼ percent per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in section 120.3(b)(2)(vi) of part 120 (36 FR 21332).

Effective date: April 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6545 Filed 4-4-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

BERNIE SHOE CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 29, 1972, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-162) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers of Bernie Shoe Co., Haverhill, Mass. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with the footwear for women produced by the Bernie Shoe Co., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause unemployment or underemployment of a significant number or proportion of the workers of such firm, or an appropriate subdivision thereof. The President subsequently 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.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economics Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (*Notice of Delegation of Authority* and *Notice of Investigation*, 34 FR 18342; 37 FR 2472; 38 FR 5703; 29 CFR part 90). In the recommendation she noted that concession-generated imports like or directly competitive with women's footwear produced by Bernie Shoe Co. increased substantially. In response, the firm made attempts to remain competitive through modernization of equipment, speeding up delivery and providing better service but was not completely successful in maintaining an advantage over foreign competitors. As a result, production, employment, and hours worked declined. Reductions in employment levels and underemployment directly related to increased import competition began in October 1968 and have persisted to date. After due consideration I make the following certification:

All hourly and piecework workers of Bernie Shoe Company, Haverhill, Mass., who became or will become unemployed or underemployed after October 5, 1968 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 30th day of March 1973.

JOEL SEGALL,
Deputy Under Secretary for International Affairs.

[FR Doc.73-6585 Filed 4-4-73;8:45 am]

DOVER SHOE MANUFACTURING CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 2, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-171) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for a determination of eligibility to apply for adjustment assistance submitted on behalf of workers employed at Dover Shoe Manufacturing Co., Somersworth, N.H. In this report the Commission found that articles like or directly competitive with footwear for women manufactured by Dover Shoe Manufacturing Co. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause or threaten to cause serious injury to the firm and unemployment or underemployment of a significant number or proportion of the workers of such firm.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 3734; 29 CFR part 90). In the recommendation she noted that concession-generated imports like or directly competitive with women's footwear produced by Dover Shoe increased substantially. Despite style changes and improved facilities and technology to increase production efficiency, company sales to major accounts continued to decline, in major part because of import competition. As a result production was reduced, as were employment and hours worked. Unemployment and underemployment resulting in major part from increased import competition began in March 1971. After due consideration I make the following certification:

"All piecework, hourly, and salaried workers of Dover Shoe Manufacturing Co., Somersworth, N.H., who became or will become unemployed or underemployed after March 26, 1971, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962."

Signed at Washington, D.C., this 30th day of March 1973.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.73-6586 Filed 4-4-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 2, 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 § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15

days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42655—*Single empty freight trailers, from, to, and between points in southwestern and southern territories.*—Filed by Southwestern Freight Bureau, agent (No. B-399), for interested rail carriers. Rates on single empty freight trailers, new or used, consisting of van, tank, flatbed, dump, or platform trailers, as described in the application, between points in southwestern territory, also Natchez, Miss., and Memphis, Tenn., also between points in southwestern territory, also Natchez, Miss., and Memphis, Tenn., on the one hand, and points in Colorado, Illinois, Kansas, Missouri, and Nebraska on the other.

Grounds for relief—rate relationship, short-line distance formula and grouping.

Tariffs—Supplement 17 to Southwestern Freight Bureau, agent, tariff ICC 5031, and five other schedules named in the application. Rates are published to become effective on April 30, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6583 Filed 4-4-73;8:45 am]

[Notice No. 246]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 25, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73878. By order of March 13, 1973, the Motor Carrier Board on reconsideration approved the transfer to David W. Burkholder, doing business as David Burkholder, R.F.D. 4, Platteville, Wis. 53818, of the operating rights in certificates Nos. MC-24857 and MC-24857 (sub-No. 3) issued June 12, 1941, and December 26, 1947, respectively, to Arthur D. Burkholder, 165 Virgin Avenue, Platteville, Wis. 53818, authorizing the transportation of poultry supplies, agricultural machinery, livestock and grain, and ungraded and unwashed wool, to and from, or between, defined points in Minnesota, Illinois, Indiana, and Wisconsin.

No. MC-FC-74173. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Arcticare Transport, Inc., Shrewsbury, Mass., of those portions of the operating rights in certificates Nos. MC-60186, MC-60186 (sub-No. 25), MC-60186 (sub-No. 26), MC-60186 (sub-No. 37), MC-60186 (sub-No. 43) issued April 20, 1970 (revised December 13, 1971), October 14, 1966, April 30, 1968, April 15, 1969, and December 22, 1972, respectively, to Nelson Freightways, Inc., Rockville, Conn., and a portion of the operating rights in certificate No. MC-36889 issued November 4, 1971, to C. Rickard & Sons, Inc., acquired by Nelson Freightways, Inc., in No. MC-F-10996, authorizing the transportation of frozen foods, frozen foodstuffs, dairy products as described in appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209, imitation liquid milk and cream, and chocolate candies, in vehicles equipped with mechanical refrigeration, (1) over regular routes, between New York, N.Y., and Philadelphia, Pa., between Jersey City, N.J., and New York, N.Y., between Atlantic City, N.J., and Camden, N.J., between Newark, N.J., and Morristown, N.J., between Camden, N.J., and Freehold, N.J., between Camden, N.J., and Millville, N.J., between Camden, N.J., and Philadelphia, Pa., between Philadelphia, Pa., and Concordville, Pa., betwen Philadelphia, Pa., and Bucktown, Pa., between Philadelphia, Pa., and Montgomeryville, Pa., between Bridgeport, N.J., and Washington, D.C., between Chester, Pa., and Washington, D.C., between New Haven, Conn., and Greenfield, Mass., between Hartford, Conn., and Willimantic, Conn., between Thomaston, Conn., and Providence, R.I., between Winsted, Conn., and Providence, R.I., between Barre, Mass., and Newport, R.I., between Boston, Mass., and Westerly, R.I., between Providence, R.I., and Westerly, R.I., between Boston, Mass., and Pittsfield, Mass., between Newark, N.J., and Holyoke, Mass., between New Haven, Conn., and Holyoke, Mass., between Waterbury, Conn., and New London, Conn., between Lowell, Mass., and Boston, Mass., between Waterbury, Conn., and Albany, Valatie, and Rhinebeck, N.Y., between Waterbury, Conn., and Peekskill and Poughkeepsie, N.Y., between Schenectady, N.Y., and New Haven, Conn., between Schenectady, N.Y., and Chicopee, Mass., between Hartford, Conn., and Meriden, Conn., and between numerous other points in the States named, serving intermediate and off-route points as particularly described in said certificates, and

(2) Over irregular routes, between points on the involved regular routes in New York and Massachusetts, other than those in Westchester County, N.Y., on the one hand, and, on the other, specified points in Connecticut; between points in Connecticut, on the one hand, and, on the other, points in Westchester County, N.Y., and on Long Island, N.Y., west of New York Highway 112, those in Bergen, Passaic, Essex, Hudson, Union, and Middlesex Counties, N.J., and Lawrence, Lowell, Billerica, Pittsfield, North Adams, Greenfield, Gardner, Worcester, Monroe, Bridge, Fitchburg, Lunenburg, Shrewsbury, Ayer, and Fall River, Mass., between points in Massachusetts within 15 miles of Boston, on the one hand, and, on the other, points in Maine and New Hampshire, and between Boston, Mass., on the one hand, and, on the other, points in Maine and New Hampshire; and food and foodstuffs (except in bulk, in tank vehicles), from the facilities of Kraft Foods Division of Kraftco Corp. at or near Fogelsville, Pa., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia. Vernon V. Baker, 942 Dead Run Drive, McLean, Va. 22101, attorney for applicants.

No. MC-FC-74265. By order of March 15, 1973, the Motor Carrier Board approved the transfer to Romans Drywall Express, Inc., Omaha, Nebr., of that portion of the operating rights set forth in certificate No. MC-68539 issued May 19, 1964, to Romans Motor Freight, Inc., Ord, Nebr., authorizing the transportation of (1) plasterboard, plaster, and plaster products, from Fort Dodge, Iowa, and points within 10 miles thereof, to points in Nebraska, and (2) plasterboard, plaster products, and metal lath, clips, nails, and miscellaneous building materials used with, or in the installation of, plasterboard and plaster products, from Blue Rapids and Medicine Lodge, Kans., to points in Nebraska (except Ashland, Auburn, Beatrice, Blue Springs, Boys Town, Cortland, Eagle, Greenwood, Gretna, Julian, La Platte, Murray, Mynard, Nebraska City, Offutt Air Force Base, Omaha, Pickrell, Plattsmouth, Princeton, Ralston, Union, Waverly, Weco, Wymore, and Wyoming). Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-74267. By order entered March 13, 1973, the Motor Carrier Board approved the transfer to Edwards Bros., Inc., Idaho Falls, Idaho, of the operating rights set forth in certificates Nos. MC-134484 and MC-134484 (sub-No. 3), issued July 12, 1971, and September 9, 1972, respectively, to Morgan G. Edwards and David G. Edwards, doing business as Edwards Bros., Idaho Falls, Idaho, authorizing the transportation of fresh meat from the plantsite of Golden Valley Packers, Inc., at or near Roberts, Jefferson County, Idaho, and the storage facilities of Golden Valley Packers, Inc., located in Bonneville, Jefferson, Cassia, and Power Counties, Idaho, to points in Nevada, California, Montana, Oregon, Washington, Utah, and Arizona; and meats from points in Canyon County, Idaho, to points in Adams, Arapahoe, Jefferson, Denver, Boulder, Douglas, El Paso, Pueblo, Weld, and Clear Creek Counties, Colo. Fred J. Hahn, Idaho First

National Bank Building, P.O. Box 129, Idaho Falls, Idaho 83401, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6584 Filed 4-4-73;8:45 am]

[Notice 26]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 30, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2368 (Sub-No. 38), filed February 27, 1973. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, Va. 23204. Applicant's representative: Gerald K. Gimmel, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Hopewell, Va., to Chestertown, Md. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 19227 (Sub-No. 178) (Clarification), filed December 22, 1972, published in the FEDERAL REGISTER issue of February 8, 1973, and annotated this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, Washington, D.C. 20036. NOTE: Applicant states that it intends to tack the requested authority with the authority it presently holds in MC-19227 (Sub-Nos. 74, 127, and 143). The rest of the application remains as previously published.

No. MC 25798 (Sub-No. 237), filed February 13, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauces, flavoring compounds, food sauce mixes, food ingredients for prepared dinners, edible flour, dessert preparations, milk and cocoa compounds including malted milk, food stabilizers and emulsifiers, salad dressing preparations, and powdered whey*, from the plantsites, warehouse facilities, venders, or suppliers of Kraftco Corp., at points in Minnesota and Wisconsin, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tampa, Fla.

No. MC 26396 (Sub-No. 70) (Clarification) filed January 8, 1973, published in the FEDERAL REGISTER issue of February 23, 1973, and republished, in part, this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest and wood products*, from points in Flathead and Missoula Counties, Mont., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, and Washington. NOTE: The purpose of this partial republication is to indicate that applicant seeks to transport lumber in lieu of lumber products. The rest of the application remains as previously published.

No. MC 39568 (Sub-No. 10), filed November 8, 1972. Applicant: ARROW TRANSFER & STORAGE CO., a corporation, 1116 Market Street, Chattanooga, Tenn. 37402. Applicant's representative: Harold Seligman, 1704 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular Routes: *General commodities* (except those of unusual value, household goods at defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring special equipment), (A) between Atlanta and Calhoun, Ga., from Atlanta over Georgia Highway 3 to junction U.S. Highway 41 at or near Marietta, Ga., thence over U.S. Highway 41 to junction Georgia Highway 61 (U.S. Highway 411) (also from Atlanta over U.S. Highway 41 to junction Georgia Highway 61), thence over Georgia Highway 61 to junction Georgia Highway 52C, thence over Georgia Highway 52C to junction U.S. Highway 76, thence over U.S. Highway 76 to junction Georgia Highway 3 at or near Dalton (also over U.S. Highway 76 to Dalton), thence over Georgia Highway 3 to Calhoun, and return over the same route, serving the intermediate points of White, Fairmount, Ranger, Oakman, Ramhurst, and Dalton, but serving no intermediate points between Atlanta and Cartersville, including Cartersville, but performing pickup and delivery service between Dalton and points within the highway mileage radius of 10 miles of Dalton (except at Tunnell Hill and Sugar Valley), serving Eton as an off-route point and serving Tucker-Stone Mountain Industrial District and/or Stone Mountain Industrial Park, as

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

off-route points, in connection with existing authority, without the right to deliver or to originate or to interchange freight at Atlanta;

(B) Between Cartersville, Ga., and Dalton, Ga., over Georgia Highway 3 (U.S. Highway 41), as an alternate route for operating convenience only, with no service at any point not now authorized to be served, and serving Morrow, Georgia industrial district at or near Morrow, Ga., as an off-route point, without the right to deliver or to originate or to interchange traffic at Atlanta, and restricted to the transportation of traffic moving to or from points served direct by applicant, and serving the Great Southwest Industrial Park located in Fulton County, near Atlanta, and Six Flags Over Georgia Amusement Park located in Cobb County at or near Interstate Highway 20, as off-route points; and (C) between Calhoun and Plainville, Ga., from Calhoun over Georgia Highway 53 to junction unnumbered county road approximately 11 miles southwest of Calhoun, thence over unnumbered county road approximately 1½ miles to Plainville, and return over the same route, serving no intermediate points. Irregular route: *Jute burlap and empty cores*, in truckload and less-truckload quantities, between Dalton, Ga., on the one hand, and, on the other, points within 100 miles of Dalton. NOTE: Applicant has purchased the registered authority of Cherokee Motor Lines, Inc., and by this application seeks to convert such authority to a Certificate of Public Convenience and Necessity. Applicant states it proposes to tack the above irregular route authority with its existing authority under MC 39568 authorizing transportation between Chattanooga and 15 air miles thereof. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn.

No. MC 41098 (Sub-No. 38), filed February 16, 1973. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, in mixed loads with household goods, as defined by the Commission, (1) between Oklahoma City, Okla., and Tulsa, Okla.; and (2) between Tulsa, Okla., and Mid-Continent International Airport, Kansas City, Mo., restricted to shipments having a prior or subsequent movement by air in the service of Trans World Airlines, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42487 (Sub-No. 805), filed February 26, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Southwestern Co., at or near Franklin Tenn., as an off-route point in connection with carrier's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 71718 (Sub-No. 3), filed February 5, 1973. Applicant: SPOKANE TRANSFER & STORAGE CO., a corporation, 117 North Napa Street, Spokane, Wash. 99202. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods, commodities requiring the use of special equipment and articles of unusual value), between Spokane, Wash., and Moyie Springs, Idaho, from Spokane over U.S. Highway 10 to junction with Sullivan Road, thence over Sullivan Road to its junction with Washington Highway 290, thence east over Washington Highway 290 to the Washington-Idaho State line, thence over Idaho Highway 53 to its junction with U.S. Highway 95, thence north over U.S. Highway 95 to its junction with U.S. Highway 2, thence over U.S. Highway 2 to Moyle Springs, Idaho, and return over the same routes, serving all intermediate points in Idaho and all off-route points in Idaho within 5 miles of the specified highways. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 73165 (Sub-No. 319) filed February 12, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except commodities in bulk), between points in Shelby, St. Clair, and Calhoun Counties, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking possibilities do exist between its existing authority and the requested 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 Birmingham, Ala., or Washington, D.C.

No. MC 78400 (Sub-No. 30), filed February 26, 1973. Applicant: BEAUFORT TRANSFER CO., a corporation, Post Office Box 102, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Linn and St. Louis, Mo.; from Linn over U.S. Highway 50 to Jefferson City, Mo., thence over U.S. Highway 54 to Kingdom City, Mo., thence over Interstate Highway 70 to St. Louis, and return over the same route, serving all intermediate points on U.S. Highways 50 and 54, and those on Interstate Highway 70 west of Florence, Mo., and serving no off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 82841 (Sub-No. 109), filed February 13, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel), *and fittings, parts and attachments therefor*, from the plantsite of the Flintkote Co., located at or near Ravenna, Ohio, to points in Oklahoma, Missouri, Iowa, Kansas, Montana, Nebraska, South Dakota, North Dakota, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Washington, Oregon, and California, and the return of *rejected or damaged material* from points in the above-named destination States, to the plantsite of the Flintkote Co., located at or near Ravenna, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 94201 (Sub-No. 113), filed February 26, 1973. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. 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 Albany, Ga., and Rock Hill, S.C.; from Albany over Georgia Highway 257 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Georgia Highway 27, thence over Georgia Highway 27 to Hawkinsville, Ga., thence over Georgia Highway 26 to junction U.S. Highway 80, thence over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway

319 to junction U.S. Highway 221, thence over U.S. Highway 221 to junction U.S. Highway 1, thence over U.S. Highway 1 to Augusta, Ga., thence over U.S. Highway 25 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to Rock Hill, and return over the same route, serving all intermediate and off-route points in Georgia and South Carolina without restriction;

(2) Between Swainsboro, Ga., and Jacksonboro, S.C.; from Swainsboro over U.S. Highway 80 to Twin City Ga., thence over Georgia Highway 23 to Millen, Ga., thence over Georgia Highway 21 to Sylvania, Ga., thence over U.S. Highway 301 to junction South Carolina Highway 641, thence over South Carolina Highway 641 to junction South Carolina Highway 64, thence over South Carolina Highway 64 to Jacksonboro, and return over the same route, serving all intermediate and off-route points in Georgia and South Carolina without restriction; (3) between Fair Play, S.C. and Hayesville, N.C.; from Fair Play over South Carolina Highway 59 to junction South Carolina Highway 24, thence over South Carolina Highway 24 to junction U.S. Highway 76, thence over U.S. Highway 76 to junction Georgia Highway 69, thence over Georgia Highway 69 to the Georgia-North Carolina State boundary line, thence over North Carolina Highway 69 to Hayesville, and return over the same route, serving all intermediate points in South Carolina and serving all intermediate and off-route points in North Carolina restricted to the transportation of traffic moving between points in South Carolina, on the one hand, and, on the other, points in North Carolina; (4) between Clayton, Ga., and Franklin, N.C.; from Clayton over U.S. Highway 23 and 441 to Franklin, and return over the same route, serving all intermediate and off-route points in North Carolina restricted to the transportation of traffic moving between points in South Carolina, on the one hand, and, on the other, points in North Carolina;

