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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.

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

federal register

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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.

Presidential Documents

Title 3—The President

PROCLAMATION 4206

Nicolaus Copernicus Week

By the President of the United States of America

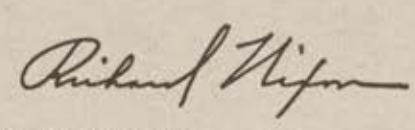
A Proclamation

Nineteen hundred seventy-three marks the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik). This brilliant son of Poland distinguished himself as an economist, physician, mathematician, theologian, soldier, and statesman. But above all, it was his inspired work in astronomy and his theories about the place of the earth in the universe that marked him for greatness and precipitated the flowering of modern science.

In a world of darkness, his only weapons were the light of learning and devotion to truth. The daring, imagination, reason, discipline, and versatility of Copernicus led mankind to a brighter age. It is fitting that we pay tribute to him on the anniversary of his birth, and that we remind ourselves how much a single man, dedicated and unafraid, can do to extend knowledge and enrich human consciousness. This anniversary should also serve to remind us that the study of science is one of man's noblest pursuits.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with House Joint Resolution 5, do hereby designate the week of April 23, 1973, as Nicolaus Copernicus Week, and I call upon the people of the United States to join with the Nation's scientific community, as well as that of Poland and other nations, in observing that week with appropriate ceremonies and activities.

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



[FR Doc.73-7224 Filed 4-10-73; 4:17 pm]

PROCLAMATION 4207

National Maritime Day, 1973

By the President of the United States of America

A Proclamation

The first transatlantic voyage by a steamship was made by an American vessel, the "Savannah", on May 22, 1819, from its namesake port in Georgia to Liverpool, England. To commemorate that event, the Congress, by a joint resolution approved four decades ago, designated May 22 of each year as National Maritime Day, and requested the President to issue a proclamation annually calling for its observance.

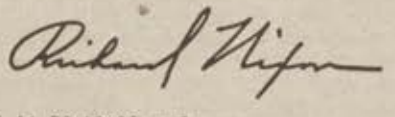
In welcome contrast to those of the past twelve years, National Maritime Day, 1973, finds this Nation at peace. Our merchant marine, which so effectively served as the logistic lifeline to our Armed Forces and allies in Southeast Asia, can now concentrate its full attention on the movement of cargoes which link the United States and its trading partners in peaceful enterprise.

International trade is an important and constructive force in forging concord between nations, and we have assigned high priorities to the improvement and expansion of our trade relations with the rest of the world.

I am confident that the American merchant marine, which is being restructured and revitalized under the Merchant Marine Act of 1970, will contribute in large measure to the success of these endeavors.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1973, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag observe "dress ship" procedures on that day.

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



[FR Doc.73-7278 Filed 4-11-73;12:29 pm]

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Counselor to the Secretary is excepted under schedule C.

Effective on April 12, 1973, § 213.3315 (a) (31) is added as set out below.

§ 213.3315 Labor Department.

(a) *Office of the Secretary.* * * *

(31) Counselor to the Secretary.

* * * * *

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

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

[FR Doc.73-7237 Filed 4-11-73;10:00 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Deputy Under Secretary to the Department of Transportation is no longer excepted under schedule C.

Effective April 12, 1973, § 213.3394 (a) (1) is revoked.

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

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

[FR Doc.73-7073 Filed 4-11-73;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

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

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

MARKETING QUOTA REFERENDUM RESULTS

Basis and purpose.—Sections 724.23 and 724.24 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the marketing quota referenda results for fire-cured (types 21–24) and dark air-cured (types 35 and 36) tobacco, respectively, for the 3 marketing years beginning October 1, 1973, October 1, 1974, and October 1, 1975. Under the provisions of the same section of the act, the Secretary proclaimed national marketing quotas for fire-cured (type 21), fire-cured (types 22–24) and dark air-cured (types 35 and 36) tobacco, for the 1973–74, 1974–75 and 1975–76 marketing years, and announced the amount of the national marketing quota for each of such kinds of tobacco for the 1973–74 marketing year (38 FR 3293). The Secretary announced (38 FR 3344) that separate referenda would be conducted by mail ballot during the period February 19–23, 1973, each inclusive, to determine whether producers of such tobacco were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1973, October 1, 1974 and October 1, 1975.

The material previously appearing in these sections under centerhead Marketing Quota Referendum Results remain in full force and effect as to the crops to which they were applicable.

The only purpose of this document is to proclaim the results of the referenda. It is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 724.23 Fire-cured (types 21–24) tobacco—1973–74, 1974–75 and 1975–76 marketing years.

In a referendum of farmers engaged in the production of the 1972 crop of fire-cured (types 21–24) tobacco held during the period February 19 to 23, each inclusive, 10,504 farmers voted. Of those voting, 9,786 or 93.2 percent, favored quotas for a period of 3 years beginning October 1, 1973; 718 or 6.8 percent were opposed to quotas. Therefore, marketing quotas will be in effect for these kinds of tobacco for the 3 marketing years beginning October 1, 1973, October 1, 1974, and October 1, 1975.

§ 724.27 Dark air-cured (types 35 & 36) tobacco—1973–74, 1974–75 and 1975–76 marketing years.

In a referendum of farmers engaged in the production of the 1972 crop of dark air-cured (types 35 & 36) tobacco held during the period February 19 to 23, each inclusive, 10,901 farmers voted. Of those voting, 10,212 or 93.7 percent, favored quotas for a period of 3 years beginning October 1, 1973; 689 or 6.3 percent were opposed to quotas. Therefore, marketing quotas will be in effect for this kind of tobacco for the 3 marketing years beginning October 1, 1973, October 1, 1974, and October 1, 1975.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on April 6, 1973.

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

[FR Doc.73-7088 Filed 4-11-73;8:45 am]

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

[Navel Orange Regulation 296]

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 13–19, 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.

§ 907.596 Navel Orange Regulation 296.