(5) Between Fayetteville and Charlotte, N.C.; from Fayetteville over U.S. Highway 401 to Laurinburg, N.C., thence over U.S. Highway 74 to Charlotte, and return over the same route, serving all intermediate and off-route points in North Carolina, restricted to the transportation of traffic moving between points in South Carolina, on the one hand, and, on the other, points in North Carolina; (6) between Rome, Ga., and Cleveland, Tenn.; from Rove over Georgia Highway 53 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Georgia Highway 71, thence over Georgia Highway 71 to the Georgia-Tennessee State boundary line, thence over Tennessee Highway 60 to Cleveland, and return over the same route, serving all intermediate and off-route points in Georgia without restriction, and serving all intermediate and off-route points in Tennessee restricted to the transportation of traffic moving between points in Tennessee, on the one hand, and, on the other, Cedartown, Lindale, Mount Berry, Rome, or Summerville, Ga.; (7) between Leesburg and Ardmore, Ala.; from Leesburg over U.S. Highway 411 to junction Alabama Highway 68, thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to Albertville, Ala., thence over U.S. Highway 431 to Huntsville, Ala., thence over Alabama Highway 53 to Ardmore, and return over the same route, serving no intermediate or off-route points; and

(8) Between Piedmont, Ala., and Chattanooga, Tenn.; from Piedmont over Alabama Highway 9 to Centre, Ala., thence over Alabama Highway 68 to the Alabama-Georgia State boundary line, thence over Georgia Highway 114 to Summerville, Ga., thence over U.S. Highway 27 to Chattanooga, and return over the same route, serving no intermediate or off-route points. NOTE: Applicant states that the purpose of this application is to add the above-described routes to its regular route authority granted by the Commission on July 13, 1971 in a conversion proceeding in No. MC-94201 (Sub-No. 86). Applicant further states that it is presently authorized to provide all of the service requested herein under its existing certificates, but seeks service to some points as off-route points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 94350 (Sub-No. 327), filed February 8, 1973. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial shipments, from points in Lauderdale and Union Counties, Miss., to points in the United States east of the North Dakota, South Dakota, Nebraska, Kansas, and Texas boundary lines. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 105375 (Sub-No. 44), filed February 16, 1973. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewic, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia* in bulk, in tank vehicles, from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co., located at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, and Missouri; and (2) *asphalt, emulsified asphalt, road oil, and residual fuel oils* in bulk, in tank vehicles, from the terminal site of Jebro, Ill., located at or near (within 10 miles) Sioux City, Iowa, to points in Iowa, South Dakota, Nebraska, and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authorty cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 106398 (Sub-No. 644), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, and *frames and undercarriages*, from points in Washington County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 106565 (Sub-No. 11), filed August 21, 1972. Applicant: JULIUS R. TAYLOR, JR., NED R. TAYLOR AND ALEX TAYLOR, a partnership, doing business as TAYLOR TRUCK LINE, 402 South Clay, Charleston, MS 38921. Applicant's representative: Donald B. Morrisson, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. 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 Memphis, Tenn., and Greenville, Miss.; from Memphis, Tenn., over U.S. Highway 61 to the junction of U.S. Highway 82, thence over U.S. Highway 82 to Greenville, and return over the same route, serving the intermediate points of Shaw, Elizabeth, and Leland, Miss.; (2) between Greenville, Miss., and the junction of U.S. Highway 82 to its junction with Mississippi Highway 7, and return over the same route, serving all intermediate points, and the off-route points of Moorhead and Inverness, Miss.; and (3) between Ruleville and Indianola, Miss.; from Ruleville over U.S. Highway 49W to Indianola, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Greenville, Miss.

No. MC 107496 (Sub-No. 882), filed September 28, 1972. Applicant: RUAN TRANSPORT CORP., Third at Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay*, from Burnett and Duluth, Minn., to points in Wisconsin and the Upper Peninsula of Michigan; (2) *mixed*

acid, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois; (3) *flour*, in bulk, from Mankato, Minn., to points in South Dakota; (4) *methanol*, in bulk, from Pine Bend and Minneapolis, Minn., to points in North Dakota; (5) *caustic soda*, in bulk, from Pine Bend and Minneapolis, Minn., to points in North Dakota and South Dakota; and (6) *modified soybean oil*, in bulk, from Blooming Prairie, Minn., to points in California, Georgia, Massachusetts, Mississippi, Pennsylvania, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 107496 (Sub-No. 883), filed February 20, 1973. Applicant: RUAN TRANSPORT CORP., Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and liquid feed ingredients*, in bulk, (a) from Crete, Nebr., to points in Illinois, Missouri, Iowa, Kansas, Wisconsin, South Dakota, South Carolina, Louisiana, Texas, Oklahoma, Mississippi, Georgia, New York, Virginia, Alabama, and Pennsylvania, and (b) from points in Weld County, Colo., to points in Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming; (2) *lard*, from Fergus Falls, Minn., to points in Illinois, Washington, Oregon, and California; (3) *liquid fertilizer and liquid fertilizer ingredients*, from Dubuque, Iowa, to points in Minnesota, Wisconsin, and Illinois; and (4) *fertilizer, fertilizer materials, and ammonium nitrate*, in bags or bulk, from the warehouse facilities of Farmland Industries, Inc., at Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 840), filed February 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Danlell, Post Office Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite of Broughton Foods Co., at Charleston, W. Va., to points in Alabama, Georgia, Florida, Tennessee, and Wisconsin. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107678 (Sub-No. 47), filed February 20, 1973. Applicant: HILL & HILL TRUCK LINES, INC., 14942 Talcott, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining equipment and construction equipment, and attachments and parts of mining equipment and construction equipment*, between Salt Lake City and Monticello, Utah, on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Houston, Tex.

No. MC 107871 (Sub-No. 63), filed February 13, 1973. Applicant: BONDED FREIGHTWAYS, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore*, in bulk, in pressure differential equipment, from Wilmington, Del., to points in Pennsylvania. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilties 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 Philadelphia, Pa., or Washington, D.C.

No. MC 108053 (Sub-No. 120), filed February 23, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Arizona, restricted to shipments originating at the plantsite and storage facilities of Swift and Company and destined to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 111170 (Sub-No. 200), filed February 12, 1973. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, from Jacksonville, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112769 (Sub-No. 5), filed February 26, 1973. Applicant: CHEMICAL TRANSPORT, INC., 1705 South Harding Street, Indianapolis, Ind. 46221. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids* in bulk, in tank vehicles, from points in Indiana to points in Ohio, Michigan, Illinois, and Kentucky, under contract with Marion Manufacturing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 112822 (Sub-No. 263), filed February 20, 1973. Applicant: BRAY LINES INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: K. Charles Elliott (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from (1) Ponca City, Okla., to points in Ohio and Michigan, and (2) from the site of the Citcon Plant, at West Lake Charles, La., to points in Indiana, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 112963 (Sub-No. 35), filed February 2, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid in bulk, in tank vehicles, from the Penn-Central Railroad Terminal at Boston, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, restricted to traffic having a prior movement by rail. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113362 (Sub-No. 254), filed March 1, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ 8th Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except hides or commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Beloit, Wis., to points in Minnesota, Iowa, Illinois, Missouri, Indiana, Ohio, Michigan, Pennsylvania, New York, Massachusetts, New Jersey, Virginia, West Virginia, Kentucky, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Delaware, Maryland, Nebraska, and the District of Columbia; and (2) *meat, meat products, meat byproducts, foodstuffs, canning plant materials*, and equipment and supplies (except hides or commodities in bulk), from points in South Dakota, North Dakota, Nebraska, Kansas, Oklahoma, Iowa, Missouri, Illinois, Indiana, Michigan, Louisiana, Texas, New York, Pennsylvania, New Jersey, Ohio, Arkansas, Georgia, and Minnesota, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co. at or near Beloit, Wis., restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the named destinations. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 113855 (Sub-No. 273), filed February 20, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than iron or steel pipe), *and pipe fittings, accessories and materials used in the installation of pipe* (other than iron or steel pipe), from points in California, to points in Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, Arizona, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 11405 (Sub-No. 378), filed February 26, 1973. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Detroit, Mich., to points in Arizona, Arkansas, California, Kansas, Louisiana, New Mexico, Nevada, Oklahoma, Oregon, Texas, and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not eb tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washinngton, D.C.

No. MC 114045 (Sub-No. 379) filed February 26, 1973. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the New York, N.Y., Philadelphia, Pa., and Baltimore, Md., commercial zones as defined by the Commission and points in New Jersey, to points in Arizona, Arkansas, California, Louisiana, New Mexico, Nevada, Oklahoma, Oregon, Texas, and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 116459 (Sub-No. 49), filed February 16, 1973. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Savannah, Ga., to points in Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 116763 (Sub-No. 244), filed February 21, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Lafayette and New Iberia, La., to points in Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Kentucky, Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118468 (Sub-No. 33) (Correction), filed September 27, 1972, published in the FEDERAL REGISTER issues of October 27, 1972, and January 26, 1973, as amended, and in third publication this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50523. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, adhesives, building materials and materials, supplies and equipment*, used in the manufacture, sale, distribution, and installation of such commodities, between points in Cook County, Ill., and Lake County, Ind., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and the Upper Peninsula of Michigan, restricted to traffic originating or terminating at the plantsite and warehouse facilities utilized by United States Gypsum Co., its divisions and affiliates, under contract with United States Gypsum Co. NOTE: Applicant holds common carrier authority under MC 124813 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to correct the restrictive language to indicate traffic "originating or terminating" at the named facilities in lieu of traffic "originating and terminating" at the named facilities which was inadvertently previously published in error. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118628 (Sub-No. 4) (Correction), filed February 2, 1973, published in FEDERAL REGISTER issue of March 15, 1973, and republished as corrected this issue. Applicant: FLOYD HILL doing business as DELTA TRANSFER LINES, 1100 West 14th Street, Jasper, Ala. 35501. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, No.

MC 118628 (Sub-No. 4), in lieu of No. MC 11862 (Sub-No. 4), which was published in error. The rest of the notice remains as previously published.

No. MC 118922 (Sub-No. 8), filed February 27, 1973. Applicant: CARTER TRUCKING CO., INC., Cleveland Alley, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn mowers, snow throwers, tillers, and compost shredders, grinders and parts* therefor, from the plantsite of McDonough Power Equipment, Inc., at or near Metropolis, Ill., to points in Alabama, Florida, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Ohio, Mississippi, Louisiana, Kansas, Kentucky, Delaware, Michigan, Minnesota, Iowa, Arkansas, Oklahoma, Connecticut, Massachusetts, New York, Nebraska, North Dakota, South Dakota, Texas, Missouri, West Virginia, Pennsylvania, New Jersey, Wisconsin, Indiana, and Maryland; and (2) *raw materials* when used for the manufacture of lawn mowers, snow throwers, tillers, and compost grinders and parts, from points in the above-named States to Metropolis, Ill., under contract with McDonough Power Equipment, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119422 (Sub-No. 53) (Correction), filed February 8, 1973, published in FEDERAL REGISTER issue of March 22, 1973, and republished, as corrected this issue. Applicant: Ee-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 119322 Sub No. 53, which was in error. The rest of the notice remains as previously published.

No. MC 119631 (Sub-No. 20), filed February 16, 1973. Applicant: DEIOMA TRUCKING CO., a corporation, Post Office Box 915, Mount Union Station, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue, and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, as defined in appendix IX to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, 287, and 288, from Boston, Mass., New York, N.Y., Philadelphia, Pa., Chicago, Ill., and Detroit, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119656 (Sub-No. 13) (Amendment), filed January 18, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and republished, as amended, this issue. Applicant: NORTH EXPRESS INC., 219 East Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and steel springs* (except in bulk), (1) from Winamac, Ind., to points in Minnesota, Kentucky, Pennsylvania, Missouri, Iowa, Tennessee, Alabama, Georgia, Oklahoma, Kansas, North Dakota, Texas, and Wisconsin; and (2) from Reynolds, Ind., to points in Minnesota, Kentucky, Pennsylvania, Missouri, Iowa, Tennessee, Alabama, Georgia, Oklahoma, Kansas, North Dakota, Texas, and Wisconsin, Ohio, New York, New Jersey, Illinois, and the Lower Peninsula of Michigan; and (3) *materials and supplies* used in the manufacture of iron and steel articles and springs (except in bulk), from points in New York to Winamac and Reynolds, Ind. NOTE: Common control may be involved. The requested authority duplicates, in part, that authority which applicant holds in No. MC–119656 to transport finished and semi-finished motor vehicle springs and plow and cultivator parts (other than hand), from Winamac, Ind., to Horicon and LaCrosse, Wis. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. In this republication applicant (1) restricts its commodity descriptions against the transportation of commodities in bulk, and (2) indicates the existence of tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119777 (Sub-No. 250), filed February 26, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, laminated flooring planks, blocks, and tile, laminated stair treads and risers, with adhesives and accessories necessary for the installation thereof*, from Center, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority under MC 119777 and MC 119777 (Sub-No. 7) and serve additional States, however, tacking is not feasible because of circuity and it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 123112 (Sub-No. 3), filed February 16, 1973. Applicant: HOCKMAN'S MOTOR EXPRESS, INC., 300 Broad Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pajamas, nightgowns, and sleeping garments*, from Mount Aetna, Pa., to New York, N.Y.; (2) *returned shipments* of pajamas, nightgowns, and sleeping garments, *empty containers, cotton, rayon and silk piece goods*, cut or uncut, *thread, trimmings, and machinery, machinery parts, supplies, and other materials* used in the manufacture and processing of pajamas, nightgowns, and sleeping garments, from New York, N.Y. to Mount Aetna, Pa.; (3) *empty containers, thread, trimmings, cotton, rayon and silk piece goods and machinery, machine parts, and supplies* used in the manufacture of shirts, pajamas, sleeping garments, underwear and dresses, (a) from Bart, Pa., to Elizabethtown, N.C.; and (b) from Boyertown, Pa., to Hemingway, S.C.; and (4) *shirts, pajamas, sleeping garments, underwear and dresses*, (a) from Elizabethtown, N.C., to Bart, Pa.; and (b) from Hemingway, S.C., to Boyertown, Pa. Restriction: The above authority shall not be tacked to or joined with any other authority presently held by carrier for the purpose of performing a through service from or to points other than those authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124511 (Sub-No. 12), filed February 16, 1973. Applicant: JOHN F. OLIVER, East Highway 54, Post Office Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, Suite 1302, 411 North Seventh Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles because of size and weight require the use of special equipment), from the plantsite and storage facilities of Granite City Steel Co., at Granite City, Ill., to Kansas City, Kans., points in Missouri, and points in Iowa located on and east of

U.S. Highway 63 and on and south of Interstate Highway 80. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 125362 (Sub-No. 5), filed February 15, 1973. Applicant: THOMAS P. SMITH, 10045 East Michigan Avenue, Parma, Mich. 49269. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newport, Ky., Peoria, Ill., and Evansville, Ind., to Jackson, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 125474 (Sub-No. 36), filed January 22, 1973. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, N.C. 28401. Applicant's representative: Richard R. Sigmon, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, dry, in bulk, (1) from points in Chatham County, Ga., to points in North Carolina and South Carolina, and (2) from Chesapeake, Va., to points in North Carolina and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 112), filed February 26, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from points in Kansas and Nebraska, to points in Idaho, Montana, Oregon, Washington, and ports of entry on the international boundary line between the United States and Canada located in North Dakota, Montana, Idaho, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 127834 (Sub-No. 85), filed February 22, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Virginia, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Michigan, Ohio, Tennessee, South Carolina, Pennsylvania, New York, New Jersey, Delaware, Maryland, the District of Columbia, Kentucky, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 127834 (Sub-No. 86), filed February 26, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, structural steel, and fabricated steel items, and parts* thereof, between Jackson, Tenn., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 128375 (Sub-No. 88) (Correction), filed December 18, 1972, published FEDERAL REGISTER February 8, 1973, and republished as corrected this issue. Applicant: CRETE CARRIER CORP., Box 249, Crete, Nebr. Applicant's representative: Ken Adams and Duane Acklie (same address as above). NOTE: The purpose of this republication is to show that service will be under continuing contract with Liggett & Myers Inc., New York, N.Y., in lieu of Allen Products Co., Inc. The rest of the notice of filing remains as previously published.

No. MC 128375 (Sub-No. 89) (correction), filed December 26, 1972, published in the FEDERAL REGISTER issue of February 8, 1973, and republished, as amended, this issue. Applicant: CRETE CARRIER CORP., Box 249, Crete, Nebr. 68333. Applicant's representative: Ken Adams (same address as applicant). NOTE: The sole purpose of this partial republication is to reflect that the service will be performed under continuing contract with Liggett & Myers, Inc., New York, N.Y., in lieu of Allen Products Co., Inc., as shown in the previous publication. The rest of the application remains as previously published.

No. MC 128985 (Sub-No. 3), filed January 15, 1973. Applicant: WILKERSON TRUCKING CO., INC., Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and those commodities used in the manufacture, production, and distribution of motor vehicle parts and accessories* (except commodities in bulk), between the plantsite and storage facilities of Maremont Corp., at or near Ripley, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Maremont Corp. NOTE: Applicant also holds common carrier authority under MC 124632 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 129032 (Sub-No. 11), filed February 27, 1973. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, wines and spirits* (except beer and malt beverages), from Louisville, Owensboro, Bardstown, and Frankfort, Ky.; Lawrenceburg, Ind.; Cincinnati, Ohio; Chicago, Pekin, Plainfield, Lemont, and Peoria, Ill.; Detroit, Mich.; St. Louis, Mo.; and Lynchburg, Tenn., to Tulsa and Oklahoma City, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 134200 (Sub-No. 3), filed February 13, 1973. Applicant: BERNARD REZICK doing business as INTERSTATE FREIGHT DISTRIBUTORS, 3301 Leonis Boulevard, Los Angeles, CA 90058. Applicant's representative: Earnest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in California. Restriction: Restricted to the transportation of property for, and under contract with, Sav-On Freight Distributing Agency which that firm has received in pool lots from out-of-state origins, and, acting as a shipper's agent, provides in connection therewith for the

breaking bulk, segregation and distribution service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138484, filed February 12, 1973. Applicant: MERLE SHURSON doing business as SHURSON TRUCKING CO., New Richland, Minn. 56072. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, restricted to traffic having a prior rail movement, from Waseca, Minn., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waseca, Minn.

No. MC 134919 (Sub-No. 2), filed February 16, 1973. Applicant: A & D RENTALS, INC., Upper Jersey Avenue, Box 52, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Pittsburgh, Pa., and points in Rhode Island, on the one hand, and, on the other, points in Middlesex, Somerset, Hunterdon, Union, Mercer, Morris, Monmouth, Essex, Sussex, Warren, and Passaic Counties, N.J. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with High Grade Beverage, Delaware Valley Distributors, Inc., the W. H. Cawley Co., L. A. Picirrillo, Inc., Joseph Pingitore Co. and Rutger's Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 135653 (Sub-No. 4), filed February 26, 1973. Applicant: GLENN E. TRIPP doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, Ohio 44256. Applicant's representative: Paul F. Berry, 88 East Broad Street, Suite 1660, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, other than in bulk; and (2) *materials and supplies*, other than in bulk, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed shipments with salt and salt products, other than in bulk, from Akron, Ohio, to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, and Pennsylvania. NOTE: Applicant presently holds contract carrier authority under MC 107654 and subs thereto, therefore dual operations may be involved. Applicant further states that its requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136096 (Sub-No. 3), filed February 8, 1973. Applicant: RELIABLE MOVING & STORAGE, INC., Highway 30, High Ridge, Mo. 63049. Applicant's representative: B. J. Robertson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Major household appliances*, crated, from High Ridge, Mo., to Collinsville, Bellville, and Wood River, Ill., under contract with K-Mart Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 136763 (Sub-No. 1), filed February 23, 1973. Applicant: TRYON MOVING & STORAGE, INC., 2383 Lee Avenue Extension, Post Office Box 2370, Sanford, N.C. 27330. Applicant's representative: Ralph McDonald, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated, new plastic laminate casework and related accessories* to be attached to such casework, from points in Lee County, N.C., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136954 (Sub-No. 1), filed February 22, 1973. Applicant: GILBERTSON TRUCKING, INC., 4195 West Fourth Street, Winona, Minn 55987. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical conduit pipe and supplies*, from Maspeth and Hicksville, N.Y.; Baltimore, Md.; Moundsville, W. Va.; Wheatland, Pittsburgh, and Philadelphia, Pa.; and Bellevue and Niles, Ohio, to points in Eau Claire, Marshfield, and Hudson, Wis.; Minneapolis and St. Paul, Minn.; and Watertown, S. Dak.; (2) *Electrical wire and cable*, from Maspeth and Yonkers, N.Y., to points in Eau Claire, Marshfield, and Hudson, Wis.; Minneapolis and St. Paul, Minn., and Watertown, S. Dak.; (3) *Plumbing fixtures and supplies*, from Perrysville, Ohio, and Kohler, Wis., to points in Eau Claire, Marshfield, and Hudson, Wis.; Minneapolis and St. Paul, Minn., and Watertown, S. Dak.; (4) *Lighting fixtures*, from Cleveland, Ohio, to points in Eau Claire, Marshfield, and Hudson, Wis.; Minneapolis and St. Paul, Minn., and Watertown, S. Dak.; and (5) *Heating and air conditioning units*, from Edison, N.J. to points in Eau Claire, Marshfield, and Hudson, Wis.; Minneapolis and St. Paul, Minn., and Watertown, S. Dak.; all under contract with J. H. Larson Electrical Co. of Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138274 (Sub-No. 1), filed February 16, 1973. Applicant: SHIPPERS BEST EXPRESS, INC., 1656 West 14600 South, Riverton, UT 84065. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, supplements and additives*, from points in South Dakota, Iowa, Kansas, Missouri, Nebraska, California, Arizona, Oregon, Washington, Colorado, Illinois, Arkansas, and Minnesota, to points in Utah and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138000 (Sub-No. 6) (Clarification), filed February 5, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and annotated this issue. Applicant: ARTHUR H. FULTON, Rural Free Delivery, Stephens City, VA 22655. Applicant's representative: Charles E. Cregaer, Suite 523, 816 Easley Street, Silver Spring, MD 20910. NOTE: Applicant states that the request for authority in No. MC-138000 (Sub-No. 6) seeks to convert its presently authorized motor contract carrier permits in No. MC-129613 (Sub-Nos. 2, 5, and 7) to a Certificate of Public Convenience and Necessity. The rest of the application remains as previously published.

No. MC 138354 (Sub-No. 2), filed February 16, 1973. Applicant: PARTS DELIVERY SERVICE CO., a corporation, 12505 Merrick Drive, St. Louis, Mo. 63141. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, between the GM parts warehouse at or near Hazelwood, Mo., and Edwardsville, Alton, Godfrey, Belleville, Collinsville, and Wood River, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Jefferson City, Mo., or Springfield, Ill.

No. MC 138447, filed February 9, 1973. Applicant: GEORGE LANSER, doing business as LANSER GARAGE, 817 Main Street, Belgium, Wis. 53004. Applicant's representative: George Lanser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged or disabled motor vehicles*, when moved by tow-truck or wrecker equipment, and *replacement motor vehicles or parts* dispatched to relieve wrecked, damaged or disabled motor vehicles, between points in a territory described as follows: From Milwaukee, Wis., along Interstate Highway 94 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 10 near Appleton, Wis., thence along U.S. Highway 10 to junction

U.S. Highway 141, thence along U.S. Highway 141 to Manitowoc, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, New York, Iowa, Michigan, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 138480, filed February 22, 1973. Applicant: CENTRAL DELIVERY SERVICE, INC., 1101 Ripley Street, Silver Spring, Md. 20910. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Baltimore, Howard, Montgomery, Anne Arundel, and Prince Georges Counties, Md., that part of Frederick County, Md., on and east of U.S. Highway 15, those in the District of Columbia, those in Arlington and Fairfax Counties, Va., those in those parts of Prince William and Loudoun Counties, Va., on an east of U.S. Highway 15, and Alexandria and Falls Church, Va. (including points on the specified highway and boundary lines in Maryland, Virginia, and the District of Columbia), restricted against the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day, and the service provided in the transportation of packages or articles herein shall be accomplished on the same day upon which the package or article is tendered for transportation: NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

WATER CARRIER APPLICATIONS

No. W-536 (Sub-No. 13) (HENNEPIN TOWING COMPANY EXTENTION—FLORIDA PORTS), filed March 21, 1973. Applicant: HENNEPIN TOWING, CO., a corporation, 7703 Normandale Road, Minneapolis, Minn. 55435. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. By application filed March 21, 1973, applicant seeks a revision of its Amended Certificate of Public Convenience and Necessity (No. W-536) so as to add its present operating authority, the authority to perform operations as a common carrier, in interstate or foreign commerce, by nonself-propelled vessels with the use of separate towing vessels in the transportation of *commodities generally:* Between the ports of Port Everglades, Ft. Lauderdale, and Miami, Fla., on the one hand, and, on the other, ports and points along the Mississippi River and the Mississippi River Gulf Outlet Channel below and including Baton Rouge, La. Applicant desires to give notice that it intends to tack or join the above authority with its existing authority or any which may be issued in its pending application in W-536 (Sub-No. 12) for the purpose of providing a through service.

No. W-1069 (Sub-No. 1) (GULF ATLANTIC TRANSPORT CORPORATION COMMON CARRIER APPLICATION), filed March 19, 1973. Applicant: GULF ATLANTIC TRANSPORT CORP., Post Office Box 4908, Jacksonville, Fla. 32201. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314 By application filed March 19, 1973, applicant seeks operations as a common carrier by water in interstate or foreign commerce: (1) by towing vessels in the movement of *LASH (lighter-aboard-ship) barges and barges of similar design*, loaded or empty, having a prior or subsequent movement by ocean carrier, between ports and points along the Atlantic Coast and tributary waterways from Atlantic Intracoastal Waterway from Baltimore, Md., to Miami, Fla., inclusive, by way of the Atlantic Ocean and/or the Atlantic Intracoastal Waterway; and (2) by nonself-propelled barges with the use of separated towing vessels, in the transportation (a) of *general commodities* in containers or in trailers, having a prior or subsequent movement by ocean carrier, and (b) of *empty containers, trailers, and chassis*, between ports and points along the Atlantic Coast and tributary waterways and the Atlantic Intracoastal Waterway from Baltimore, Md., to Miami, by way of the Atlantic Ocean and/or the Atlantic Intracoastal Waterway.

No. W-1266 (Correction), MARINE EXPLORATION CO., INC., CONTRACT CARRIER APPLICATION, filed February 23, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and republished, as corrected this issue. Applicant: MARINE EXPLORATION CO., INC., 2995 Northwest South River Drive, Miami, Fla. 33125. Applicant's representative: Reginald M. Hayden, Jr., Suite 304, Shaw Maritime Building, Miami, Fla. 33132. Application of Marine Exploration Co., Inc., filed February 23, 1973, for a permit to institute a new operation as a *contract carrier* by water, in interstate or foreign commerce in the transportation of *general commodities*, between Gulf and East Coast ports of the United States, on an indefinite and unscheduled basis. NOTE: The purpose of this republication is to broaden the territorial scope of the authority sought herein.

MOTOR CARRIERS OF PASSENGERS

No. MC 138494 (Correction), filed December 20, 1972, published FEDERAL REGISTER, issue of March 8, 1973, as MC 138313, and republished as corrected this issue. Applicant: NORTHERN BUS LINES LTD., 1416 Third Avenue South, Lethbridge, AB, Canada TIJOK7. Applicant's representative: B. P. Offet, Suite 204, 324 Seventh Street, South, Lethbridge, AB, Canada TIJ 3Z6. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont. The purpose of this republication is to show the correct docket number assigned thereto in lieu of MC 138313, which was shown in error.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6452 Filed 4-4-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

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 April.

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
8419–8499	April 2
8501–8559	3
8561–8636	4
8637–8730	5

federal register

THURSDAY, APRIL 5, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 65

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

Over-the-Counter Drugs

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Proposed General Conditions for OTC Drugs Listed as Generally Recognized as Safe and Effective and as Not Misbranded

In the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the Commissioner of Food and Drugs established procedures for classification of over-the-counter (OTC) drugs under subpart D of part 130 (21 CFR part 130). The Commissioner is publishing in this issue of the FEDERAL REGISTER the first proposed monograph (21 CFR 130.305) under those new procedures. The monograph is proposed for OTC antacid products.

In considering this first monograph, the Commissioner has concluded that there are several general conditions applicable to all OTC drugs that are more appropriately established through a single regulation, rather than repeated in each monograph. The Commissioner therefore proposes to establish these general conditions, which will be applicable to every OTC drug subject to a monograph established under subpart D of part 130.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend part 130 by adding a new § 130.302 to read as follows:

§ 130.302 General conditions.

An over-the-counter (OTC) drug listed in this subpart is generally recognized as safe and effective and is not misbranded if it meets each of the conditions contained in this section and each of the conditions contained in an applicable monograph. Any product which fails to conform to each of the conditions contained in this section and in an applicable monograph is liable to regulatory action.

(a) The product is manufactured in compliance with current good manufacturing practices, as established by Part 133 of this chapter.

(b) The establishment(s) in which the drug product is manufactured is registered, and the drug product is listed, in compliance with Part 132 of this chapter. It is requested but not required that the number assigned to the product pursuant to Part 132 of this chapter appear on all drug labels and in all drug labeling. If this number is used, it shall be placed in the manner set forth in Part 132 of this chapter.

(c) The product is labeled in compliance with Chapter V of the act and § 1.100 et seq. of this chapter. For purposes of § 1.102a(b) of this chapter, the statement of identity of the product shall be the term or phrase used in the applicable monograph established in this subpart.

(d) The advertising for the product prescribes recommends, or suggests its use only under the conditions stated in the labeling.

(e) The product contains only safe and suitable inactive ingredients which are harmless in the amounts administered and do not interfere with the effectiveness of the preparation or with prescribes, recommends, or suggests its tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity. Color additives may be used only in accordance with section 706 of the act and Parts 8 and 9 of this chapter.

(f) The product is packed in a container that is suitable and not reactive, additive, or absorptive to an extent that significantly affects the identity, strength, quality, or purity of the product.

(g) The labeling contains the general warning: "Keep this and all drugs out of the reach of children. In case of accidental overdose, contact a physician immediately." The Food and Drug Administration will grant an exemption from this general warning where appropriate upon petition.

(h) Where no maximum daily dosage limit for an active ingredient is established in this subpart, it is used in a product at a level that does not exceed the amount reasonably required to achieve its intended effect.

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before June 4, 1973. Such comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and 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 9, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-5656 Filed 4-4-73;8:45 am]

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Proposal Establishing a Monograph for OTC Antacid Products

Pursuant to 21 CFR Part 130, the Commissioner of Food and Drugs received on January 23, 1973, the report of the Advisory Review Panel on over-the-counter (OTC) antacid drugs. In accordance with § 130.301(a)(6), the Commissioner is publishing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC antacid drugs are generally recognized as safe and effective and not misbranded, (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding, (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above, and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are available upon request from the Hearing Clerk of the Food and Drug Administration.

The Commissioner has not yet evaluated the report, and has not considered whether any clarification or modification of its recommendations may be appropriate for regulatory purposes. The Commissioner has concluded that the recommendations of the Panel report should be issued immediately as a formal proposal, in order to obtain full public comment, before any decision is made on these matters.

In accordance with § 130.301(a)(2), all data and information submitted with respect to OTC antacid drugs for consideration by the Advisory Review Panel have been handled by the Panel and the Food and Drug Administration as confidential. All such data and information shall be put on public display at the Office of the Hearing Clerk of the Food and Drug Administration on May 7, 1973, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j). Requests for confidentiality shall be submitted to the Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–109), 5600 Fishers Lane, Rockville, Md. 20852.

The Panel did not propose a specific effective date for implementation of the monograph. In view of the fact that the procedure for OTC drug review gives the affected industry substantial advance warning of the likely impact of the final regulation, thus providing ample time for both reformulation and labeling changes long before issuance of a final regulation, the Commissioner proposes to establish an effective date of the final regulation that is 6 months after its publication in the FEDERAL REGISTER. In the event the specific issues relating to particular products are not finally resolved until promulgation of the final regulation, the Commissioner will grant individual exceptions to this effective date, based upon a petition showing hardship.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the conditions excluded from the monograph on the basis of the Panel determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding, as set out in the Panel's recommendations, be eliminated from

OTC drug products effective 6 months after publication of the final monograph the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as generally recognized as safe and effective and not misbranded, or as not being generally recognized as safe and effective or would result in misbranding, as set out in the Panel's recommendations, be permitted to remain in use until 2 years after the effective date of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

The conclusions and recommendations submitted to the Commissioner of Food and Drugs by the Panel are as follows:

In the FEDERAL REGISTER for January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness, and labeling of all over-the-counter (OTC) drugs by independent advisory review panels. The same day the Commissioner published a request for data and information on all active ingredients utilized in antacid products (37 FR 102).

On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review (37 FR 9464), which were made effective immediately. An additional 30 days were allowed in the preamble to those final regulations for interested parties to submit data on antacid drugs.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC antacid products pursuant to the requirements of the regulations:

Franz J. Ingelfinger, M.D., Chairman	Edward W. Moore, M.D.
Howard C. Ansel, Ph. D.	John F. Morrissey, M.D.
Morton I. Grossman, M.D.	Howard M. Spiro, M.D.
Stewart C. Harvey, Ph. D.	

The Panel was first convened on February 22, 1972, in an organizational meeting. Five working meetings were held, on May 8, June 21, 22, and 23, August 10, 11, and 12, September 7, 8, and 9, and December 8 and 9.

Two nonvoting liaison representatives, Ms. Annette Dickinson, named by an ad hoc group of consumer organizations, and Joseph M. Pisani, M.D., nominated by the Proprietary Association, participated in all Panel discussions. Serving as executive secretary were Gladys Rosenstein, M.D., and acting in her absence, Armond M. Welch, both employees of the Food and Drug Administration.

In addition to the Panel members and liaison representatives, the Panel utilized the advice of four consultants:

P. M. Berman, M.D.	A. S. Relman, M.D.
J. B. Kirsner, M.D.	J. S. Fordtran, M.D.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or the Panel's request:

G. Beckloff, M.D.	J. Krantz, Ph. D.
B. Brennan, Esq.	J. Lamar, Ph. D.
R. Brogle, Ph. D.	T. Macek, Ph. D.
D. Carter, M.D.	H. Miller, M.D.
A. Cooke, M.D.	B. Misek, Ph. D.
T. Fand, Ph. D.	C. Pitkin, R. Ph.
W. Feinstone, Sc. D.	A. Ringuette, Esq.
A. Flanagan, M.D.	G. Sunshine, Esq.
D. Johnson, Esq.	G. Swenson, Esq.
K. Kimura, M.D.	

No other person requested an opportunity to appear before the Panel.

SUBMISSION OF DATA AND INFORMATION

Pursuant to the two notices published in the FEDERAL REGISTER requesting the submission of data and information on antacid drugs, the following firms made submissions relating to the indicated products:

Firm	*Product*
A. H. Robins Co., Richmond, Va. 23220.	Robalate.
	Silain.
American Cyanamid Co., Princeton, N.J. 08540.	Aciban.
Ayerst Laboratories, New York, N.Y. 10017.	Riopan.
Beecham, South Clifton, N.J. 07012.	ENO.
Bernhoft Laboratories, Bremerton, Wash. 98310.	Glycinate Tablets.
Boericke & Tafel, Inc., Philadelphia, Pa. 19107.	Anti-Acid.
	Carbo Pancreatin Pepsin Combination Tablets.
Bowman, Canton, Ohio 44702.	Antacid Tablets No. 2, Special.
	Bowcid.
	Digastrogen.
	Magnesil w/cal. carb.
	Milk of Magnesia, USP.
	Soda Mint—5 gr.
	Sodium Bicorbanate—5 gr.
E. D. Bullard Co., Sausalito, Calif. 94965.	Digestive Compound.
	Digestive Mixture.
C. S. Dent & Co., Cincinnati, Ohio 45202.	Bell-ans.
Chattem Laboratories, Chattanooga, Tenn. 37409.	Dihydroxaluminum Aminoacetate.
	Dihydroxaluminum Sodium Car.
Church & Dwight Co., Inc., New York, N.Y. 13201.	Sodium Bicarbonate.
E. R. Squibb & Sons, Inc., Princeton, N.J. 08540.	Milk of Magnesia.
Faraday Labs., Inc., Hillside, N.J. 07205.	Antacid Tablets.
	Gel-Us-Drug Formula.
Forest Labs., Inc., New York, N.Y. 10022.	Muco-25
	Mucogel-OC
Fugi Chemical Industry Co., Ltd., Tokyo, Japan.	Neusilin A/Neusilin B.
G. M. Case Laboratories, San Diego, Calif. 92103.	Antacid Tablets.
	Flik Tablets.
Garfield & Co., Edison, N.J. 08817.	Seidlitz Powders.
Henry Labs., Inc., Pasco, Wash. 99301.	Formula 1447.
HLH Products, Dallas, Tex. 75207.	HLH Amaze Aids.
Humphreys Pharmacal, Inc., Rutherford, N.J. 07070.	Papsomax.
ICI America, Inc., Wilmington, Del. 19899.	Mylanta.
	Mylanta II.
Illinois Herb Co., Chicago, Ill. 60651.	Mucelo.
	Pectalo.
Jenkins Labs., Inc., Auburn, N.Y. 13021.	Antacid Special No. 1.
	Calicarb No. 1.
	Carbotabs.
	Hykaloid.
	Kaocasil.
	Sodium Bicarbonate.
Kremers-Urban Co., Milwaukee, Wis. 53201.	Kudrox.
Lewis-Howe, Co., St. Louis, Mo. 63102.	Dicarbosil.
	Milk of Magnesia.
	Tums.
Mallinckrodt Pharmaceuticals, St. Louis, Mo. 63160.	Krem.
Marion Labs., Inc., Kansas City, Mo. 64137.	Gaviscon.
McKesson Laboratories, Bridgeport, Conn. 06602.	Kessadrox.
	Magnex.
	Milk of Magnesia.
	Sodium Bicarbonate.
Medical Chemicals Corp., Melrose Park, Ill. 60160.	Medalox.
	Medicil.
Merrell-National Labs., Cincinnati, Ohio 45215.	Delcid.
	Kolantyl.
Miles Labs., Inc., Elkhart, Ind. 46514.	Alka-Seltzer.
	Alka-2.
Mitchum-Thayer, Inc., Paris, Tenn. 38242.	Amitone.
Philips Roxane Laboratories, Columbus, Ohio 43216.	Aluminum Hydroxide Gel.
	Antacid No. 4.
	Magnesia and Alumina Oral Susp: USP.
	Milk of Magnesia, USP.
Plough, Inc., Memphis, Tenn. 38101.	Chooz.
	Di-Gel.
Reid-Provident Labs., Inc., Atlanta, Ga. 30308.	Eugel Tabs and Suspension.
Riker Laboratories, Northbridge, Calif. 91324.	Titralac.
William H. Rorer, Inc., Fort Washington, Pa. 19034.	Camalox.
	Maalox.
Savoy Drug & Chemical Co., Michigan City, Ind. 46360.	Special Suspension.
	Special Tablets.
House of Schomburg, Fort Wayne, Ind. 46808.	Schomburg Powder.
Scott Labs. Inc., Corpus Christi, Tex. 78408.	Citrate of Magnesia.
Smith, Miller, & Patch, Inc., New Brunswick, N.J. 08902.	Alzinox (MAGMA).