(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, district 2, and district 3 during the ensuing week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for navel oranges continued good this week, with prices about the same as last week's. Prices f.o.b. averaged $3.87 a carton on a reported sales volume of 677 carlots last week, compared with an average f.o.b. price of $3.86 per carton and sales of 779 carlots a week earlier. Track and rolling supplies at 328 cars were down 32 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 regulation 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 10, 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 13, 1973, through April 19, 1973, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 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 11, 1973.

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

[FR Doc.73-7279 Filed 4-11-73;1:26 pm]

[Valencia Orange Regulation 426]

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 13–April 19, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and marketing order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.726 Valencia Orange Regulation 426.

(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 district 1, district 2, and district 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices, f.o.b. for Valencia oranges averaged $3.46 per carton on a sales volume of 316 cars for the week ended April 5, 1973, compared with $3.44 per carton on a sales volume of 228 cars for the previous week. Track and rolling supplies at 142 cars were up 24 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 10, 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 13, 1973, through April 19, 1973, are hereby fixed as follows:

(i) District 1: 135,000 cartons;
(ii) District 2: 246,000 cartons;
(iii) District 3: 269,000 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 11, 1973.

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

[FR Doc.73-7280 Filed 4-11-73;1:26 pm]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 101—DEFINITIONS

PART 123—RULES OF PRACTICE

Miscellaneous Amendments

Corrections

In FR Doc. 73-6300, appearing at page 8426 for the issue of Monday, April 2, 1973, the following changes should be made:

1. In the eighth line of § 101.2(w), "killed microorganisms" should be inserted after "nisms".

2. The first word in § 101.2(y) should be "Prepare" instead of "Perpare".

3. "Micro-organisms" should be "microorganisms" wherever it appears in this document.

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Application Procedures for Deposit Insurance, Branches, and Office Relocations

Correction

In FR Doc. 73-3133 appearing at page 4572 in the issue for Friday, February 16, 1973, in the second line of § 303.14(d)(3) the word "direction" should read "discretion".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-21; Amdt. 39-1621]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA226T and SA226AT

Amendment 39-1615 (38 FR 8509), AD 73-8-2, requires an inspection prior to further flight to determine if an unapproved oil cooler ring is installed, and installation of a placard in applicable aircraft prohibiting flight into known icing conditions. After issuing amendment 39-1615, the agency determined that the oil cooler inlet assembly can be modified to provide adequate ice protection. Therefore, the AD is being amended to provide a procedure to relieve the restriction on flight into known icing conditions to applicable aircraft. Such modification procedures have been thoroughly evaluated by the agency and due to the complexity thereof, it has been determined that those authorized to accomplish the modifications be limited to those companies identified in Swearingen Aviation Corp. service kit No. 71K10-3036.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, amendment 39-1615 (38 FR 8509), AD 73-8-2 is amended by deleting paragraph 4 thereof and by substituting therefor the following:

4. On aircraft modified in accordance with Swearingen Aviation Corp. service kit No. 71K10-3036, the placard required by paragraph 2.b. above may be deleted and the words "AND KNOWN ICING" in paragraph 2.a. above may be uncovered.

This amendment becomes effective April 12, 1973.

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

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-7010 Filed 4-11-73;8:45 am]

[Airspace Docket No. 72-GL-80]

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

Alteration and Designation of VOR Federal Airway

On February 8, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 3611) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 67, between Rochester, Minn., and Waterloo, Iowa, realign VOR Federal airway No. 67 between Burlington, Iowa, and Capital, Ill., and designate a north alternate to VOR Federal airway No. 120 between Mason City, Iowa, and Waterloo, Iowa.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973 as hereinafter set forth.

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

1. In V-67, delete "Rochester, Minn." and substitute "Rochester, Minn. including an east alternate." therefor.

2. In V-67, delete "INT Capital 305° and Burlington, Iowa 134° radials; Burlington;" and substitute "Burlington, Iowa;" therefor.

3. In V-120 delete "to Waterloo, Iowa." and substitute "to Waterloo, Iowa, including a north alternate." therefor.

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

Issued in Washington, D.C., on April 4, 1973.

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

[FR Doc.73-7011 Filed 4-11-73;8:45 am]

[Airspace Docket No. 73-NE-4]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of part 71 of the Federal Aviation Regulations so as to alter the Bedford, Massachusetts, control zone (38 FR 357).

The Federal Aviation Administration will reduce the daily hours of operation at the Bedford, Massachusetts, Air Traffic Control Tower from the present full-time 24-hour operation to operation between 0700 to 2300 hours local time. During these periods of eliminated tower service, Bedford will not meet the weather and communication requirements necessary to support a control zone and the effective hours of the control zone are being reduced accordingly.

Since this amendment is less restrictive and does not create any additional burden on any persons, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901, e.s.t., May 1, 1973, as hereinafter set forth:

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations so as to add to the existing description of the Bedford, Massachusetts, control zone the following language:

This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and time established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

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

Issued in Burlington, Mass., on April 2, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-7012 Filed 4-11-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-795; Amdt. 221-21]

PART 221—CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Repeal of Regulation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 6, 1973.

By regulation ER-529 and policy statement PS-34 (adopted Mar. 6, 1968, and effective Apr. 6, 1968),[1] the Board amended parts 221 and 399 (14 CFR parts 221, 399) respectively, to require carriers (1) to file tariffs covering inflight visual entertainment and service of alcoholic beverages (§§ 221.38(a) (8) and (9)), and (2) to charge each passenger furnished such entertainment or service a reasonable amount therefor (§§ 399.40 and 399.41).[2] These rules applied primarily to transportation within the 48 contiguous States.

While the Board had received favorable public response to the rules prior to their final adoption, significant opposition arose after their issuance, including a petition for rulemaking filed on April 15, 1968, by 20 Members of Congress (MOC), seeking repeal of these rules (docket No. 19824).[3] Subsequently, the Board, on April 19, 1968, stayed the effectiveness of the rules pending further consideration of the matter.[4]

On October 20, 1972, the Aviation Consumer Action Project (ACAP) filed a motion to vacate the stay of the rules. Answers thereto have been filed by seven air carriers.[5] Upon consideration of all the above matters, the Board has determined, as explained more fully below, to deny ACAP's motion to vacate the stay, and to grant MOC's petition to repeal the rules.[6]

At the time of adoption of the rules, inflight movies were provided at no charge to both first-class and coach passengers, and complimentary liquor was provided to first-class passengers. Under these circumstances, it was believed that Board regulation of these ancillary services was necessary to prevent the not insubstantial costs of these nonessential services from being absorbed by and reflected in the overall fare level—particularly if the offering of such services were to be expanded in the future—thus burdening all passengers with the costs of services used only by some.[7] In adopting the regulations, the Board rejected contentions that first-class service should be exempted, finding that in view of the relatively small fare difference then prevailing between first-class and coach fares—$15 in transcontinental markets—it was unlikely that first-class passengers would refuse to pay for these services.

Changes in circumstances since that time lead us to conclude that regulation of inflight services is not now warranted, and contrary to ACAP's request that these rules should be permitted to become effective at this time, we have determined that they should be repealed.

At present, carriers offering inflight movies generally charge coach passengers $2 for this service, and the charge for liquor served to coach passengers is $1.50 per drink. Despite ACAP's unsupported allegations to the contrary, there is no reason to believe that these charges are unreasonably low. With respect to inflight visual entertainment, the Board, in the preamble to PS-34, viewed a $2 charge for inflight visual entertainment as a reasonable benchmark. In the Board's decision in the *U.S. Mainland-Hawaii Fares Case*, order 72-5-100 (May 26, 1972), $1.75 was found to be a reasonable charge for this service. In addition, information submitted in phase 7 of the *Domestic Passenger-Fare Investigation* indicates that there is a considerable profit occurring from the service of inflight alcoholic beverages. For example, Braniff Airways indicated expenses of $429,000 for inflight liquor compared with revenues of $795,000. United's salable liquor revenues were $7,029,000, and corresponding costs were $3,117,000.[8] It should be noted that these were 1969 data and at that time the price of a drink was $1, but has since been increased to $1.50. Thus, as far as coach service is concerned, there is no showing, nor any reason to believe, that fares are unduly burdened with the costs of these services.

With respect to the provision of these services, without charge, to first-class passengers, ACAP argues: (1) this practice increases the burden on coach passengers, since first-class service is already noncompensatory on a fully allocated basis; and (2) that this practice discriminates against first-class passengers who are nonusers of the services. In reply, certain of the answering carriers claim that these inflight services are part of a package of services designed to gain additional revenue from passengers who would be flying in any event, that the first-class/coach fare differential has increased to roughly $50 in transcontinental markets, and that charging separately for inflight amenities would reduce the use of first-class service with a resulting net loss of revenues.

The question of whether coach passengers are bearing the costs of free amenities given to first-class passengers involves the broader issue of how first-class service should be priced, which is now pending before the Board in phase 9 of the *Domestic Passenger-Fare Investigation* (docket No. 21866-9). In the meantime, the carriers' contention that instituting separate charges for the inflight amenities would divert passengers from first-class to coach service in sufficient numbers to produce a net revenue loss is far more persuasive now than in 1968 because of the significant intervening increase in the differential between first-class and coach fares. Accordingly, the Board finds that it would not be appropriate to take the action requested by ACAP in this rulemaking proceeding.

In granting MOC's motion to repeal the rules, we are acting after full opportunity for public comment in docket 18256, and it is highly unlikely that further public comment would bring forth any new matters or contentions not already considered by the Board. Moreover, inasmuch as the effectiveness of these rules has been stayed virtually since their adoption, no person will be adversely affected by their formal repeal. Under these circumstances, we find that notice and public procedure are unnecessary and that the rules may become effective immediately.

Accordingly, the Board hereby amends part 221 of the economic regulations (14 CFR part 221) effective April 6, 1973, as follows:

Amend § 221.38 by deleting and reserving subparagraphs (8) and (9) of paragraph (a) as follows:

§ 221.38 Rules and regulations.

(a) *Contents.*—* * *

(8) [Reserved]

(9) [Reserved]

* * * * *

(Secs. 204, 403 and 404 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 760, as amended; 49 U.S.C. 1324, 1373 and 1374; and 5 U.S.C. 553.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-7070 Filed 4-11-73;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-51; Amdt. 399-30]

PART 399—STATEMENTS OF GENERAL POLICY

Deletions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 6, 1973.

[1] 33 FR 4456, 4459.

[2] Docket No. 18256. Under section 403 of the Act, tariffs for "services in connection with * * * air transportation" must be filed only to the extent required by Board regulations.

[3] A petition was also filed by United Air Lines, Inc. (United), on April 18, 1968, seeking amendments to the rules (docket No. 19843). Answers in support of United's petition were filed by Delta and Frontier.

[4] ER-535 and PS-35, 33 FR 6241, 6242.

[5] American, Delta, Eastern, National, Northwest, TWA and United.

[6] In view of these actions, we are also dismissing United's petition as moot.

[7] See Order E-24839, Mar. 9, 1967, which was issued contemporaneously with the notice of proposed rulemaking (EDR-112/PSDR-17) in this proceeding.

[8] There was no assignment of stewardess costs to this expense. However, absent liquor service, a portion of the stewardess' time would still be utilized serving other beverages which are customarily provided free.

For the reasons set forth in ER-795 (part 221), issued contemporaneously herewith, the Board hereby amends Part 399, Statements of General Policy (14 CFR part 399), effective April 6, 1973, as follows:

1. Amend the Table of Contents by deleting and reserving §§ 399.40 and 399.41, the amended table to read in pertinent part as follows:

Sec.
399.40 [Reserved]
399.41 [Reserved]

§ 399.40 [Reserved]

2. Delete and reserve § 399.40, as set forth above.

§ 399.41 [Reserved]

3. Delete and reserve § 399.41, as set forth above.

(Secs. 204, 403 and 404 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 760, as amended; 49 U.S.C. 1324, 1373 and 1374; and 5 U.S.C. 553.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-7071 Filed 4-11-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2362]

PART 13—PROHIBITED TRADE PRACTICES

American States Development Corporation, 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; 13.15-250 Qualifications; § 13.70 Fictitious or misleading guarantees; § 13.115 Jobs and employment service; § 13135 Nature of product or service; § 13155 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—Delaying or withholding corrections, adjustments or actions owed: § 13.675 Delaying or withholding corrections, adjustments or actions owed. Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1395 Connections or 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—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper or deceptive inducements to purchase or deal: § 13.1995 Jobs 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, American States Development Corporation, et al, Indianapolis, Ind., docket No. C-2362, March 9, 1973.]