Firm	Product
Sterling Drug, Inc., New York, N.Y. 10016.	Aluminum Hydroxide.
	Al-caroid.
	Calcium Carbonate.
	Creamalin.
	Fizrin.
	Haleys M-O.
	Magnesium Trisilicate.
	Mil-Par.
	Pepsamar.
	Phillips 203.
	Phillips Milk of Magnesia.
	Sal Andrews.
	Tricreamalate.
	Wingel.
T. R. Gibbs Medicine Co., Inc., Washington, D.C. 20020.	Push.
C. S. J. Tutag & Co., Detroit, Mich. 48234.	Escot.
Udga, Inc., St. Paul, Minn. 55114.	Udga Tablets.
The Upjohn Co., Kalamazoo, Mich. 49002.	Alkets.
	Anachloric A.
	Malcogel.
	Malcotabs.
Vick Chemical Co., New York, N.Y. 10017.	Vanamil.
Vitaminerals, Inc., Glendale, Calif. 91201.	VM-21 Gastric Antacid.
Warner-Chilcott Laboratories, Morris Plains, N.J. 07950.	Gelusil Flavor Pak.
	Gelusil-Lac.
	Gelusil Liquid.
	Gelusil-M-Liquid.
	Gelusil-M-Tablets.
	Gelusil Tabs.
	Mucotin.
Warner - Lambert Products Division, Morris Plains, N.J. 07950.	Bromo Seltzer.
	Rolaid Liquid.
	Rolaid Tablets.
Warren-Teed Pharmaceuticals, Inc., Columbus, Ohio 43215.	Ratio.
Whitehall Laboratories, New York, N.Y. 10017.	Bisodol.
Wyeth Laboratories, Philadelphia, Pa. 19101.	Aludrox.
	Aludroxetal.

The labeled active ingredients contained in these products are as follows:

Acetaminophen.
Alginic acid.
Aluminum carbonate.
Aluminum hydroxide.
Aluminum hydroxide—hexitol-stabilized polymer.
Aluminum hydroxide—magnesium carbonate, co-dried gel.
Aluminum hydroxide—magnesium trisilicate co-dried gel.
Aluminum hydroxide—sucrose powder—hydrated.
Aluminum phosphate.
Aspirin.
Atropine sulfate.
Attapulgite, activated.
Belladonna special extract (dry).
Bismuth aluminate.
Bismuth carbonate.
Bismuth subcarbonate.
Bismuth subgallate.
Bismuth subnitrate.
Caffeine.
Calcium carbonate.
Calcium phosphate.
Carboxy methylcellulose.
Cerium oxalate.
Charcoal.
Citric acid.
Dicyclomine.
Dihydroxyaluminum aminoacetate.
Dihydroxyaluminum aminoacetic acid.
Dihydroxyaluminum sodium carbonate.
Gastric mucin.
Ginger.
Glycine (aminoacetic acid).
Homatropine methylbromide.
Hydrated magnesium aluminate sulfate activated.
Kaolin.
Magaldrate.
Magnesium aluminosilicates.
Magnesium carbonate.
Magnesium glycinate.
Magnesium hydroxide.
Magnesium oxide.
Magnesium sulfate dihydrate.
Magnesium trisilicate.
Methylcellulose.
Milk solids dried.
Mineral oil.
Pancreatin.
Papain.
Pectin.
Pepsin.
Phenacetin.
Phenobarbital.
Potassium bromide.
Potassium citrate.
Powdered ipecac.
Rhubarb.
Salicylamide.
Simethicone.
Sodium bicarbonate.
Sodium carbonate.
Sodium potassium tartrate.
Tartaric acid.

The panel considered all pertinent data and information submitted in arriving at its conclusions and recommendations.

Active Ingredients. The Panel reviewed all active ingredients which were the subject of submissions made to the Panel pursuant to the standards for safety, effectiveness, and truthful labeling set out in the regulations.

In accordance with the regulations, the Panel's findings with respect to these ingredients are set out in three categories:

I. Conditions under which antacid products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which antacid products are not generally recognized as safe and effective or are misbranded.

III. Conditions for which the available data are insufficient to permit final classification at this time.

I. *Conditions under which antacid products are generally recognized as safe and effective and are not misbranded.* and effective and are not misbranded. A.

A. *Effectiveness standard.* OTC antacid products should be evaluated with respect to their acid neutralizing properties and neutralizing capacity by one set of criteria irrespective of whether these products are used to alleviate the symptoms of minor upper gastrointestinal complaints or major disorders such as peptic ulcer. OTC products marketed as antacids should be evaluated by the following standard in vitro test:

MEASUREMENT OF NEUTRALIZING CAPACITY OF ANTACIDS

MATERIALS

Antacid, 0.1 N HCl, 1.0 N HCl, standardizing buffer pH 4.0 (0.05 M potassium hydrogen phthalate), pH meter, magnetic stirrer, magnetic stirring bars (25 mm. long, 9 mm. diameter), 100 ml. beakers (45 mm. inside diameter), 50 ml. buret, buret stand, 50 ml. pipet calibrated to deliver, device for comminuting tablets, 12- and 16-mesh sieves, equipment for controlling temperature.

PROCEDURE

1. The test should be conducted at 37° C.

2. Standardize the pH meter at pH 4.0 with standardizing buffer and at pH 1.1 with 0.1 N HCl.

3. Place empty 100 ml. beaker on stirrer, add stirring bar, center bar in beaker, adjust rotation rate to 240 r.p.m., record dial setting that produces this rotation rate. Turn off stirrer.

4. Add one unit dose of antacid and 50 ml. 0.1 N HCl to beaker. Acid or antacid may be added first. If antacid is in tablet form, it may be added as whole tablets or as particles except that if label states that tablets are to be swallowed whole, whole tablets should be used in the test. Particles should be prepared from ground tablets taking particles that pass a 12-mesh sieve and are held by a 16-mesh sieve. If particles are used, the weight of particles should equal the weight of a unit dose.

5. Immediately after adding acid and antacid, turn on stirrer to speed setting determined in step 3.

6. Stir for exactly 10 minutes.

7. Read and record pH.

8. If pH is 3.5 or greater, proceed; if pH is below 3.5, stop test.

9. If pH at Step 7 is 3.5 or greater, add 1.0 N HCl from buret to bring pH to 3.5. Continue to add 1.0 N HCl at the rate required to hold pH at 3.5.

10. Exactly 5 minutes after beginning addition of 1.0 N HCl (15 minutes after adding antacid) read and record ml of 1.0 N HCl used.

11. Calculation: 5 meq (in 50 ml 0.1 N HCl used in first 10 min)+number of ml 1.0 N HCl added during period 10 to 15 min=meq acid neutralized in 15 minutes.

Criterion 1: If pH is 3.5 or greater at end of initial 10-minute period, product may be labeled antacid.

Criterion 2: If antacid passes Criterion 1, neutralizing capacity as calculated in Step 11 must be stated in package insert of ethically promoted products. The neutralizing capacity should be expressed per unit dose recommended on the label, or per minimum unit dose if more than one dose is suggested.

The formulation and/or mode of administration of certain products (e.g., in chewing gum form) may require modification of this in vitro test. In vivo tests of antacid properties should not be required at this time.

Comment. The capacity to neutralize acid is one of the factors involved in the in vivo efficacy of antacids. In vitro tests such as the one proposed here can give an index of the magnitude of an ingredient's or product's capacity to neutralize acid. Other factors involved in in vivo efficacy, such as rate of gastric emptying, rate of secretion of acid by the stomach, and degree of mixing of antacid with gastric contents, are highly variable and cannot be usefully simulated in in

vitro tests. The proposed in vitro test does not purport to simulate these highly variable factors and the panel does not advocate more elaborate in vitro tests because it is not aware of any evidence showing that in vitro tests that attempt to simulate in vivo conditions give better predictions of in vivo efficacy than in vitro tests that measure only the acid neutralizing capacity of a product. The conditions of the proposed test were selected with the following considerations in mind.

Minimum acid neutralizing capacity of 5 mEq. The fasting stomach of patients with duodenal ulcer contains about 3 mEq. of acid at any given moment (residual content) and secretes about 0.13 mEq./min. or about 2 mEq. in 15 minutes. Control subjects have values about half those of duodenal ulcer subjects. Theoretical considerations predict and actual observations show that antacids are generally much less than 50 percent efficient in realizing in vivo their in vitro acid neutralizing properties. Therefore, for an antacid to combine with the residual gastric acid and to maintain an elevated pH for 15 minutes in a normal subject would require, on the average, 5 mEq. of antacid (assuming 50 percent efficiency).

pH endpoint of 3.5. A commonly used laboratory endpoint for antacids is pH 4, selected because peptic activity is reduced by more than 80 percent at this pH. Since many antacids in common use that are apparently effective in producing symptomatic relief have little buffering action at pH 4 (particularly aluminum-containing compounds) the endpoint pH 3.5 was selected. Further studies are needed to pinpoint the pH that must be achieved to produce relief of upper gastrointestinal symptoms that may be susceptible to relief by antacids.

Fifteen-minute duration of test. The rate of reaction of antacid with acid is not an index of duration of action in vivo. Specifically, a slow rate of in vivo elevation of pH will be prolonged. When an antacid is taken in the fasting state in ordinary doses, such as 15 ml. of a liquid preparation, the elevation of pH of gastric contents extends beyond 15 minutes in less than 40 percent of the subjects even when a preparation with high acid neutralizing capacity is used. This short duration of action is attributable to the rapid emptying of antacid from the stomach. Most of the antacid has left the stomach 15 minutes after ingestion, and therefore any acid neutralizing properties that take longer than 15 minutes to be manifest will not be effective.

The in vitro test specified is recommended as a means of introducing a reasonable, standardized procedure in what appears to be a chaotic situation at present. Modification of the test may be anticipated, perhaps after discussion and evaluation by an appropriate and widely representative committee of experts. Presently available in vivo tests are themselves subject to multiple sources of error and variability, so that no one of them can be designated as optimum. Therefore, in vivo tests are not recommended at this time since their routine implementation would require very laborious procedures without a commensurate increase in the information so obtained.

Although the application of an in vitro test as the sole standard of effectiveness for OTC antacids appears reasonable and practical for the moment, this single standard need not be perpetuated indefinitely. The Panel, therefore, recommends that the FDA organize an appropriate advisory group to develop within a reasonable period, such as 5 years, an in vivo standard of antacid effectiveness to be applicable, in addition to the in vitro test, to both OTC and prescription products.

CITATIONS

(1) Fordtran, J. S.; Morawski, S. G.; Richardson, C. T.; "Clinical Pharmacology of Antacid Therapy" (Draft of paper being submitted for publication).

(2) Grossman, M. I.; "Duration of Action of Antacids", American Journal of Digestive Diseases, *1*:453–454, 1956.

(3) Grossman, M. I.; Kirsner, J. B.; Gillespie, I. E.; "Basal and Histalog Stimulated Gastric Secretion in Control Subjects and in Patients With Peptic Ulcer or Gastric Cancer", Gastroenterology. *45*:14–26, 1963.

(4) Kronborg, O.; "An Evaluation of the Insulin Test", Fadls Forlag, Copenhagen, Denmark, 1972.

(5) Littman, A.; "Reactive and Nonreactive Aluminum Hydroxide Gels. Dose-response Relationships In Vivo", Gastroenterology, *52*:948–951, 1967.

(6) Myhill, J. and Piper, D. W.; "Antacid Therapy of Peptic Ulcer", Gut, *5*:581–589, 1964.

(7) Northrop, J. H.; Kunitz, M.; Herriott, R. M.; "Crystalline Enzymes"; 2d edition. Columbia University Press, New York, 1948.

B. *Active ingredients.* The Panel concludes that any ingredient listed in this category or products combining two or more such ingredients may be considered safe and effective provided that:

(a) The ingredient or product is recommended for use within the dosage level specified for its component moieties. When an ingredient or product contains two or more moieties for which maximum dosage levels have been specified, the smaller or smallest maximum dosage specified for the pertinent moieties should be applied to the ingredient or product.

(b) The product meets the requirements of the acid neutralizing test.

(c) Each ingredient, as determined by the acid neutralizing test, contributes at least 25 percent of the total neutralizing capacity of any product containing more than one ingredient. To meet the 25 percent requirement, four times the amount of each ingredient present in a unit dose of a product containing two or more ingredients must meet the requirements of the acid neutralizing test. This stipulation need not apply to an antacid ingredient specifically added as a corrective to prevent a laxative or constipating effect.

Comment. Efficacy. Because the secretory activity of the stomach may vary extensively from person to person, and also from time to time in the same person, there is no rationale for setting a maximum limit to the intake of an OTC antacid on the basis of efficacy.

Safety. From the viewpoint of safety, maximum dosages are specified for a number of moieties. An excessive consumption of those moieties of an ingredient for which no maximum intake has been specified is unlikely because of the self-limiting factors exerted by bulk, palatability, or laxation.

The active ingredients with potential acid neutralizing properties are:

Aluminum carbonate.
Aluminum hydroxides.
Aluminum phosphate.
Bismuth aluminate.
Bismuth carbonate.
Bismuth subcarbonate.
Bismuth subgallate.
Bismuth subnitrate.
Calcium carbonate.
Calcium phosphate.
Citric acid (as citrate salt or generable citrate salt).
Dihydroxyaluminum aminoacetate.
Dihydroxyaluminum aminoacetic acid.
Dihydroxyaluminum sodium carbonate.
Glycine (aminoacetic acid).
Hydrated magnesium aluminate activated sulfate.
Magaldrate.
Magnesium aluminosilicates.
Magnesium carbonate.
Magnesium glycinate.
Magnesium hydroxide.
Magnesium oxide.
Magnesium trisilicate.
Milk solids, dried.
Sodium bicarbonate.
Sodium Carbonate.
Sodium potassium tartrate.
Tartaric acid (as tartrate salt or generable tartrate salt).

Comment.—In evaluating the active ingredients for inclusion into one of the three categories in this report, the Panel determined that the above active ingredients should be included in this category based on the evidence presently available. Additional scientific evidence is necessary to define with precision the use of many of these ingredients. Ideally, to support categorical statements of safety and efficacy, the kinds of data suggested in the appendix should be developed.

1. *Aluminum.* The Panel concludes aluminum to be safe in amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific limitation at this time.

Comment. In man, less than 1 mg. aluminum per day appears in urine when aluminum hydroxide is taken. In experimental animals, huge doses of aluminum hydroxide raise the organ contents of aluminum only slightly. No animal toxicity has been observed after oral administration of aluminum, other than that attributable to the obstructive effects of the material ingested.

In man, the only reported adverse effects, intestinal obstruction by masses of aluminum hydroxide and blood, and bony abnormalities and other consequences of intraintestinal sequestration

of phosphate, are substantially infrequent and a warning is not necessary. In general, it appears that sequestration of phosphate by aluminum is a possible danger only if the patient is on a very low phosphate intake, has chronic diarrhea, or has an intrinsic disorder affecting calcium and/or phosphorus metabolism.

Aluminum compounds, it has been shown experimentally in man, interfere with the absorption of tetracycline, and, based on animal studies, they may theoretically interfere with the absorption of many other important drugs such as anticholinergics, barbiturates, warfarin, quinine, and its stereo isomer quinidine. The evidence, however, is fragmentary and conflicting. In addition, antacids other than aluminum compounds may also interfere with tetracycline absorption. Under these conditions, a warning on the label about possible interference with the absorption of prescription drugs is not justified at this time for OTC antacids. Ethical labeling, however, should indicate that aluminum-containing antacids may interfere with the absorption of other drugs.

CITATIONS

(1) Adams, W. L.; Einsel, I. H.; Myers, V. C.; "Aluminum Hydroxide As Antacid In Peptic Ulcer," American Journal Digestive Diseases and Nutrition, *3*:112–120, 1936.

(2) Barr, W. H.; Adir, M. S.; Garrettson, L.; "Decrease of Tetracycline Absorption in Man By Sodium Bicarbonate," Clinical Pharmacology and Therapeutics, *12*:779–784, 1971.

(3) Blaug, S. M. and Gross, M. R.; "In Vitro Absorption of Some Anticholinergic Drugs by Various Antacids," Journal Pharmaceutical Sciences, *54*:289–294, 1965.

(4) "Evaluation of Drug Interactions—1973," American Pharmaceutical Association. (To be published.)

(5) Hurwitz, A.; "The Effects of Antacids on Gastrointestinal Drug Absorption. II. Effect on Sulfadiazine and Quinine," Journal Pharmacology and Experimental Therapeutics, *179*:485–489, 1971.

(6) Hurwitz, A. and Sheehan, M. B.; "The Effects of Antacids on the Absorption of Orally Administered Pentobarbital in the Rat," Journal Pharmacology and Experimental Therapeutics, *179*:124–131, 1971.