In the Matter of American States Development Corporation, a Corporation, Transport Systems, Inc., a Corporation, Express, Inc., a Corporation, and Tom Johnson, Individually and as an Officer of Said Corporations, and Doing Business as Empire Express, Inc., and Doing Business as Astro Systems, Inc., and J. C. Triplett, Individually and as an Officer of Said American States Development Corporation.

Consent order requiring an Indianapolis, Ind., training school for truck drivers and its subsidiaries, among other things to cease misrepresenting the nature of respondents' business; failing to disclose that inquirers to respondents' advertising will be visited by sales representatives; misrepresenting offers of employment; misrepresenting the quality or nature of training equipment available; misrepresenting the nature or purpose of any fees paid by prospective purchasers to respondents; misrepresenting the terms and conditions under which payment for courses may be made; failing to disclose to customers their right to a cooling-off period in which they may cancel their sales contract and receive a refund of all monies paid and failing to make refunds upon request.

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

It is ordered, That respondents American States Development Corporation, a corporation, Transport Systems, Inc., a corporation, and Express, Inc., a corporation, their successors and assigns, and their officers, and Tom Johnson, individually and as an officer of said corporations, and doing business as Empire Express, Inc. and Astro Systems, Inc., and J. C. Triplett, individually and as an officer of American States Development Corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division 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 any respondent is a trucking company; misrepresenting, in any manner, the nature of business of any respondents.

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 truck drivers, and related occupations, 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.(a) Representing, directly or by implication, that respondents operate a training school or facility for prospective truck drivers.

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

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

(b) Failing to disclose, in writing, clearly and conspicuously, to each prospective purchaser of respondents' courses of study and instruction before said prospective purchasers have paid any money or fee to respondents that respondents cannot guarantee or assure employment to graduates of their courses of study and instruction; and that further training and experience may be required before a graduate of respondents' courses of study and instruction will be regarded as fully trained in the occupation for which respondents' training has been offered.

8. Representing, directly or by implication, that enrollees in respondents' course in truck driver 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.

9.(a) Representing, directly or by implication, that the balance of the cost of 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 truck driver;

(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.

10.(a) Failing to notify, in writing, each purchaser of respondents' courses of study and instruction, before said purchaser makes any payment to respondents, that said purchaser has a right to request a refund at any time prior to his beginning of the resident training portion of respondents' courses of study and instruction.

(b) Failing to refund to each purchaser of respondents' courses of study and instruction, upon such purchaser's written request prior to said purchaser's attendance at respondents' resident training portion of respondents' courses of study and instruction, said purchaser's initial or registration fee and all of any other fee paid to respondents. Said refund must be made within 30 days from the date of said purchaser's written request for refund.

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 salesman 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 respondents Tom Johnson and J. C. Triplett, for a period of 3 years, commencing 60 days after this order becomes final, each shall notify the Commission annually of the name and address of each corporation, partnership, or other business entity, engaged in the advertising, offering for sale, sale, or distribution of courses of study in truck driving or any other subject, trade or vocation, in which said respondents are directors, stockholders, officers, employees or maintain any other interest.

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 9, 1973.

By the Commission.

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

[FR Doc.73-7024 Filed 4-11-73;8:45 am]

[Docket No. C-2363]

PART 13—PROHIBITED TRADE PRACTICES

J. D. Gramm, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages or connections: 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities; 13.15-265 Service; 13.15-270 Size and extent; § 13.70 Fictitious or misleading guarantees; § 13.225 Services. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1513 Operations generally; § 13.1520 Personnel or staff; § 13.-1535 Qualifications; § 13.1553 Services; § 13.1555 Size, extent, or equipment; — Services: § 13.1843 Terms and conditions.

(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, J. D. Gramm, Inc. et al., Hialeah, Fla., docket No. C-2363, Mar. 14, 1973.]

In the Matter of J. D. Gramm, Inc., a Corporation, David Goldberg, and Virginia M. Goldberg, Individually and as Officers of Said Corporation

Consent order requiring a Hialeah, Fla., personal income tax preparation service, among other things to cease representing that each customer's tax return carries an unconditional or unlimited guarantee of accuracy; misrepresenting the training and ability of respondent's employees; representing that respondent offers an auditing service; and representing that respondent's representatives are engaged in the income tax business on a full-time, year-around basis.

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

It is ordered, That respondents J. D. Gramm, Inc., a corporation, its successors and assigns and its officers, and David Goldberg and Virginia M. Goldberg, individually and as officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device or through their franchisees or licensees, in connection with the preparation of income tax returns, or other services, 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 any customer's tax return prepared by respondents or respondents' representatives is guaranteed, unless the true nature, extent, and duration of the guarantee, the identify of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any representation that such returns are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations.

2. Representing, directly or by implication, that respondents' and their representatives' tax preparing personnel are specially trained and are unusually competent in the preparation of all tax returns, or that they have the ability and capacity to prepare and give advice concerning unusually complex and detailed income tax returns.

3. Representing, directly or by implication, that respondents offer auditing services or that respondents verify tax information submitted by their customers for tax preparation purposes.

4. Representing, directly or by implication, that all respondents' representatives are engaged in the income tax business full-time on a year-round basis.

It is further ordered, That:

a. Respondents herein deliver a copy of this decision and order to each of their present and future employees, agents, representatives, franchisees, or licensees and any other persons, partnerships, or corporations authorized by respondents to engage in the commercial preparation of income tax returns.

b. Respondents inform each such person so described in paragraph a. above that respondents are obligated by the terms of this order to notify the Commission of persons who continue on their own the deceptive practices prohibited by this order.

c. Respondents, in their continuing business dealings with each said person described in paragraph a., take note of any failure to observe the requirements of this order and advise the Federal Trade Commission of such failure.

It is further ordered, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of 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 respondent 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 of 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 their 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 14, 1973.

By the Commission.

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

[FR Doc.73-7026 Filed 4-11-73;8:45 am]

[Docket No. 8783]

PART 13—PROHIBITED TRADE PRACTICES

Missouri Portland Cement Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18.) [Cease and desist order, Missouri Portland Cement Co., St. Louis, Mo., docket No. 8783, Mar. 12, 1973.]

In the Matter of Missouri Portland Cement Co., a Corporation

Consent order requiring a St. Louis, Mo., producer of portland cement, among other things to divest itself of the stocks and assets of Botsford Ready Mix Co. The order further prohibits respondent from making any acquisitions not falling within certain Federal Trade Commission guidelines in the ready mix concrete or concrete products industry for a period of 10 years with prior Federal Trade Commission approval.

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

I. *It is ordered*, That respondent, Missouri Portland Cement Co., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within 1 year from the date this order becomes final, divest, absolutely, subject to the approval of the Federal Trade Commission, all stock, assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by respondent, as a result of the acquisition of the stock of Botsford Ready Mix Co., together with all additions and improvements thereto and replacements thereof of whatever description, so as to assure that there is established a separate and viable competitor engaged in the business of producing and selling ready mixed concrete. The five plants to be divested are those locatd at First and Broadway, 5600 East 500 Highway, and 86th and Wayne, in Jackson County, Mo., and at Muncie and Lenexa in the State of Kansas.

II. *It is further ordered*, That pending divestiture, respondent shall not make or permit any deterioration or changes in any of the plants, machinery, equipment, buildings, or other proprety or assets to be divested which would impair their present capacity or market value.

III. *It is further ordered*, That none of the stock, assets, properties, rights or privileges required to be divested be transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Missouri Portland Cement Co., or any of its subsidiaries or affiliates or who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of voting stock of Missouri Portland Cement Co., or any of its subsidiaries or affiliates.

IV. *It is further ordered*, That with respect to the divestiture required herein, nothing in this order shall be deemed to prohibit respondent from accepting consideration which is not entirely cash and from accepting and enforcing a loan, mortgage, deed of trust or other security interest for the purpose of securing to respondent full payment of the price, with interest, received by respondent in connection with such divestiture: *Provided, however*, That should respondent by enforcement of such security interest, or for any other reason, regain direct or indirect ownership or control of any of the divested plants, land or equipment, said ownership or control shall be redivested subject to the provisions of this order, within 1 year from the date of reacquisition.

V. *It is further ordered*, That either (a) for a period of 2 years from the date of divestiture of any ready mixed concrete plant or group of plants required by this order, or (b) for so long as respondent retains, directly or indirectly, a bona fide lien, mortgage, deed for trust, or other security interest in any of the property, plants, or equipment divested, whichever is longer, respondent may provide no more portland cement to that plant or group of plants than an amount, in tons, equal to 30 percent of the portland cement consumed by the plant or group of plants during the calendar year immediately preceding that in which divestiture is made: *Provided, however*, That if the purchaser elects, and the Commission approves, respondent may supply up to 75 percent of such consumption of portland cement.

VI. *It is further ordered*, That either (a) for a period of 2 years from the date of divestiture required by this order or (b) for so long as respondent retains, directly or indirectly, such a bona fide lien, mortgage, deed of trust, or other plants, or equipment divested, whichever security interest in any of the property, is longer, respondent shall not sell or deliver, directly or indirectly, ready mixed concrete in the Kansas City area as defined in the complaint, excluding Platte County, Mo.

VII. *It is further ordered*, That respondent shall not install or operate any additional ready mixed concrete plant in the Kansas City area as defined in the complaint, excluding Platte County, Mo., for a period beginning with the date this order is accepted by the Federal Trade Commission and continuing until 2 years from the date of divestiture required by this order.

VIII. *It is further ordered*, That for a period of 10 years from the date this order becomes final respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the sale of ready mixed concrete or concrete products within respondent's present or future marketing area for portland cement or which purchased in excess of 10,000 barrels or 1,880 tons of portland cement in any of the 5 years preceding the merger.

IX. *It is further ordered*, That respondent shall, within 60 days from the date of service of this order, and every 60 days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling its objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with any person or persons interested in acquiring the stock, assets, properties, rights, or privileges to be divested under this order, the identity of each such person or persons, and copies of all written communications to and from each such person or persons.

X. *It is further ordered*, That the initial decision dated July 25, 1972 be, and hereby is, vacated.

Issued March 12, 1973.

By the Commission, with Commissioner MacIntyre not participating.

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

[FR Doc.73-7025 Filed 4-11-73;8:45 a.m.]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-98]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

MARCH 28, 1973.

Net amount of bounty declared for the period September 1972 through February 1973 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period September 1972

through February 1973 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month:	*Net amount of bounty per 2,248 lb. of sugar content*
September 1972	Aus. $13.70
October 1972	3.40
November 1972	Nil
December 1972	9.20
January 1973	Nil
February 1973	Nil

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 FR 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 72–61 and (2) by adding a reference to this Treasury decision. As amended the last three lines of the table under this commodity will read:

§ 16.24 Countervailing duties.

* * * * *

Country	Commodity	Treasury decision	Action
		72-187	New rate.
		72-314	Do.
		73-98	Do.

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

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

Approved March 28, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-7085 Filed 4-11-73;8:45 am]

[T.D. 73-100]

PART 153—ANTIDUMPING

Roller Chain, Other Than Bicycle, From Japan

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25859, FR Doc. 72-20807).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on March 1, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of roller chain, other than bicycle, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of March 7, 1973 (38 FR 6241, FR Doc. 73-4309).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to roller chain, other than bicycle, from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Roller chain, other than bicycle	Japan	73-100

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

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

APRIL 6, 1973.