(7) Robinson, D. S.; Benjamin, D. M.; McCormack, J. J.; "Interaction of Warfarin & Nonsystemic Gastrointestinal Drugs," Clinical Pharmacology and Therapeutics, *12*:491–495, 1971.

(8) Waisbren, B. A. and Hueckel, J. S.; "Reduced Absorption of Aureomycin Caused By Aluminum Hyroxide Gel," Proceedings of the Society for Experimental Biology and Medicine, *73*:73–74, 1950.

2. *Bicarbonate.* The Panel concludes that the maximum daily intake of bicarbonate ion in the form of an antacid should be 200 mEq/day for those under 60 years of age and 100 mEq/day for those older.

Comment. Alkalosis (i.e., increase in plasma pH outside the normal range) is not regarded by the Panel to be a danger at suggested maximum levels. Goidsenhoven found little change in plasma pH upon oral administration of large doses of sodium bicarbonate (up to 24 mEq/Kg/day for periods up to 3 weeks) although plasma bicarbonate levels tended to rise with increasing doses. Adequate data are not available on the effects of prolonged high bicarbonate intake. Relman found, in dogs, that respiratory compensation of metabolic alkalosis increases the renal bicarbonate threshold, tending to perpetuate the elevation of extracellular bicarbonate concentration. Pak-Poy and Wrong found that in certain patients with renal disease, bicarbonate excretion was reduced at given urine pH, suggesting that such patients may be more prone to alkalosis at given bicarbonate intake. The Panel and a consultant, A. S. Relman, believe that if the maximum daily dose is used for prolonged periods, alkalinity of the urine with urinary stone formation is a potential hazard.

CITATIONS

(1) Goidsenhoven, G. M. van; Gray, O. V.; Price, A. V.; Sanderson, P. H.; "The Effect of Prolonged Administration of Large Doses of Sodium Bicarbonate In Man," Clinical Science, *13*:383–401, 1954.

(2) Pak-Poy, R. K. and Wrong, O.; "The Urinary pCO_2 in Renal Disease," Clinical Science, *19*:631–639, 1960.

(3) Relman, A. S.; Etsten, B.; Schwartz, W. B.; "The Regulation of Renal Bicarbonate Reabsorption by Plasma Carbon Dioxide Tension," Journal of Clinical Investigation, *32*:972–978, 1953.

3. *Bismuth salts and subsalts.* The Panel concludes bismuth salts and subsalts marketed as antacids to be safe in amounts usually taken orally (e.g., 4 grams per day) and believes it unnecessary to impose a specific dosage limitation at this time.

Comment. The oral dose for adults of bismuth subcarbonate is given as 1 gram and the 4-gram amount is based on the assumption that the dose might be taken four times daily.

CITATION

(1) *AMA Drug Evaluations—1971*, 1st Edition, American Medical Association, Chicago, p. 580, 1971.

4. *Calcium.* The Panel recommends that not more than 160 meg of calcium (e.g., 8 grams of calcium carbonate) be taken per day. This recommendation is based on the fact that hypercalciuria in response to calcium ingestion is not rare in the population, and that hence the danger of renal stone formation has to be considered in determining the intake of calcium-containing antacids.

Comment. Calcium-containing antacids such as calcium carbonate stimulate gastric secretion in patients with peptic ulcer and probably in normal subjects. After single doses of such antacids, rates of acid secretion may reach levels of 2 to 4 times the basal rate and these elevations may persist for 1 to 3 hours, long after the antacid action has ended. The increase in acid secretion can at least in part be accounted for by elevation of plasma gastrin levels, but the increase is not clearly correlated with elevation of plasma levels of ionized calcium. The Panel knows of no studies of the effects of extended daily use (e.g., 1 week or longer) on the interrelationships of basal acid secretion, plasma ionized calcium concentration, and gastrin secretion. The Panel concludes that present information does not warrant a restriction on the use of calcium-containing antacids because of any possible stimulating effect on gastric secretion, but as more information becomes available such restrictions may prove to be advisable. Some experts at present believe that calcium-containing compounds should not be used as antacids.

CITATIONS

(1) Barreras, R. F.; "Acid Secretion After Calcium Carbonate In Patients With Duodenal Ulcers," New England Journal of Medicine, *282*:1402–1405, 1970.

(2) Barreras, R. F. and Donaldson, R. M., Jr.; "Effects of Induced Hypercalcemia on Human Gastric Secretion," Gastroenterology, *52*:670–675, 1967.

(3) Fordtran, J. S.; "Acid Rebound," New England Journal of Medicine, *229*:900–905, 1968.

(4) Huth, E. J.; "The Kidney and Oral Calcium Therapy," Annals of Internal Medicine, *66*:1021–1022, 1967.

(5) Letters officially solicited by the Panel Chairman from experts in the field of calcium metabolism and excretion are included in the public file. These letters, including not only comments, but citations, are by J. E. Howard, L. J. Raisz, H. P. Schedl, G. D. Whedon, and R. E. Goldsmith.

(6) Reeder, D. D.; Conlee, J. L.; Thompson, J. C.; "Calcium Carbonate Antacid and Serum Gastrin Concentration in Duodenal Ulcers," Surgical Forum, *22*:308–310, 1971.

5. *Citrates.* The Panel concludes the citrate ion to be safe orally in amounts usually taken. The amount taken with antacids would probably be less than 8 grams per day. Since there is no reliable information as to the upper limits of a safe dose, this level is adopted as the maximum safe dosage at this time.

CITATION

(1) Sollmann, T.; "Manual of Pharmacology," 8th Edition; W. B. Saunders, Philadelphia, pp. 1186–1187, 1957.

6. *Glycine (aminoacetic acid).* The Panel concludes glycine to be safe in amounts usually taken orally (e.g., 5 grams per day) in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

Comment. Glycine is rapidly metabolized and is practically nontoxic, even with high blood levels produced by intravenous injections. Amino acids combine with acid but their buffering capacity is negligible above pH 2.5. Some

amino acids stimulate gastric secretion and this stimulation may persist after the amino acid has left the stomach. Ingestion of large amounts of individual amino acids or of imbalanced mixtures of amino acids can produce toxic effects in animals.

CITATIONS

(1) Collentine, G. E.; "On The Efficacy and Safety of Glycine Administered by Vein," Journal of Laboratory and Clinical Medicine, *33*:1555–1561, 1948.

(2) Cooke, A. R.; Moulang, J.; "Control of Gastric Emptying by Amino Acids," Gastroenterology, *62*:528–532, 1972.

(3) DiPalma, J. R.; "Drill's Pharmacology in Medicine," 3d Edition, McGraw-Hill, New York, p. 721, 1965.

(4) Harper, A. E.; Benevenga, N.J.; Wohlhueter, R. M.; "Effect of Ingestion of Disproportionate Amounts of Amino Acids", Physiological Reviews, *50*:428–558, 1970.

7. *Magnesium.* Absorption of magnesium from antacid preparations does not exceed 15–30 percent and is unlikely to cause systemic toxicity unless renal insufficiency is present. The Panel, therefore, concludes that based on the evidence it has at this time it is not necessary to restrict the intake of magnesium-containing antacids by normal persons because of possible systemic toxic effects of magnesium. For those products in which the maximal daily dose exceeds 50 mEq. of magnesium, the label should state: "Do not use this product if you have kidney disease, except under the advice and supervision of a physician."

Comment. Approximately 20–40 mEq of magnesium are ingested in the normal adult daily diet. Approximately one-third of this amount is absorbed. From magnesium-containing antacids about 15 percent of the acid-reactive magnesium is absorbed, although absorption up to 30 percent has been reported. Absorbed magnesium rapidly enters the cells and is also rapidly excreted, so that hypermagnesmia is difficult to achieve by the oral route in the presence of normal renal function. In renal dysfunction, however, hypermagnesmia toxicity may occur and a warning is therefore necessary. Unabsorbed soluble magnesium compounds obligatorily retain water in the gut and exert a cathartic effect. However, the cathartic dose is higher than the dose recommended for magnesium-containing antacid products. Furthermore, not all of the magnesium compound may dissolve in the gut, and some preparations contain only small amounts of magnesium. In addition, constipating materials, such as calcium or aluminum, may be present. Consequently, many magnesium-containing antacid products may lack definite laxative action and not all products need carry a warning about laxation.

CITATIONS

(1) Goodman and Gillman; "The Pharmacological Basis of Therapeutics," 4th Edition, MacMillan Co., N.Y.; 813 and 1024, 1970.

(2) Letters solicited by the Panel Chairman from L. G. Welt and J. E. Howard are included in the public file.

(3) Randall, R. E. Jr.; Cohen, M. D.; Spray, C. C. Jr.; Rossmeisl, E. C.; "Hypermagnesemia in Renal Failure, Etiology and Toxic Manifestations," Annals of Internal Medicine, *61*:73–88, 1964.

8. *Milk, solids, dried.* The Panel concludes milk solids to be safe in amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

9. *Phosphates.* The Panel concludes phosphates to be safe in amounts usually taken orally (e.g., 2 grams as the mono or dibasic calcium salt, 8.0 grams as aluminum phosphate, and 24 grams as tricalcium phosphate per day) in antacid products. No specific limitation is necessary with respect to safety at this time.

Comment. The above recommended levels are within the ranges found in the literature for various marketed products reviewed by the Panel; i.e., mono or dibasic calcium salt, 0.2 grams per tablet up to eight tablets per day; aluminum phosphate, up to 2 grams four times daily; tricalcium phosphate, 1 to 4 grams, up to six doses per day.

CITATION

(1) *AMA drug evaluations-1971.* 1st Edition, American Medical Association, p. 575, 1971.

10. *Potassium.* The Panel concludes that, with respect to normal persons, no evidence is available to warrant the imposition of a specific maximum daily intake of any antacid product on the basis of its potassium content. Patients with kidney disorders, however, should be warned not to take potassium-containing antacids: "Do not use this product if you have kidney disease except under the advice and supervision of a physician." This requirement does not apply to antacid products containing less than 25 mEq. of potassium per maximum daily dose.

Comment. Hyperkalemia as a consequence of oral ingestion of potassium is rare. As much as 30–60 meq per day of potassium is frequently given as a nutrient. A liter of orange juice contains about 50 meq of potassium. Meat contains about 65 meq of potassium per pound. Consequently, normal persons can easily tolerate the potassium content of currently marketed OTC antacid products. However, in the presence of impaired renal function, potassium can accumulate in the body and exert toxic effects, so the warning is in order.

11. *Silicates.* Although there are some definite reports of silicious renal stones, the Panel concludes that evidence at this time of frequent silicate toxicity is insufficient to justify a limit on the maximum daily intake of silicate in an antacid. Further studies on silicate toxicity are needed. Magnesium trisilicate is said to interfere with drug absorption, and the Panel questioned whether labeling should bear a statement concerning possible interference with the absorption of prescription drugs but concluded that the evidence was insufficient at this time to justify such a statement.

12. *Sodium.* The Panel concludes that the maximum safe daily dosage of sodium-containing antacids is 200 mEq of sodium for persons under 60 years of age, and 100 mEq for persons 60 years of age or older. The label on antacid products containing more than 5 mEq sodium per maximum recommended daily dose should state: "Do not use this product if you are on a sodium restricted diet except under the advice and supervision of a physician." All OTC antacids containing more than 0.2 mEq. (5 mg) of sodium in one unit dosage should show on the label the sodium content, expressed per tablet, per unit volume used for expressing dose, or per packet or packet combination.

Comment. There is extensive literature on the relationship of sodium intake to hypertension, and it is generally accepted that sodium intake is one of several factors in its pathophysiology. In experimental animals, salt may precipitate marked hypertension in the presence of certain endocrine and/or renal disturbances. Even in the absence of abnormalities, blood pressure increases with sodium intake. However, in the presence of normal renal function, the rise in pressure, is moderate.

Guyton states that the doubling of salt and water intake raises the mean blood pressure in man by 10 mmHg. Prior and Evans studied a genetically homogeneous population scattered among three Polynesian islands. They concluded that diet and salt intake contributed to differences in blood pressure, but the relationship is complicated by other factors.

Apart from hypertension, edema may develop in persons with occult heart failure or renal disease with high salt intake. Since the prevalence of these conditions increases with age, it is advisable to place a more severe limit on sodium dosage for persons over 60 years of age.

Panel consultants concurred that sodium intake greater than 100 meq. per day might be deletrious in elderly patients or patients with cardiorenal disease. They also agreed that sodium intake up to 200 meq. per day would be safe in younger persons with normal cardiorenal status.

A limit of 200 meq. per day as antacid would allow additional sodium in medicinal form approximately equal to the usual daily intake in the American diet.

CITATIONS

(1) Letters solicited by the Panel chairman from William B. Schwartz and Edward Freis are included in the public file.

(2) Davies, D. F. and Shock, N. W.; "Age Changes In Glomerular Filtration Rate, Effective Renal Plasma Flow and Tubular Excretory Capacity In Adult Males," Journal Clinical Investigation, *29*:496–507, 1950.

(3) Guyton, A. C.; Coleman, T. G.; Fourcade, J. C.; Navar, L. G.; "Physiologic Control of Arterial Pressure," Bulletin of the New York Academy of Medicine, *45*:811–830, 1969.

(4) *"Handbook of Non-Prescription Drugs,"* American Pharmaceutical Association, Washington, D.C., pp. 10–12, 1971.

(5) Lewis, W. H. and Alving, A. S.; "Changes With Age In The Renal Function In Adult Men," American Journal of Physiology, *123*:500–515, 1938.

(6) Prior, I. A. and Evans, J. G.; "Sodium Intake and Blood Pressure in Pacific Population," Israel Journal of Medical Science, *5*:608–611, 1969.

(7) Rimer, D. G. and Frankland, M.; "Sodium Content of Antacids," Journal of the American Medical Association, *173*:995–998, 1960.

(8) Shock, N. W.; "Kidney Function Tests in Aged Males," Geriatrics, *1*:232–239, 1946.

13. *Tartaric acid and tartrates.* The Panel concludes on the basis of the tartrate concentration of traditionally used agents, that the maximum daily dose of tartrates should be 200 meq (15 grams).

Comment. More information is needed concerning the overall influence of tartrates on the body. The diet contains variable amounts of tartaric acid and/or its salts sometimes in quantities exceeding those recommended in antacid therapy. Up to 1.2 percent in the diet of rats for 2 years caused no evident harm but 1.5 percent was toxic. In rabbits, no renal injury was seen up to 12 mmol/kg, but toxicity occurred at 17–25 mmol/kg. Long use of tartrates as cathartics and their use in baking powders seem to establish their safety. However, Robertson and Lonnel reported a death following the oral ingestion of 30 grams of tartaric acid. Renal failure with characteristic epithelial necrosis in the convoluted tubules and loop of Henle were observed. Krop and Gold reported chronic renal toxicity in dogs ingesting 0.99 gm per kg per day. The above cited doses are within the range of those conceivable with antacid preparations used repetitively throughout the day, day after day. Until tartrate-containing antacid preparations are carefully tested for toxicity, especially nephrotoxicity, under conditions simulating actual use and abuse, it is advisable to establish a daily dosage limit of 200 meq. It should be noted that the FAO/WHO Expert Committee on Food Additives in its eighth report recommended a conditional limit of 6–20 mg/kg/day (420–1400 mg per 70 kg per day) of tartaric acid.

Tartrate is a chelator of calcium, and its renal effects resemble those caused by other chelators. It has been reported to have a parathyroid hormone-like action. The cathartic effect (supposedly saline catharsis) and the studies in man by Underhill indicated poor oral absorption, yet no tartrate has been demonstrated in feces. Bauer and Pearson believe absorption is nearly complete and catabolism is the primary mode of elimination, in contradiction of the above cited workers. It is noteworthy that Post reported diuresis and alkalinization of the urine in man.

No study has been made by modern tracer or chromatographic methods. Whether tartrate is absorbed and excreted unchanged, metabolized to bicarbonate and excreted as bicarbonate, or converted to bicarbonate in the gut, then absorbed and excreted, a quantitative description of its effects on systemic acid-base physiology and the renal implications thereof are needed. Information about sodium potassium tartrate is needed to determine the bioavailability of both sodium and potassium and to establish its safety. Because of sodium-potassium exchange, potassium-calcium antagonism, the opposite effects of sodium and potassium on (Na-K) membrane ATPase, etc., findings with sodium tartrate cannot be considered to apply automatically to sodium potassium tartrate, and both tartrates should be studied separately.

CITATIONS

(1) Bauer, C. W. and Pearson, R. W.; "A Comparative Study of the Metabolism In the Human Body of Some Isomers of Tartaric Acid," Journal of the American Pharmaceutical Association, Scientific Edition, *46*:575–578, 1957.

(2) Finkle, P.; "The Fate of Tartaric Acid In The Body," Journal of Biological Chemistry, *100*:349–355, 1933.

(3) Fitzhugh, O. G., and Nelson, A. A.; "The Comparative Toxicities of Fumaric, Tartaric, Oxalic, and Maleic Acids," Journal of the American Pharmaceutical Association, Scientific Edition, *36*:217–219, 1947.

(4) Krop, S., and Gold, H.; "On The Toxicity of Hydroxyacetic Acid After Prolonged Administration Comparison With Its Sodium Salt and Citric and Tartaric Acids," Journal of the American Pharmaceutical Association, Scientific Edition, *34*:86–89, 1945.

(5) Post, W. E.; "The Effect of Tartrates on the Human Kidney," Journal of the American Medical Association, *62*: 592, 1914.

(6) Robertson, B., and Lonnel, L.; "Human Tartrate Nephropathy," Acta Pathologica et Microbiologica Scandinavica, *74*:305, 1968.

(7) Weiss, J. M.; Downs, C. R.; Corson, H. P.; "Inactive Malic Acid As A Food Acidulent," Industrial and Engineering Chemistry, *15*:628–30, 1923.

(8) World Health Organization, Technical Report Series 309; "Specifications for the Identity and Purity of Food Additives and Their Toxicological Evaluation: Food Colours and Some Anti-microbials and Anti-oxidants," World Health Organization, Geneva, Switzerland, 1965.

C. *Labeling.* In addition to the specific labeling [IA and IB], the Panel concludes that the following general principles also apply for truthful and accurate labeling.

1. Various types of burning distress felt in the upper abdomen retrosternally or in the throat may be related to the regurgitation of acid gastric contents into the esophagus, or to other mechanisms in which a reasonable possibility exists that gastric acid is involved. The Panel concludes that antacids are truthfully and accurately promoted to alleviate such symptoms as "heartburn," "sour stomach," and "acid indigestion." These symptoms probably are related to gastric acid, although the evidence is far from conclusive. The mechanism of heartburn is generally believed to be regurgitation of acid gastric contents in the esophagus.