[FR Doc.73-7112 Filed 4-11-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7268]

PART 148—CERTAIN EXCISE TAX MATTERS UNDER THE EXCISE TAX TECHNICAL CHANGES ACT OF 1958

Revocation or Suspension of Registrations

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, November 10, 1972 (37 FR 23922), amendments to the temporary regulations under part 148, Certain Excise Tax Matters Under the Excise Tax Technical Changes Act of 1958, were proposed in order to provide temporary rules, under section 4222(c) of the Internal Revenue Code of 1954, for the revocation or suspension of registrations to sell or purchase articles subject to tax under chapter 32 of such code (relating to manufacturers excise taxes) tax free. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the temporary regulations, subject to the changes indicated below, are adopted by this document.

The purpose of these amendments is to prescribe regulations under which registrations to buy or sell articles free of the manufacturers excise tax may be revoked or suspended. These regulations provide for the revocation or suspension of such registrations where they have been used to unlawfully avoid or postpone payment of tax or to interfere with the collection of tax or when revocation or suspension is necessary to protect the revenue. Provision is made for the singular revocation or suspension of a particular registration and for the blanket revocation of all registrations.

Under the regulations, the Internal Revenue Service will be able to purge and update registration lists and thereby protect the revenue. A person whose registration is revoked will be required to reregister in order to sell or purchase an article tax free under an exemption provision to which section 4222 of the code applies.

Under the proposed regulations, blanket revocation of all registrations could be made after notice thereof is published in the Internal Revenue Bulletin at least 60 days prior to the effective date of revocation. Comments by interested persons indicated that the proposed minimal 60-day period for notification would be an insufficient period of time for the reregistration of persons eligible to purchase or sell tax free and for making the necessary communications resulting from revocation between affected vendors and vendees. Accordingly, § 148.1-3(j)(2), as adopted by this document, is changed so that notice of a blanket revocation of registrations must be published in the Internal Revenue Bulletin at least 6 months prior to the effective date of revocation.

It was also noted in such comments that § 148.1-3(f), relating to evidence of tax-free sale, did not make it clear that, where sales are regularly or frequently made to a purchaser for an exempt purpose, an exemption certificate covering all orders for a specified period not to exceed four calendar quarters is acceptable for purposes of satisfying the evidence requirements. Such a certificate is presently acceptable under the provisions of Revenue Procedure 64-37, 1964-2 Cum. Bull. 964. Accordingly, § 148.1-3(f) is amended by this document in order to clarify the regulations in conformity with the provisions of Revenue Procedure 64-37.

Adoption of amendments to the regulations.—On November 10, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 23922) to prescribe rules for the revocation or suspension of registration to sell or purchase articles free of the manufacturers excise tax. After consideration of all such relevant matters as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

1. Section 148.1-3(f) is amended to read as set forth below.

2. Subparagraph (2) of § 148.1-3(j), as set forth in the notice of proposed rulemaking, is changed to read as set forth below.

(Secs. 4222(c), 7805, Internal Revenue Code of 1954, 72 Stat. 1285, 68A Stat. 917; 26 U.S.C. 4222(c), 7805.)

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

Approved April 5, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

§ 148.1–3 Temporary procedures for tax-free sales and purchases.

* * * * *

(f) *Evidence of tax-free sale.*—The purchaser shall note on the purchase order, exemption certificate, or other document furnished to the seller by the purchaser the exempt purpose for which the article or articles are being purchased and the registration number assigned to the purchaser, or if the purchaser has registered as provided in subparagraph (2) of paragraph (e) of this section and does not have a registration number, the date of such registration and the district director with whom registered. For purposes of this paragraph, where tax-free sales are regularly or frequently made to a purchaser, an exemption certificate covering all orders for a specified period not to exceed four calendar quarters will be acceptable.

* * * * *

(j) *Revocation or suspension of registration.*—(1) *Revocation or suspension by district director or Director of International Operations.*—Except as provided in subparagraph (2) of this paragraph, the district director or the Director of International Operations, as the case may be, is authorized to revoke or temporarily suspend the registration of any person and the right of such person to sell or purchase articles tax free under section 4221 of the code (or under any section specified in section 4222(d) to which the provisions of section 4222 have been extended) in any case in which he finds that—

(i) The registrant is not a bona fide manufacturer, or a purchaser reselling direct to manufacturers or exporters;

(ii) The registrant is for some other reason (including a change in the law relating to an exemption to which section 4222 applies) not eligible to retain a certificate of registry;

(iii) The registrant has unlawfully used his registration to avoid the payment of any tax imposed by chapter 32 of the code, or to postpone or interfere in any manner with the collection of such tax;

(iv) Such revocation or suspension is necessary to protect the revenue; or

(v) The registrant failed to comply with the provisions of paragraph (f) of this section, relating to evidence required in support of a tax-free sale.

Written notice of such revocation or suspension shall be sent by mail to the registrant's last known address. Such notice shall specify the grounds for the revocation or suspension and state the effective date of revocation or suspension. Notwithstanding the provisions of paragraph (e) (1) or (2) of this section, any person whose registration is revoked or suspended must reregister in accordance with the provisions of paragraph (e)(3) of this section before selling or purchasing articles tax free on or after the effective date of revocation or suspension. The revocation or suspension of registration is in addition to any penalty which may apply under the law for any act or failure to act.

(2) *Blanket revocation and reregistration.*—The Commissioner is authorized to revoke the registration of every person and the right of every person to sell or purchase articles tax free under section 4221 of the code (or under any section specified in section 4222(d) to which the provisions of section 4222 have been extended) when he finds that a blanket revocation is necessary to protect the revenue. Notice of blanket revocation shall be given by publication of such notice in the Internal Revenue Bulletin at least 6 months prior to the effective date of revocation. Notwithstanding the first sentence of this paragraph, the published notice may specify that the blanket revocation is to apply only to registrations made prior to a particular date provided in such notice, and may limit application of the blanket revocation to a defined group or classification of persons who are registered to sell or purchase tax free under any exemption provision to which section 4222 applies. In any case, persons registering during the period beginning with the date of publication of notice of revocation and ending with the effective date shall be excluded from the blanket revocation. Notwithstanding the provisions of paragraph (e) (1) or (2) of this section, persons who are affected by the blanket revocation shall be required to reregister in accordance with the provisions of paragraph (e)(3) of this section before selling or purchasing articles tax free on or after the effective date of revocation.

[FR Doc.73–7044 Filed 4–11–73;8:45 am]

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

District Intelligence Conference

This document contains an amendment to § 601.107(b)(2) of the Statement of Procedural Rules (26 CFR part 601) which was last amended on March 30, 1973 (38 FR 8245).

The purpose of this amendment is to revise the rules relating to a district intelligence conference for a taxpayer who may be the subject of a criminal recommendation.

Amendment to the statement of procedural rules. This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on March 30, 1973 (38 FR 8245). Section 601.107 is amended by revising paragraph (b)(2) to read as follows:

§ 601.107 Intelligence functions.

* * * * *

(b) *Investigative procedure.* * * *

(2) A taxpayer who may be the subject of a criminal recommendation will be afforded a district intelligence conference when he requests one or where the Chief, Intelligence Division, makes a determination that such a conference will be in the best interests of the Government. At the conference, the IRS representative will inform the taxpayer by a general oral statement of the alleged fraudulent features of the case, to the extent consistent with protecting the Government's interests, and, at the same time, making available to the taxpayer sufficient facts and figures to acquaint him with the basis, nature, and other essential elements of the proposed criminal charges against him.

* * * * *

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

[FR Doc.73–7045 Filed 4–11–73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72–225R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Oakland Inner Harbor Tidal Canal, Calif.

The amendment changes the regulations for the Park Street, High Street, and the Department of the Army railroad and highway bridges across the Oakland Inner Harbor Tidal Canal to provide restricted periods during the morning and evening peak vehicular traffic periods. This amendment was circulated as a public notice dated November 20, 1972 by the Commander, 12th Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72–225P) on November 17, 1972 (37 FR 24434). Thirty comments were received. Three had no objection and 23 supported the proposal. Four objected to the proposal. Two of these pointed out that movements of vessels were frequently dictated by tidal conditions. One objected on the grounds that such restrictions could be detrimental to business and one objected to any restriction. While these objections all have some validity it is felt that the requirement that openings at any time be provided if at least 2 hours notice is given is sufficient protection for the reasonable needs of navigation. Minor editorial changes have been made to assure clarity.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by revising paragraph (d) of § 117.712 to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, California.

* * * * *

(d) *Oakland Inner Harbor Tidal Canal; County of Olemeda Highway*

bridges at Park and High Streets and Department of the Army highway and railroad bridges at Fruitvale Avenue.—From 7 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except national holidays, the draw shall open on signal if at least 2 hours notice is given. At all other times the draw shall open promptly on signal. In case of emergency the draws shall open on signal at any time.

* * * * *

(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 May 16, 1973.

Dated April 6, 1973.

J. D. McGANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-7053 Filed 4-11-73;8:45 am]

CHAPTER IV—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Correction

In FR Doc. 73-6123 appearing at page 8433 in the issue of Monday, April 2, 1973, the following changes should be made:

1. In the table under § 401.103-5, in the second column directly above the first entry, insert UPBOUND VESSELS.

2. In the second column on page 8442, the section designated as § 401.105-2 *Signals—explosive vessel.*", should be "§ 401.105-8 *Signals—explosive vessel.*".

3. In § 401.120-1, in the second column, under part 1, in paragraph 1.(d), change the word "of" to read "or".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19547; FCC 73-169]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Space Telecommunication

Correction

In FR Doc. 73-3567 appearing at page 5562 of the issue for Thursday, March 1, 1973, the following should be added on page 5608, column 3, immediately following the description of Owens Valley Observatory:

and 118°30' W., and the second between latitudes 37° N. and 38° N. and longitudes 118° W. and 118°50' W.

Pennsylvania State University Radio Astronomy Observatory. Rectangle between latitudes 40°00' N. and longitudes 77°15' W. and 78°40' W.

Title 49—Transportation

Subtitle A—Office of the Secretary of Transportation

[Docket No. 21; Amdt. 71-13]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Eastern-Central Standard Time Zone Boundary in the State of Michigan

The purpose of this amendment to part 71 of title 49 of the Code of Federal Regulations is to change the existing boundary line between the eastern time zone and the central time zone as it relates to the State of Michigan.

On March 15, 1973, the Department of Transportation published in the FEDERAL REGISTER (38 FR 7009), a notice of proposed rulemaking to relocate a segment of the boundary between the eastern and central time zones from its present location along the border between the State of Wisconsin and the Upper Peninsula of the State of Michigan northward in order to include four Upper Peninsula counties along the Wisconsin border (Menominee, Dickinson, Iron, and Gogebic) in the central time zone.

The proposal was based on a petition from the Board of County Commissioners of each of the four counties. The petitions cited two reasons for seeking the change—closer commercial relations with neighboring communities in the State of Wisconsin, which is in the central zone, than with the rest of the State of Michigan; and the recent decision of the State of Michigan to observe advanced (daylight, or "fast") time beginning in 1973. From 1969 to 1972, the State of Michigan exercised its option under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. § 260a) and exempted itself from the observance of advanced time. Thus, eastern standard (slow) time was observed throughout the year in Michigan. All or part of the four counties concerned are further west than Chicago, Ill., which is in the central zone; the westernmost of the counties, Gogebic, is as far west as St. Louis, Mo., which is also in the central zone. (In fact, the westernmost part of Gogebic County is farther west than the 19th meridian west of Greenwich, which is the standard meridian of the central zone.) Under eastern advanced time, during the summer, areas that far west have daylight on some days as late as 10:30 p.m.; under central advanced time (which is the same time on the clock as eastern standard time) there is daylight on those days only as late as 9:30 p.m.

Under the Uniform Time Act of 1966, the Secretary of Transportation is authorized to modify the boundaries of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

Interested persons were given a 22-day period within which to comment in writing on the proposed change. In addition, a representative of the Department conducted a public hearing on the proposal in each of the four counties, during which interested persons had opportunity to comment on the proposal either orally or in writing, or both. Although percentages varied county by county, comments received from each county overwhelmingly favor the proposal. Of the total of approximately 1,500 persons who submitted comments, approximately 90 percent favor the proposal, and document commercial relations with both the State of Wisconsin and other areas in the central time zone close enough to demonstrate that the convenience of commerce would be served by including the four counties in the central time zone. Among those favoring the proposal is North Central Airlines, Inc., the only certificated air carrier engaged in interstate commerce in the four-county area.