2. The label of every OTC antacid should declare the quantitative composition for all active ingredients.

This composition should be given per tablet, per capsule, or other solid dosage form, per unit volume of liquid used in expressing dose, per packet, or per packet combination.

3. The recommended maximum dosages should be qualified by the phrase: "except under the advice and supervision of a physician."

4. If the maximum daily dose of a given antacid is used daily for more than 2 weeks, a physician should be consulted. Prolonged use of certain agents may be harmful. The label of every antacid should thus contain the following statements or their equivalents: "Do not take more than ____ (maximum recommended daily dosage expressed in units such as tablets or teaspoonfuls) in a 24-hour period except under the advice and supervision of a physician. Do not use the maximum dosage of this antacid for more than 2 weeks except under the advice and supervision of a physician."

5. Depending on dose taken and individual susceptibility, some antacid products may have either a laxative or a constipating effect. Products that cause either of these effects in 5 percent or more of persons using the maximum recommended dose should be so labeled.

Comment. The Panel suggests that the FDA use the clinical impression of experts to identify agents that should be labeled as either laxative or constipating or both, according to the definition given above, until the results of valid clinical studies are available. Studies should be required comparing frequency, water content, and daily weight of stools in control and test periods.

6. OTC antacid products are used to alleviate not only the symptoms of minor upper gastrointestinal complains but also major disorders such as peptic ulcer. The Panel has not reviewed or considered ethical labeling of OTC products as it relates to major disorders such as peptic ulcer, gastritis, and peptic esophagitis. The ethical labeling of antacids should be reviewed by the Food and Drug Administration in light of the conclusions and recommendations of this report.

7. A variance from any labeling requirement defined by this report should be permitted by the Food and Drug Administration only when the application for variance is accompanied by creditable scientific evidence that the requirement does not correctly apply to the product in question.

D. *Drugs combining antacid and other active ingredients.* The Panel concludes that there is no valid scientific evidence that the addition to an OTC antacid of an active ingredient that is neither an antacid nor a corrective for an antacid side effect, will contribute to the product's safety and effectiveness for use in antacid therapy alone. The addition of nonantacid or noncorrective ingredients may, in fact, reduce the safety or effectiveness of the antacid product.

If antacid combinations are to be allowed, the use of the combination of an antacid and an active ingredient that is neither an antacid nor a corrective for an antacid side effect should be limited to those individuals who concurrently have symptoms which require for their relief the pharmacologic action of both the antacid and nonantacid ingredient. This dual indication should be clearly stated on the product label.

1. The Panel concludes that it is rational to combine an antacid with an analgesic if the individual who uses the product has concurrent symptoms which require the relief provided by both types of active ingredients. The indication section of the labeling should state clearly that the combination should be used for heartburn and/or acid indigestion and/or sour stomach only when these symptoms are accompanied by indications for an analgesic. Such a product is not appropriate for peptic ulcer and related disorders. Any analgesic ingredient that is generally recognized as safe and effective (see analgesic Monograph) may be used as the analgesic ingredient.

2. The Panel concludes that it is rational to include a nonantacid laxative ingredient in an antacid if the laxative is solely for the purpose of counteracting the constipating action of one or more of the antacid ingredients. Any laxative action ingredient that is generally recognized as safe and effective (see laxative Monograph) may be used as the laxative ingredient. No labeling claim for the laxative effect would be truthful, because the amount of nonantacid laxative ingredient present should not cause laxation, but only counteract the constipating effect of the antacid.

Comment. Any other combination of antacid with nonantacid active ingredients should be permitted by the Food and Drug Administration only after it is shown that the conditions for a combination drug set out in the regulations have been met. The Panel is unaware of any other such combinations which meet these conditions at the present time.

II. *Conditions under which antacid products are not generally recognized as safe and effective or are misbranded.* The use of antacids under the following conditions is unsupported by scientific data, and in many instances by sound theoretical reasoning. The Panel concludes that the ingredients, labeling, and combination drugs involved should be removed from the market until scientific testing supports their use.

A. *Active ingredients.* No active ingredients for which data were submitted to the Panel and that is not included in Category I or Category III has, in the Panel's opinion, been shown by adequate and reliable scientific evidence to be safe and effective.

B. *Labeling.* The Panel concludes that it is not truthful and accurate to make claims or to use indications on the package label that the product may directly affect "nervous or emotional disturbances," "excessive smoking," "food intolerance," consumption of "alcoholic beverages," "acidosis," "nervous tension headaches," "cold symptoms," and "morning sickness of pregnancy" since the relationship of such phenomena to gastric acidity is both unproven and unlikely.

C. *Drugs combining antacid and other active ingredients.* 1. Although the Panel is cognizant of the validity of combining an antacid with aspirin for the purpose of buffering the aspirin and for treatment of concurrent symptoms, it concludes that fixed antacid-aspirin combinations are irrational for antacid use alone and therefore should not be labeled or marketed for such use. Not only are OTC antacids sometimes indiscriminately used, which may lead to aspirin toxicity with such combinations, but aspirin also has a potential for damaging the gastrointestinal mucosa by the topical action of breaking the mucosal barrier or by other mechanisms.

In experiments in man and animals unbuffered aspirin causes greater visible gastric mucosal damage and more gastrointestinal blood loss than strongly buffered aspirin in solution, which causes little or none of these experimental forms of damage. However, the actual clinical condition of major gastrointestinal hemorrhage associated with aspirin ingestion has been seen with both unbuffered and strongly buffered aspirin in solution. There is inadequate evidence to establish whether the risk of clinically major gastrointestinal hemorrhage is less with strongly buffered aspirin in solution than with unbuffered aspirin. Because of this uncertainty and the lack of evidence of effectiveness of salicylate for antacid indications, benefit-risk considerations dictate that such a product not be indicated solely for antacid purposes.

CITATIONS

(1) Brodie, D. A. and Chase, B. J.; "Role of Gastic Acid in Aspirin-Induced Gastric Irritation in the Rat," Gastroenterology, *53*:604–610, 1967.

(2) Brown, R. K. and Mitchell, N.; "The Influence of Some of the Salicyl Compounds (and alcoholic beverages) on the Natural History of Peptic Ulcer," Gastroenterology, *31*:198–203, 1956.

(3) Grossman, M. I.; Matsumoto, K. K.; Lichter, R. J.; "Fecal Blood Loss Produced by Oral and Intravenous Administration of Various Salicylates," Gastroenterology, *40*:383–388, 1961.

(4) Jennings, G. H.; "Causal Influences in Haematemesis and Melaena," Gut, *6*:1–13, 1965.

(5) Langman, M. J. S.; "Epidemiological Evidence for the Association of Aspirin and Acute GI Bleeding," Gut, *11*:627–634, 1970.

(6) Leonards, J. R. and Levy, G.; "Reduction or Prevention of Aspirin-Induced Occult Gastrointestinal Blood Loss in Man," Clinical Pharmacology and Therapeutics, *10*:571–575, 1969.

(7) Thorsen, W. B. Jr.; Western, D.; Tanaka, Y. and Morrissey, J. F.; "Aspirin Injury to the Gastric Mucosa, Gastrocamera Observations of the Effect of pH," Archives of Internal Medicine, *121*:499–506, 1968.

2. The Panel concludes that it is not safe and effective concurrent therapy to add an anticholinergic ingredient to an OTC antacid product, because optimal use of antacids and anticholinergic drugs requires independent adjustment of dosages of each drug, because the addition of an anticholinergic drug in a concentration large enough to have detectable pharmacoloic effects would result in a compound too toxic for use in self-medication, and because entirely safe amounts of anticholinergics have not been shown to affect gastric secretion or upper gastrointestinal symptoms. Since elderly persons number prominently among antacid users, cycloplegia and urinary retention induced by anticholinergic drugs is a definite risk. Thus, a fixed combination of antacid and anticholinergic will result, regardless of how formulated, in a mixture that is either unsafe or ineffective.

The same conclusions apply to combinations of antacids with sedative-hypnotic ingredients.

3. The Panel concludes that it is not rational concurrent therapy for a significant portion of the target population for the label to claim that a combination product (e.g., mineral oil and magnesium hydroxide) is to be used both as an antacid and as a laxative if the laxative claim is supported by a nonantacid laxative ingredient.

The Panel recognizes that there are active antacid ingredients that may be effective as laxatives at higher doses than those used for antacid action. The Panel understands that the question whether such uses are appropriate will be reviewed by the Laxative Panel and, for this reason, takes no position on use of these ingredients as laxatives.

4. The Panel is not aware of any study showing that the addition of an antipeptic agent to an antacid product increases the product's efficacy as an antacid or is otherwise effective as a means of managing upper gastrointestinal symptoms. All antacids are antipeptic in the sense that peptic activity is reduced as pH increases and pepsin is irreversibly inactivated at pH's above 7. No claim for antipeptic activity can be considered truthful and accurate until it is substantiated both by scientifically valid in vitro tests showing that the antipeptic action is substantially greater than that of an agent with only antacid action (such as sodium bicarbonate), and it is proved by studies that the antipeptic activity is clinically meaningful and therefore contributes to the product's effectiveness.

5. The Panel concludes that the addition of proteolytic agents or bile or bile salts to antacid products is unsafe. Since pepsin is presumably involved in the pathogenesis of peptic ulcer, the addition of pepsin to antacid products may be potentially harmful. Since bile and bile salts can damage gastric mucosa, and since they may be involved in the pathogenesis of gastric ulcer, these substances should not be permitted in antacid products.

6. The Panel concludes that the addition of an antiemetic to an antacid product is not rational therapy for a significant portion of the target population.

III. Conditions for Which the Available Data Are Insufficient To Permit Final Classification at This Time

A. *Claimed Active Ingredients.* The Panel concludes that adequate and reliable scientific evidence is not available at this time to permit final classification of the active ingredients listed below. These ingredients have either no or negligible antacid action and there is inadequate evidence for their effectiveness for their nonantacid action in the relief of upper gastrointestinal symptoms or in their adjuvant or corrective properties. The Panel believes it reasonable to provide 2 years for the development and review of such evidence. Marketing need not cease during this time if adequate testing is undertaken provided any product that claims to be an antacid (i.e., neutralize stomach acid) meets the general in vitro antacid effectiveness standard. (See monograph.) If adequate effectiveness data are not obtained within 2 years, however, these ingredients listed in this category should no longer be permitted, even in a product that meets the general in vitro antacid effectiveness standard, because of a lack of evidence that these ingredients make a meaningful contribution to the claimed effects.

Active ingredients:
Alginic acid.
Attapulgite, activated (absorbent).
Charcoal.
Gastric mucin.
Kaolin.
Methylcellulose.
Pectin.
Simethicone.
Carboxy methylcellulose.

1. *Alginic acid.* Although the ingestion of alginic acid-containing products may produce a layer of material floating on top of the gastric contents, the Panel concludes that present evidence is insufficient to demonstrate the effectiveness of this characteristic. The studies are fragmentary, uncontrolled, and few in number. No evidence is presented as to reproducibility of results. There is insufficient evidence that alginic acid-containing antacid products, even if they do produce a floating layer on top of the gastric contents, are clinically beneficial. Indeed, such evidence as there is indicates that these products do not increase the pH of gastric contents as a whole. Since regurgitation of gastric contents is particularly apt to occur when patients are lying down rather than in the upright position, alginic acid-containing products may be less beneficial than a standard antacid which is more likely to increase the pH throughout the gastric contents.

The Panel concludes alginic acid to be safe in amounts usually taken orally (e.g., 4 grams per day) in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

2. *Simethicone.* Although it is reasonably certain that antifoaming agents, by their surface action, cause small gas bubbles to coalesce and form larger ones, whether such a change in size of gas bubbles is clinically beneficial has not been clearly demonstrated. Controlled studies submitted by industry do report a lessening of postoperative gas pains and amounts of gaseous accumulation as judged by X-ray. However, studies with respect to gas accumulation under ordinary conditions of life under which OTC antacids are normally used are limited and not well controlled. Finally, it is far from certain that many of the sensations of "gas" of which patients complain are actually produced by accumulations of gas.

The Panel concludes simethicone to be safe in amounts usually taken orally (e.g., 350 mg) to 500 mg per day) in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

3. *Carboxy methylcellulose.* The Panel concludes carboxy methylcellulose to be safe in amounts usually taken orally (e.g., 3 grams per day) in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

Citation

(1) *AMA Drug Evaluations-1971*, 1st Edition, American Medical Association, page 600.

4. *Charcoal, activated.* The Panel concludes charcoal to be safe in amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

Since charcoal-containing products may decrease absorption of certain oral drugs, the label should state: "Do not take this product concurrently with a prescription drug except on the advice of your physician or pharmacist." Study is specifically needed to determine whether the charcoal used contains benzpyrene or methylcholanthrane type carcinogens.

Comment. The recommendation that the consumer who purchases an OTC drug should consult with a pharmacist is based on the belief that the pharmacist will be readily available to the purchasing consumer, and that the average U.S.A. pharmacist today is as well acquainted with the subject of possible drug interactions as the average physician. As a specialist in the field he possesses knowledge of the subject or is apt to have appropriate written material (e.g., handbook, manuals, drug interaction lists) readily available. The Panel believes the pharmacist may be able to provide useful understandable information to the consumer which would be inappropriate on an OTC label.

5. *Kaolin.* The Panel concludes kaolin to be safe in amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

Since kaolin affects gastrointestinal absorption, the comments made under the heading Aluminum [I–B(1)] dealing with the untoward effects of that ingredient on the absorption of other drugs also apply to kaolin.

6. *Methylcellulose.* The Panel concludes methylcellulose to be safe in amounts usually taken orally (e.g., 2 grams per day in antacid products), and believes it unnecessary to impose a specific dosage limitation at this time.

7. *Nitrates.* The Panel concludes nitrates to be safe in amounts usually taken orally (e.g., 0.5 grams maximum per day) in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time. The Panel is aware of the nitrosamine hypothesis but concludes that there is insufficient evidence of lack of safety to justify precluding the use of nitrate in antacids at this time.

8. *Attapulgite (activated).* The Panel concludes that this ingredient is safe in the amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

9. *Gastric mucin.* The Panel concludes that this ingredient is safe in the amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

10. *Pectin.* The Panel concludes that this ingredient is safe in the amounts usually taken orally in antacid products, and believes it unnecessary to impose a specific dosage limitation at this time.

B. *Labeling*—1. OTC products containing ingredients listed in Category I or III are often used to treat symptoms that are not known to be related to acidity of gastric contents. These products may or may not qualify as antacids by the in vitro acid neutralizing test. The symptoms include "indigestion," "gas," "upper abdominal pressure," "full feeling," "nausea," "excessive eructations," "upset stomach," and the like. Some of these symptoms are vague, most are poorly understood as to pathophysiological mechanism, and none have been shown by adequate and reliable scientific evidence to be caused by or alleviated by changes in gastric acidity. The Panel concludes that companies marketing products that make claims for alleviation of these or other similar symptoms should within 2 years provide evidence of effectiveness, consisting of statistically valid clinical trials, in relieving each of these symptoms for which a claim is made. But no claim for acid neutralizing properties can be made unless the product meets the in vitro standard (see Monograph). Claims for those symptoms for which such evidence has not been provide by that time should be withdrawn.

Comments. This section pertains to the relief of upper gastrointestinal symptoms claimed for an "antacid" product on the basis of action unrelated to its acid neutralizing capacity. For example, in a patient with total gastric anacidity, an agent might conceivably relieve gastric discomfort by altering gastroduodenal motor function.

2. The Panel concludes that claims or indications which link certain signs and symptoms, such as "sour breath," "upper abdominal pressure," "full feeling," "nausea," "stomach distress," "gas," "indigestion," "upset stomach," and "excessive eructations" with normal or hypernormal gastric acidity, are unproven since the relationship of such signs and symptoms to gastric acidity is unknown or dubious and there is no adequate and reliable scientific evidence to support these claims. Such claims or indications encourage the user to

draw conclusions as to the cause or intermediation of such symptoms, a conclusion that even the medical profession is incapable of drawing at this time. Therefore, those claims and indications that link these symptoms to acidity or "hyperacidity" should not be permitted unless supported by statistically valid clinical trials obtained within 2 years.

Comment. This section refers to claims that the symptoms listed are related to gastric acidity. Once it is demonstrated that such symptoms and gastric acidly are related, antacids could logically be recommended for such symptoms.

3. The Panel concludes that the evidence currently available is inadequate to support the claim that such Properties as "floating," "coating," "defoaming," "demulcent," "carminative" contribute to the relief of upper gastrointestinal symptoms. The continued use of such claims, or ones closely allied to them, requires additional studies both to confirm the claimed specific action and to demonstrate clinical significance. These studies should also be completed within 2 years.

INACTIVE INGREDIENTS

A wide variety of pharmaceutical necessities and excipients are used to manufacture antacid products. Examples are fillers, tablet lubricants and binders, disintegrating agents, colorants, flavoring agents, preservatives, suspending agents, and sweeteners. Except for lactose and talc, the Panel did not consider the status of these inactive ingredients.

Although the Panel has not considered these ingredients, it is the view of the Panel that their safety and the advisability of listing them on the label be reviewed by an appropriate body. Since these materials are used in the formulation of many drugs other than antacids, it is not appropriate that they be dealt with specifically and solely in relation to antacids.

1. *Lactose.* Although lactose is used in OTC antacid products as an inactive ingredient, concern has been expressed that the lactose content of some products may be sufficient to cause untoward effects in persons who are lactase deficient. Most patients who have lactase deficiency are only partially deficient and can tolerate a glass of milk daily, i.e., 10 grams of lactose. The Panel therefore concludes that the maximum daily consumption of lactose in an antacid product should be limited to 5 grams.

Comment. Five grams of lactose is the amount present in one-half glass of milk. Although numerous studies indicate that about 20 percent of Caucasians and 80 percent of non-Caucasians have some degree of lactose intolerance because of lactase deficiency, only a small percentage of those who are lactase deficient cannot tolerate the amount of lactose here suggested.

CITATION

Letter solicited by Panel chairman from Bayless, T. M., included in the public file.

2. *Talc.* Because of the known carcinogenic effect of asbestos, and because some talcs have been inherently contaminated with asbestos, the Panel is concerned about the inclusion of talc in some antacid preparations. The use and nature of talc in a variety of pharmaceutical preparations warrants study by the Food and Drug Administration.

DATA PERTINENT FOR ANTACID INGREDIENT EVALUATION [1]

CLINICAL TOXICOLOGICAL DATA

A. Minimal lethal dose in man, by single oral ingestion.

B. Maximal tolerated dose in man, by single oral ingestion.

C. Minimal lethal dose in man, taken in divided doses at intervals stated or implied on or construable from product label.

D. Maximal tolerated dose in man, taken in divided doses at intervals stated or implied on or construable from product label.

E. Chronic toxicity in man, especially with respect to renal function and pathology, bone pathology, and any pathologies suggested from experiments in animals.

F. If there are insufficient human data, similar experimental data on omnivorous primates or other suitable species are needed.

ABSORPTION, FATE, DISTRIBUTION, AND EXCRETION

A. The percent of absorption in man of various oral doses, determined by modern methods.

B. The percent of renal excretion in man with various oral doses, determined by modern methods.

C. The metabolic fate in man of absorbed but unexcreted drug.

D. The fate of unabsorbed drug in man, determined by modern methods.

E. The net bioavailability of the drug in man.

F. The ion(s) associated with fecally excreted drug and/or its unabsorbed intraluminal biotransformation products.

G. The ion(s) associated with renally excreted drug and/or its renally excreted biotransformation product.

EFFECTS

A. Effects or oral drug on intragastric, intraintestinal, and gastrointestinal mucosal ion concentration.

B. Effects of oral drug on absorption of ions.

C. Effects of oral drug on renal excretion of ions.

D. Effects of oral drug on blood ion concentration.

E. Effects of oral drug on absorption of phosphate.

F. Effects or oral drug on renal excretion of phosphate.

G. Effects of oral drug on absorption of actively transported substances.

H. Effects of oral drug on absorption of essential nutrients.

I. Effects of oral drug on absorption of other drugs.

J. Effects of oral drug on secretion of gastrointestinal enzymes and bile.

K. Acute and chronic effects of drug on urinary pH and bicarbonate.

[1] Each ingredient requires separate consideration and may justify additional testing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Subpart D of Part 130 be amended, pursuant to the recommendations of the Advisory Review Panel on Over-the-Counter Antacid Drugs, by adding a new § 130.305, effective 6 months after publication of the final Monograph in the FEDERAL REGISTER, to read as follows:

§ 130.305 Antacids.

An over-the-counter antacid product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 130.302.

(a) *Active Ingredient(s).* The active ingredient(s) of the product consist(s) of one or more of the ingredients permitted in paragraphs (2) through (14) within any maximum daily dosage limit established, each ingredient is included at a level that contributes at least 25 percent of the total acid neutralizing capacity of the product, and the finished product has a pH of 3.5 or greater at the end of the initial 10-minute period as measured by the method established in subparagraph (1) of this paragraph. To meet the 25-percent requirement, four times the amount of each ingredient present in a unit dose of a product containing two or more ingredients must meet the requirements of the acid neutralizing test. This stipulation need not apply to an antacid ingredient specifically added as a corrective to prevent a laxative or constipating effect.

(1) The neutralizing capacity of the product shall be measured in the following way:

(i) *Materials.*

(*a*) Antacid.

(*b*) 0.1 N HCl.

(*c*) 1.0 N HCl.

(*d*) Standardizing buffer pH 4.0 (0.05 M potassium hydrogen phthalate).

(*e*) pH meter.

(*f*) Magnetic stirrer.

(*g*) Magnetic stirring bars (25 mm. long, 9 mm. diameter).

(*h*) 100 ml. beakers (45 mm. inside diameter).

(*i*) 50 ml. buret.

(*j*) Buret stand.

(*k*) 50 ml. pipet calibrated to deliver.

(*l*) Tablet comminuting device.

(*m*) Temperature controlling equipment.

(*n*) 12 and 16 standard mesh sieves.

(ii) *Procedure.*

(*a*) Control temperature at 37° C.

(*b*) Standardize pH meter at pH 4.0 with standardizing buffer and at pH 1.1 with 0.1 N HCl.

(c) Place empty beaker on stirrer, add stirring bar, determine setting for stirring at 240 r.p.m. throughout.

(d) Add one unit dose of antacid and 50 ml. 0.1 N HCl to beaker. Acid of antacid may be added first. If antacid is in tablet form, it may be added as whole tablets or as particles except that if label states that tablets are to be swallowed whole, whole tablets should be used in the test. Particles should be prepared from ground tablets taking particles that pass a 12 standard mesh sieve and are held by a 16 standard mesh sieve. If particles are used, the weight of particles should equal the weight of a unit dose.

(e) Stir for exactly 10 minutes at 240 r.p.m.

(f) Read and record pH.

(g) If pH is 3.5 or greater, proceed; if pH is below 3.5, stop test.

(h) If pH in paragraph (g) of this section is 3.5 or greater, add 1.0 N HCl from buret to bring pH to 3.5. Continue to add 1.0 N HCl at the rate required to hold pH at 3.5.

(i) Exactly 5 minutes after beginning addition of 1.0 N HCl (15 minutes after adding antacid) read and record ml. of 1.0 N HCl used.

(j) Calculation: 5 mEq. (in 50 ml. 0.1 N HCl used in 1st 10 min.) + number of ml. 1.0 N HCl added during period 10 to 15 min. = mEq. acid neutralized in 15 min.

(iii) The formulation and/or mode of administration of certain products (e.g., in chewing gum form) may require modification of this in vitro test.

(2) *Aluminum-containing active ingredients.*

(i) Aluminum carlbonate.

(ii) Aluminum hydroxide (as aluminum hydroxide-hexitol stabilized polymer, aluminum hydroxide-magnesium carbonate codried gel, aluminum hydroxide-magnesium trisilicate codried gel, aluminum-hydroxide sucrose powder hydrated).

(iii) Dihydroxyaluminum aminoacetate and dihydroxyaluminum aminoacetic acid.

(iv) Aluminum phosphate, maximum daily dosage limit 12.5 grams.

(v) Dihydroxyaluminum sodium carbonate.

(3) *Bicarbonate-containing active ingredients.* Bicarbonate ion, maximum daily dosage limit 200 mEq. for persons up to 60 years old and 100 mEq. for persons 60 years or older.

(4) *Bismuth-containing active ingredients.*

(i) Bismuth aluminate.

(ii) Bismuth carbonate.

(iii) Bismuth subcarbonate.

(iv) Bismuth subgallate.

(v) Bismuth subnitrate.

(5) *Calcium-containing active ingredients.* Calcium, as carbonate or phosphate, maximum daily dosage limit 160 mEq. calcium (e.g., 8 grams calcium carbonate).

(6) *Citrate-containing active ingredients.* Citrate ion, as citric acid or salt, maximum daily dosage limit 8 grams.

(7) *Glycine (aminoacetic acid).*

(8) *Magnesium-containing active ingredients.*

(i) Hydrate magnesium aluminate activated sulfate.

(ii) Magaldrate.

(iii) Magnesium aluminosilicates.

(iv) Magnesium carbonate.

(v) Magnesium glycinate.

(vi) Magnesium hydroxide.

(vii) Magnesium oxide.

(viii) Magnesium trisilicate.

(9) *Milk solids, dried.*

(10) *Phosphate-containing active ingredients.*

(i) Aluminum phosphate, maximum daily dosage limit 8 grams.

(ii) Mono or dibasic calcium salt, maximum daily dosage limit 2 grams.

(iii) Tricalcium phosphate, maximum daily dosage limit 24 grams.

(11) *Potassium-containing active ingredients.*

(i) Sodium bicarbonate or carbonate, maximum daily dosage limit 200 meq of sodium for persons up to 60 years old and 100 meq of sodium for persons 60 years or older, and 200 meq of bicarbonate ion for persons up to 60 years old and 100 meq of bicarbonate ion for persons 60 years or older.

(13) *Silicates.*

(i) Magnesium aluminosilicates.

(ii) Magnesium trisilicate.

(14) *Tartrate-containing active ingredients.* Tartaric acid or its salts, maximum daily dosage limit 200 mEq. (15 grams) of tartrate.

(b) *Indications.* The labeling of the product represents or suggests the product as an "antacid," to alleviate the symptoms of "heartburn," "sour stomach," or "acid indigestion."

(c) *Warnings.* The labeling of the product contains the following warnings:

(1) "Do not take more than ____ (maximum recommended daily dosage, broken down by age groups if appropriate, expressed in units such as tablets or teaspoonfuls) in a 24-hour period except under the advice and supervision of a physician."

(2) "Do not use the maximum dosage of this antacid for more than 2 weeks except under the advice and supervision of a physician."

(3) For products which cause constipation in 5 percent or more of persons who take the maximum recommended dosage: "May cause constipation."

(4) For products which cause laxation in 5 percent or more of persons who take the maximum recommended dosage: "May have laxative effect."

(5) For products containing more than 50 mEq. of magnesium in the recommended daily dosage: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."

(6) For products containing more than 5 mEq. sodium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you are on a sodium restricted diet."

(7) For products containing more than 25 mEq. potassium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."

(d) *Directions for use.* The labeling of the product contains the recommended dosage per time interval, broken down by age groups if appropriate, followed by "except under the advice and supervision of a physician."

(e) *Statement of active ingredients.*

(1) The labeling of the product contains the quantitative amount of each active ingredient, expressed in terms of the dosage unit stated in the directions for use (e.g., tablet, teaspoonful).

(2) The labeling of the product contains the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq. (5 mg) or higher.

(f) *Ethical labeling.* The labeling of the product provided to physicians (but not to the general public):

(1) Shall contain the neutralizing capacity of the product, as calculated in paragraph (a)(1)(ii)(j), expressed in terms of the dosage recommended per minimum time interval or, if the labeling recommends more than one dosage, in terms of the minimum dosage recommended per minimum time interval.

(2) Shall, if the product is an aluminum or kaolin-containing antacid, contain a warning that absorption of other drugs may be interfered with by the aluminum or kaolin in the product.

(3) May contain as additional indications peptic ulcer, gastritis, and peptic esophagitis.

(g) *Combination with nonantacid active ingredients.*

(1) An antacid may contain any generally recognized safe and effective nonantacid laxative ingredient (see laxative Monograph) to correct for constipation caused by the antacid. No labeling mention of the laxative ingredient or claim of laxative effect may be used for such a product.

(2) An antacid may contain any generally recognized safe and effective analgesic ingredient(s) (see analgesic monograph) if it is indicated for use solely for the concurrent symptoms involved (e.g., headache and acid indigestion).

(h) *Inactive ingredients.* The amount of lactose in a maximum daily dosage may not exceed 5 gm. per day.

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before June 4, 1973. Such comments should be addressed to the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before July 2, 1973. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 9, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-5657 Filed 4-4-73;8:45 am]

federal register

THURSDAY, APRIL 5, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 65

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

OCEAN DUMPING

Interim Regulations Governing Transportation for Dumping, and Dumping of Material into Ocean Waters

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER H—OCEAN DUMPING

TRANSPORTATION FOR DUMPING, AND DUMPING OF MATERIAL INTO OCEAN WATERS

Pursuant to title I of the Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532 (hereinafter, "the Act"), the Environmental Protection Agency (EPA) is publishing herewith interim regulations, effective immediately. The interim regulations describe procedures for application for, and issuance and denial of, permits for ocean dumping under the Act.

When title I of the Act becomes effective on April 23, 1973, it will generally be unlawful to depart a port in the United States for the purpose of dumping material in the oceans, or dumping material in the territorial sea or contiguous zone of the United States, unless the person engaged in such transport or dumping has first obtained a permit from EPA; permits for the transportation and dumping of dredged spoil will, however, be issued by the U.S. Army Corps of Engineers, pursuant to section 103 of the Act.

The Act became law October 23, 1972. Since all ocean dumping activities regulated by the Act will, in the absence of a permit from EPA or the Corps of Engineers, be unlawful as of April 23, 1973, it has been necessary to promulgate regulations on which permit applicants may rely prior to the effective date of title I of the Act. At the same time constraints imposed by the Act are such that it has been impracticable to develop and publish regulations in proposed form, to allow a reasonable period of no less than 30 days for public comment, to revise the proposed regulations in the light of the comments received, and to promulgate final regulations with ample lead time to implement a smoothly functioning permit program on April 23, 1973.

Accordingly, EPA has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim regulations in proposed form would be impracticable and contrary to the public interest; accordingly, they will be effective immediately. However, it is the intention of EPA to revise the interim regulations in the light of comments, submitted in writing to the Office of Air and Water Programs, Environmental Protection Agency, Attention: Mr. T. A. Wastler, room 1102, Crystal Mall Building 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202, on or before June 4, 1973.

Particular attention should be drawn to the provisions of § 222.2a of the interim regulations. While certain time limits established by the interim regulations are thought to be realistic, it is clear that those time limits cannot be followed with respect to certain applications submitted in connection with proposed ocean dumping activities in the 90-day period subsequent to the effective date of title I. Accordingly, the interim rules include a special provision to govern the processing of such applications. Section 222.2a will allow EPA to establish special time limits for such applications, so that certain ocean dumping activities may be permitted, consistently with the policies set forth in title I of the Act, on or shortly after its effective date. Applicants for permits to conduct dumping within the first 90 days after the effective date of title I are urged to file their applications immediately, particularly if the proposed dumping is to take place within the first 30 days. EPA will begin accepting and processing applications as soon as these regulations are published. If an application is received by EPA on or before May 23, 1973, and involves proposed dumping activities to be conducted prior to July 23, 1973, the agency may, pursuant to § 222.2a of the interim regulations, shorten the time which would normally be afforded the public or State and Federal agencies for comment, consultation, or requesting public hearings. It should be stressed, however, that the special rules of § 222.2a do not alter the scope of the inquiry into the advantages and disadvantages of a particular permit application, and will not alter the showing to be made by a permit applicant, or of the nature of opposing considerations that may be raised by interested members of the public at a hearing on a permit application. It is, of course, anticipated that § 222.2a will be revoked when subchapter H is revised in the light of comments made pursuant to this notice.

It should also be noted that section 102 of the Act requires the Administrator to establish criteria to be used in the evaluation of permit applications.

Those criteria will be set forth in Part 227 of subchapter H, which will be published separately in the FEDERAL REGISTER.

As the interim regulations make clear, applications for permits may, prior to the availability of printed application forms, be made to the appropriate regional administrator of EPA, or to the Administrator, in letter form, providing the information required by § 221.1. Under the authority of section 104 of the Act, applications under these interim regulations, including applications in letter form, will be subject to a processing fee in accordance with the provisions of § 221.5.

Comments from interested members of the public on the interim regulations will be available for public inspection in room 1102, Crystal Mall Building 2, 1921 Jefferson Davis Highway, Arlington, Va., during normal working hours.

Chapter I of title 40 is amended by adding as interim regulations Subchapter H, Ocean Dumping, as follows:

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 2, 1973.

PART 220—GENERAL

Sec.
220.1 Purpose and scope.
220.2 Definitions.
220.3 Categories of permits.
220.4 Delegation of authority.

AUTHORITY: Title I, Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532.

§ 220.1 Purpose and scope.

(a) *General.* This part establishes procedures for the issuance of permits by EPA pursuant to section 102 of the Act. Subject to the exclusion in paragraph (b) of this section, the Act prohibits:

(1) Transportation from the United States of radiological, chemical, or biological warfare agents, or of any high-level radioactive wastes, for the purpose of dumping them into ocean waters, and the dumping of any such materials into the territorial sea, or into the contiguous zone (to the extent it may affect the territorial sea or the territory of the United States);

(2) Transportation from the United States of material not specified in paragraph (a)(1) of this section, for the purpose of dumping it into ocean waters, and the dumping of any such material into the territorial sea, or into the contiguous zone (to the extent it may affect the territorial sea or the territory of the United States), without a permit from EPA; or, in the case of dredged material, from the Corps of Engineers.

(3) Transportation from any location outside the United States, of materials specified in paragraph (a)(1) of this section, for the purpose of dumping them into ocean waters, by any officer, employee, agent, department, agency, or instrumentality of the United States.

(4) Transportation of any material not specified in paragraph (a)(1) of this section, from any location outside the United States, for the purpose of dumping it into ocean waters, by any officer, employee, agent, department, agency, or instrumentality of the United States, without a permit from EPA; or, in the case of dredged material, from the Corps of Engineers.

(b) *Exclusion.*—This part does not apply to the transportation and dumping of fish wastes unless such dumping occurs in:

(1) Harbors or enclosed coastal waters; or

(2) Any other location where the Administrator finds that such dumping could endanger health, the environment or ecological systems in a specific location: *Provided,* That nothing herein shall be construed as requiring a permit under the Act for the dumping of fish wastes in areas inside the baseline from which the territorial sea is measured as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

§ 220.2 Definitions.

As used in this part, the term "Act" means the Marine Protection, Research and Sanctuaries Act of 1972, Public Law 92-532, 33 U.S.C. Unless otherwise provided herein, all other terms shall have the meanings assigned to them by the Act.

§ 220.3 Categories of permits.

(a) *General permits.*—From time to time the Administrator may authorize, by general permit, the dumping of certain materials. Such general permits shall be published in the *Federal Register* and shall specify the types and amounts of materials which may be dumped, the designated dumping sites for such dumping activities, a fixed expiration date and any other conditions deemed appropriate by the Administrator. A general permit may be granted by the Administrator under this section on application of an interested person in accordance with the procedures of part 221 of this chapter, or may be granted by the Administrator on his own initiative, subject to the notice and hearing requirements of part 222 of this chapter.

(b) *Special permits.*—The dumping of material requiring an EPA permit under the act, and not covered by a general permit published in the FEDERAL REGISTER under paragraph (a) of this section will require a special permit issued to a specified applicant, having a fixed expiration date (which shall be no later than 1 year from the date of issue), and specifying the exact amount of material permitted to be dumped thereunder. Special permits will be granted only on application in accordance with the requirements of part 221 of this chapter.

§ 220.4 Delegation of authority.

(a) *Regional Administrators.*—Regional administrators have the authority to issue, deny, and to impose conditions on, special permits for:

(1) The dumping of material in that portion of the territorial sea which is subject to the jurisdiction of any State within their respective regions;

(2) The transportation for dumping of any material from a location in a State in their respective regions, except to the extent a different regional administrator has such authority by virtue of paragraph (a)(1) of this section.

(b) *Other.*—In all cases not described in paragraph (a) of this section the administrator, or such other EPA employees as he may from time to time designate in writing, shall issue, deny or impose conditions on special and general permits issued pursuant to the Act.

PART 221—APPLICATIONS

Sec.
221.1 Application forms for special permits.
221.2 Other information.
221.3 Applicant.
221.4 Adequacy of information.
221.5 Processing fees.

AUTHORITY: Title I, Marine Protection and Sanctuaries Act of 1972, Public aw 95-532.

§ 221.1 Application forms for special permits.

Applications for EPA special permits under the Act may be filed with the Administrator or the Regional Administrator, if any, authorized by § 220.4(a) of this chapter to act on the application. Unless and until printed application forms are made available, an application may be made by letter. Any application for a permit under this subchapter will include at a minimum:

(a) Name and address of applicant;

(b) Name of the person or firm (if not the applicant), and the name and usual location of the conveyance, to be used in the transportation and dumping of the material involved;

(c) Physical and chemical description of material to be dumped, including results of tests necessary to meet the requirements of part 227 of this chapter.[1]

(d) Quantity of material to be dumped;

(e) Means of conveyance and anticipated time of disposal;

(f) Proposed dump site; and in the event such proposed dumping site is not a designated dumping site designated in appendix A of this subchapter, detailed physical information on the nature of the proposed dump site;

(g) Proposed method of disposal at the dump site;

(h) Identification of the specific process or activity giving rise to the production of the material;

(i) Information on the manner in which the type of material in question has been previously disposed of by or on behalf of the applicant;

(j) A description of available alternative means of disposal of the material, with explanations of why each of such alternatives is thought by the applicant to be inappropriate.

§ 221.2 Other information.

In the event the Administrator, Regional Administrator, or a person designated by either to review special permit applications, determines that additional information is needed in order to apply the criteria set forth in part 227 of this chapter,[1] he shall so advise the applicant in writing. For purposes of applying the time limitation of § 222.1 of this chapter, an application will not be considered complete until all additional information requested pursuant to this section is received, and all such information shall be deemed part of the application.

§ 221.3 Applicant.

Any person may apply for a special permit under this part, even though the proposed dumping may be carried on by a permittee who is not the applicant. However, issuance of a permit will not excuse the permittee from any civil or criminal liability which may attach by virtue of his having transported or dumped materials in violation of the terms or conditions of a permit, notwithstanding that the permittee may not have been the applicant.

§ 221.4 Adequacy of information.

No special permit issued under this part will be valid for the transportation or dumping of any material which is not accurately and fully described in the application. No permittee shall be relieved of any liability which may arise as a result of the transportation or dumping of material which does not conform to information provided in the application solely by virtue of the fact that such information was furnished by an applicant other than the permittee.

§ 221.5 Processing fees.

(a) A processing fee of $500 will be charged in connection with each application for a special permit for dumping in an existing dump site designated in appendix A of this subchapter.

(b) A processing fee of $1,000 will be charged in connection with each application for a special permit involving the use of a dump site other than a designated dump site.

(c) A processing fee of $200 will be charged in connection with each application for renewal of a special permit.

(d) Notwithstanding the foregoing, no agency or instrumentality of the United States or of a State or local government will be required to pay the processing fees specified in paragraphs (a), (b), and (c) of this section.

[1] Part 227 of this chapter to be published at a later date.

PART 222—ACTIONS ON APPLICATIONS

Sec.
222.1 General.
222.2 Tentative determinations.
222.2a Interim time limits.
222.3 Notice of applications.
222.4 Issuance of permits without hearing.
222.5 Initiation of hearings.
222.6 Time and place of hearings.
222.7 Notice of hearings.
222.8 Conduct of hearings.
222.9 Recommendations of presiding officer.
222.10 Issuance of permits after hearings.

AUTHORITY: Title I, Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532.

§ 222.1 General.

Decisions as to the issuance, denial, or imposition of conditions on a permit issued by EPA pursuant to this part will be made in the light of the factors set forth in section 102(a) of the Act and after issuance of criteria pursuant thereto, in the light of such criteria. In all cases, final action on any application for a special permit, or renewal thereof, will be taken by EPA within 180 days from: (a) The date the application is filed, or, (b) in the event the application is deficient, from the date on which the applicant provides all requisite information, whichever is later: *Provided*, That if a hearing is convened pursuant to part 222 of this chapter, such 180-day limit to grant a permit will be extended by the time required for such hearing.

§ 222.2 Tentative determinations.

Within 10 days after receipt of a completed permit application, EPA shall prepare in writing a tentative determination with respect to issuance or denial of the permit applied for. If such tentative determination is to issue the permit, the following additional tentative determinations will be made:

(a) Proposed time limitations, if any;

(b) Proposed dumping site; and

(c) A brief description of any other proposed special conditions determned to be appropriate for inclusion in the permit in question.

§ 222.2a Interim time limits.

(a) Proposed time limitations, if any; standing the time periods established by this subchapter, including without limitation those set forth in §§ 222.3(d), 222.4(a), 222.4(b), 222.5, and 222.6, the specal rules of paragraph (b) of this section shall apply to the processing and decision of any application which is submitted under part 221, which is (1) received by EPA prior to May 23, 1973, and which is (2) for a permit to dump prior to July 23, 1973.

(b) *Special rules.*—Any application described in paragraph (a) of this section may, at the discretion of the Administrator, a regional administrator or their designees, be processed within special time limits shorter than those established by this subchapter: *Provided,* That notice of any such special time limit shall be included in any notice to the public or to any Federal or State agency, including without limitation notices given pursuant to §§ 222.3(a), 222.3(c), and 222.3(d).

§ 222.3 Notice of applications.

(a) *Contents.*—Public notice of every complete permit application received shall be circulated to inform the public of the proposed dumping. Each such public notice shall include at least the following:

(1) A summary of the information included in the permit application;

(2) Any tentative determinations made pursuant to § 222.2.

(3) A brief description of the procedures set forth in § 222.5 for requesting a public hearing on the proposed dumping; and

(4) The location at which interested persons may obtain further information on the proposed dumping, including copies of any relevant documents.

(b) *Publication.*—(1) Notice given pursuant to paragraph (a) of this section shall be circulated within the geographical area of any port from which material is proposed to be transported for dumping in the territorial sea, as follows:

(i) Published in at least one daily newspaper, or, if there is none, in a newspaper of general circulation in such port;

(ii) Posted in the post office in such port.

(2) Notice shall be mailed to any person, group, or State or Federal agency upon request. Any such request may be a standing request for notice of all permit applications received by EPA, or of any class of such permit applications.

(c) *Notice to States.*—In addition to the public notice required by paragraph (a) of this section, notice of each application for dumping, including all the material required to be included in a public notice, will be mailed to the State water pollution control agency for the State, if any, contiguous to that portion of the territorial sea, if any, in which proposed dumping will occur. Notice under this subsection, and certification under section 401 of the Federal Water Pollution Control Act, are not required in connection with applications for dumping outside the territorial sea.

(d) *Notice to Corps of Engineers.*—In addition to other notice required by this section, notice of each application for dumping will be forwarded to the appropriate office of the U.S. Army Corps of Engineers for review in accordance with section 106(c) of the Act (pertaining to navigation, harbor approaches, and artificial islands on the Outer Continental Shelf). Unless, advice to the contrary is received within 30 days of the date such notice is transmitted to the Corps by the Administrator, Regional Administrator, or their designees, The Corps of Engineers will be deemed to have no objection on account of matters required to be considered pursuant to section 106(c) of the Act.

(e) *Fish and Wildlife Coordination Act.*—The Fish and Wildlife Coordination Act, Reorganization Plan No. 4 of 1970, and Public Law 92-532 require Regional Administrators to consult with appropriate regional officials of the Departments of Commerce and Interior, the Regional Director of the NMFS-NOAA, the agency exercising administrative jurisdiction over the fish and wildlife resources of the State subject to any dumping.

§ 222.4 Issuance of permits without hearing.

(a) *General.*—Subject to the receipt of certification, if required, pursuant to section 401 of the Federal Water Pollution Control Act, from any State to which notice has been sent pursuant to § 222.3(c), the Administrator, Regional Administrator, or their designees will issue permits in accordance with § 222.1, as soon as all provisions of § 222.3(a) (pertaining to public notice) have been complied with, unless a request for a public hearing has been granted pursuant to § 222.5(b), or unless objection is received from the Corps of Engineers pursuant to § 222.3(d).

(b) *Waiver of State certification.*—State certification pursuant to section 401 of the Federal Water Pollution Control Act will be deemed waived, in accordance with the terms thereof, if such certification is not received within 60 days of notice to the appropriate State agency under § 222.3(c), or such longer period to which the Administrator, Regional Administrator, or their designees, may agree.

§ 222.5 Initiation of hearings.

(a) Any person may, within 30 days of the date on which all provisions of § 222.3(b) have been complied with, request a public hearing to consider the issuance of any permit applied for under this part. Any such request for a public hearing must be in writing, and must state any objections to the issuance of the proposed permit, and the issues which are proposed to be considered at the hearing.

(b) Upon receipt of a written request meeting the requirements of paragraph (a) of this section, the Administrator, regional administrator, or a designee of either, will fix a time and place for a public hearing, and shall publish notice of such hearing in accordance with § 222.7 whenever such request presents bona fide issues amendable to resolution by public hearing.

(c) In the event the Administrator, regional administrator, or a designee of either, determines that a request purportedly made pursuant to this section does not comply with the requirements of paragraph (a) of this section, he shall so advise, in writing, the person requesting the hearing, and shall proceed to rule on the permit application in accordance with § 222.4(a).

§ 222.6 Time and place of hearings.

When the Administrator or Regional administrator grants a request for a public hearing pursuant to § 222.5(a), he shall designate an appropriate location for such hearings, and an appropriate time which shall be no sooner than 30 days following the receipt of such request. Where possible, public hearings shall be held in a location in the State, if any, to which notice of the permit application was given pursuant to § 222.3(c).

§ 222.7 Notice of hearings.

Notice of public hearings, including information as to their time and place, shall be given, at a minimum, to persons to whom, and in the manner in which, notice of the permit application was published pursuant to § 222.3.

§ 222.8 Conduct of hearings.

The administrator or regional administrator may designate a presiding officer to conduct a hearing convened pursuant to this part. The presiding officer shall be responsible for the expeditious conduct of the hearing, and shall cause a suitable record (including, if appropriate, a verbatim transcript) of the proceedings to be made. Any person may appear at a hearing convened pursuant to this part whether or not he requested the hearing, and may be represented by counsel or any other authorized representative. The presiding officer is authorized to set forth reasonable restrictions on the nature or amount of documentary material or testimony presented at a hearing, giving due regard to the relevancy of any such information, and to the avoidance of undue repetitiveness of information presented. No cross-examination of any person, including the applicant, appearing at a hearing shall be permitted, although the presiding officer may, in his discretion, address to persons or their authorized representatives questions submitted in writing by participants at a hearing.

§ 222.9 Recommendations of presiding officer.

At any time following the adjournment of a public hearing convened pursuant to this part, the presiding officer may prepare written recommendations relating to the issuance or denial of

the proposed permit, or relating to any conditions which he believes may appropriately be imposed on any such permit, after full consideration of the views and arguments expressed at the hearing: *Provided*, That the presiding officer's findings and recommendations, if any, and the record of the hearing, will in all cases be completed and forwarded to the Administrator, Regional Administrator, or their designated representatives within 30 days following adjournment of the hearing. Copies of the presiding officer's findings and recommendations, if any, shall be provided to any interested person on request, free of charge. Copies of the record will be provided in accordance with § 2.111 of this chapter.

§ 222.10 Issuance of permits after hearings.

Within 30 days following receipt of the presiding officer's findings and recommendations, if any, but in no event later than 180 days from the time limit specified in § 222.1, the Administrator, Regional Administrator, or their designees, shall make a final determination with respect to the issuance, denial, or imposition of conditions on, any permit applied for under this part.

— —

PART 223—CONTENTS OF PERMITS

Sec.
223.1 Contents of permits.
223.2 Generally applicable conditions of permits.

AUTHORITY: Title I, Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532.

§ 223.1 Contents of permits.

Special permits, which may be issued on forms to be published by EPA, will include at a minimum the following:

(a) Name of permittee;

(b) Means of conveyance and methods and procedures for disposal of material to be dumped; and, in the case of permits for the transportation of material for dumping, the port from which such material will be transported;

(c) A complete description, including all relevant chemical and physical properties and quantities, of the material to be dumped;

(d) The disposal site;

(e) The times at which the permitted dumping may occur;

(f) Such monitoring relevant to the assessment of the impact of permitted dumping activities on the marine environment at the disposal site as the Administrator determines is feasible; and

(g) Any other terms and conditions, including those with respect to release procedures, determined to be necessary and adequate in order to conform the permitted dumping activities to the factors set forth in section 102(a) of the Act, and the criteria set forth in part 227 of this chapter.[1]

[1] Part 227 of this chapter to be published at a later date.

§ 223.2 Generally applicable conditions of permits.

(a) *Modification or revocation.*—Any general or special permit issued under this part shall be subject to modification, or revocation in whole or in part for cause, as follows:

(1) Violation of any term or condition of the permit;

(2) Misrepresentation, inaccuracy, or failure to disclose all relevant facts in the permit application;

(3) Changed circumstances, such as changes in conditions obtaining at the designated dumping site, and newly discovered scientific data relevant to the granting of the permit;

(4) Failure to keep the records, and to notify appropriate officials of dumping activities, as specified in §§ 224.1 and 224.2 of this chapter.

(b) *Suspension.*—In addition to the conditions of a permit imposed pursuant to paragraph (a) of this section, each permit shall be subject to suspension by the Administrator or Regional Administrator if he determines that the permitted dumping has resulted, or is resulting, in imminent and substantial harm to human health or welfare or the marine environment. Such suspension shall be effective immediately upon receipt of notification thereof by the permittee.

(c) *Hearings.*—Within 30 days after receipt of notice of revocation or modification pursuant to paragraph (a) of this section, or of suspension pursuant to paragraph (b) of this section, a permittee or other interested person may request in writing a hearing on the issues raised by any such revocation or suspension. Upon receipt of any such request, the Administrator or Regional Administrator shall appoint a hearing officer to conduct an adjudicatory hearing as may be required by law and by this subchapter as now or hereafter in effect.

PART 224—RECORDS

Sec.
224.1 Records of permittees.
224.2 Reports.

AUTHORITY: Title I, Marine Protection, Research and Sanctuaries Act of 1972, Public Law 92-532.

§ 224.1 Records of permittees.

Each permittee under a special permit, and each person availing himself of the privilege conferred by a general permit, shall maintain complete records, which will be available for inspection by the Administrator, Regional Administrator, or their designees, of:

(a) The nature, including a complete description of relevant physical and chemical characteristics, of material dumped pursuant to the permit;

(b) The precise times and locations of dumping;

(c) Any other information reasonably required as a condition of a permit by the Administrator, Regional Administrator, or their designees for the purpose of determining:

(1) Whether dumping has in fact been accomplished in accordance with all terms and conditions of a special or general permit;

(2) Information relevant to the assessment of the impact of permitted dumping activities on the marine environment.

§ 224.2 Reports.

(a) *Periodic reports.*—Information included in records required to be kept pursuant to § 224.1 shall be reported to the EPA official who issued the permit in question, as follows:

(1) As of the end of each 6-month period, if any, measured from the effective date of the permit and ending before its expiration;

(2) As of the expiration of the permit, unless renewed; and

(3) As otherwise required in the conditions of the permit.

(b) *Time of reporting.*—Reports required by this section must be received by EPA within 30 days of the date as of which the information is required to be reported: *Provided*, That if an application for renewal of a special permit is pending at such time, the report required by paragraph (a)(2) of this section may be deferred until 30 days after the date of a denial of the renewal application.

(c) *Emergencies.*—If material the dumping of which is regulated under this subchapter is dumped, without a permit, in an emergency to safeguard life at sea, the owner or operator of the vessel from which such dumping occurs shall within 30 days report to the Administrator the information required under § 224.1, and a complete description of the emergency which occasioned the dumping.

PART 225—CORPS OF ENGINEERS PERMITS

Sec.
225.1 General.
225.2 Review of corps permit applications.
225.3 Waivers.

AUTHORITY: Title I, Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532.

§ 225.1 General.

As indiciated in § 220.1 of this chapter, the Corps of Engineers, U.S. Army, has the authority to issue permits for the transportation and dumping of dredged material. As defined in the act, "dredged material" means "any material excavated or dredged from the navigable waters of the United States." EPA personnel will not act initially on any application received for the transportation or dumping of dredged material, but will forthwith forward any such application to the appropriate office of the corps, which will, in acting on any such application, apply the criteria in part 227 of this chapter.[1]

§ 225.2 Review of corps permit applications.

Within 15 days following receipt of notification, pursuant to section 103(c) of the Act, the Administrator, regional administrator or the designee of either,

[1] Part 227 of this chapter to be published at a later date.

will notify in writing the corps of his disagreement, if any, to the issuance of the permit in question, on the grounds that it would not be in accordance with the criteria of part 227 of this chapter,[1] or would violate section 102(c) of the Act (pertaining to critical areas).

§ 225.3 Waivers.

If, after notice of disagrement is given the corps pursuant to § 225.2, a request for a waiver is received pursuant to section 103(d) of the Act, such request will be forwarded to the Administrator: *Provided*, That if any such request does not include the finding required by section 103(d) of the Act as to economically feasible methods of disposal, and the basis for such finding, the request will be denied. The Administrator will act on the request for a waiver, in accordance with section 103(d) of the Act, within 30 days of receipt thereof by EPA.

PART 226—ENFORCEMENT

Sec.
226.1 Civil penalties.
226.2 Enforcement hearings.
226.3 Determinations.
226.4 Final action.

AUTHORITY: Title 1, Marine Protection Research, and Sanctuaries Act of 1972, Public Law 92-532.

§ 226.1 Civil penalties.

In addition to the criminal penalties provided for in section 105(b) of the act, the Administrator or his designee may assess a civil penalty of not more than $50,000 for each violation of the act and of this subchapter. Upon receipt of information that any person has violated any provision of the act or of this subchapter, the Administrator or his designee will notify such person in writing of the violation with which he is charged, and will convene a hearing to be convened no sooner than 60 days of such notice, at a convenient location, before a hearing officer. Such hearing shall be conducted in accordance with the procedures of § 226.2.

§ 226.2 Enforcement hearings.

Hearings convened pursuant to § 226.1 shall be trial-type hearings on a record before a hearing officer. Parties may be represented by counsel, and will have the right to submit motions, to present evidence in their own behalf, to cross-examine adverse witnesses, to be apprised of all evidence considered by the hearing officer, and to receive copies of the transcript of the proceedings. Formal rules of evidence will not apply. The hearing officer will rule on all evidentiary matters, and on all motions, which will be subject to review pursuant to § 226.3.

§ 226.3 Determinations.

Within 30 days following adjournment of the hearing, the hearing officer will in all cases make findings of facts and recommendations to the Administrator, including, when appropriate, a recommended appropriate penalty, after consideration of the gravity of the violation, prior violations by the person charged, and the demonstrated good faith by such person in attempting to achieve rapid compliance with the provisions of the act and this subchapter. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§ 226.4 Final action.

A final order on a proceeding under this part will be issued by the Administrator or by such other person designated by the Administrator to take such final action, no sooner than 30 days following receipt of the findings and recommendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative. In the event the final order assesses a penalty, it shall be payable within 60 days of the date of receipt of the final order, unless judicial review of the final order is sought by the person against whom the penalty is assessed.

[FR Doc.73-6591 Filed 4-4-73;8:45 am]