The Department also invited comments on whether any counties in the Upper Peninsula contiguous to the four named should be placed in the central zone. Since very few persons addressed themselves to this, only the four counties named are being placed in the central zone at this time. Many persons, however, urged the Department to locate the boundary line farther east in the Upper Peninsula, between the counties of Alger and Schoolcraft in the west and the counties of Luce and Mackinac in the east. These counties meet in a straight north-south line approximately 86° west of Greenwich. These persons contend that—

(1) There are two discernible economic areas in the Upper Peninsula;

(2) The 12 Upper Peninsula counties west of this north-south line (Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, and Schoolcraft) form an area closely tied economically to the State of Wisconsin;

(3) The three Upper Peninsula counties east of this line (Chippewa, Luce, and Mackinac) form another, closely tied economically to the Lower Peninsula of Michigan;

(4) This north-south line runs through a sparsely populated section of the Upper Peninsula and relocating the time zone boundary along it would inconvenience relatively few people.

Although the Department recognizes the validity of these contentions, relocation of the boundary that far east was not within the scope of the proposal which led to this rulemaking. These contentions will, however, be considered as the Department evaluates the effect of the relocation which is being made.

Advanced time begins this year at 2 a.m., Sunday, April 29. Making the relocation of the boundary effective at that time will serve both the convenience of

commerce and the convenience of the persons living in the area affected by the change (since eastern standard time is the same time on the clock as central advanced time, they will not have to change their clocks). I therefore find that good cause exists for making this amendment effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effect at 2 a.m. on April 29, 1973, paragraph (a) of § 71.5 of title 49 of the Code of Federal Regulations is amended to read as follows:

§ 71.5 Boundary line between eastern and central zones.

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

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

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966, 15 U.S.C. 260–267; sec. 6(e)(5), Department of Transportation Act, 49 U.S.C. 1655(e)(5).)

Issued in Washinngton, D.C., on April 10, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-7199 Filed 4-11-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected 2d Rev. S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1973.

It appearing, that an acute shortage of covered hopper cars, gondola cars, and boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars, gondola cars, and boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Application:

(i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the official railway equipment register, ICC RER 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box car type—All class "X" except "XT."
Class "G"—Gondola car type—All class "G" except "GW."
Class "L"—Special car type—"LC," "LO," "LU," only.

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates, designated as export or as rail-water, or moved on rates also applicable to other traffic.

(iv) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of rail cars and the loading and unloading of vessels.

(v) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(vi) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vii) The terms "loading," "unloading," and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in item 25 of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) Exception.—Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) Exception.—This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(xi) Exception.—This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the U.S. Government.

(2) Free time.—

(i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in paragraph (a)(1)(ii) of this section at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or

through port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in paragraph (a)(1)(ii) of this section are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (a)(2)(i) of this section, the free-time periods provided in such tariffs shall apply.

(3) Demurrage, detention, or storage charges—cars not subject to average demurrage basis:

(i) After the expiration of the free-time period described in paragraph (a)(2) of this section, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 2 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day, or fraction of a day, for each of the next 2 days.

(ii) The applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free-time allowance when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins; except as otherwise provided in rule 6, section B, or in other rules, of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(4) Cars subject by tariff to average demurrage basis:

(i) One credit will be allowed for each car released before the expiration of the first 24 hours of free time. After the expiration of the free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first 2 days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20 per car per day, or fraction of a day, will be made for each of the next 2 days, $30 per car per day, or fraction of a day, for each of the next 2 days, and $50 per car per day, or fraction of a day, for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii)(a) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(b) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable traiffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10 per debit will be charged for the remainder. (See note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provide herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any 1 month be considered in computing the average detention for another month.

NOTE.—For the purpose of applying paragraph (a)(4)(iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Records of detention and computation of demurrage charges on cars subject to this order shall be separate from records of detention and computation of demurrage charges on cars not subject to this order.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) Notices of arrival, constructive placement, etc.:

(i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of runarounds, the giving of arrival or constructive placement notice on freight destined for unloading or transshipment at the ports shall apply.

(ii) If no such rules with respect to arrival, runaround, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.*—The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of part I, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.*—This order shall become effective at 7 a.m., April 1, 1973.

(d) *Expiration date.*—This order shall expire at 6:59 a.m., August 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order 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.73-7066 Filed 4-11-73;8:45 am]

[Corrected Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, division 3, held in Washington, D.C., on the 27th day of March 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the

Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1124 Service Order No. 1124.

(a) *Demurrage and free time on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Application:

(i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Boxcar type—All class "X" except "XT."
Class "G"—Gondola car type—All class "G" except "GW."
Class "L"—Special car type—"LC," "LO," "LU," only.

(iii) Exception:

This order shall not apply to cars with inside length 69 feet 0 inch and over.

(iv) Exception:

This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) Exception:

This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Tex.	Douglas, Ariz.
Laredo, Tex.	Naco, Ariz.
Eagle Pass, Tex.	Nogales, Ariz.
Presidio, Tex.	Calexico, Calif.
El Paso, Tex.	

(vi) Exception:

This order shall not apply to cars subject to Freight Tariff 8–O, ICC H–30, issued by B. B. Maurer, supplements thereto, or reissues thereof, car demurrage rules on cars used in handling coal or coke products at coal mines, etc.

(vii) Exception:

The provisions of rule 8, item 935 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) Exception:

Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(x) The term "holidays" means holidays as listed in item 25 of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) Free time:

(i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (a)(2)(i) of this section, the free time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis:*

(i) After the expiration of the free time period described in paragraph (a)(2) of this order, or without free time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 2 days
$20 per car per day, or fraction of a day, for each of the next 2 days
$30 per car per day, or fraction of a day, for each of the next 2 days
$50 per car per day, or fraction of a day, for each subsequent day.

(ii) The applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time or without free time allowance when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins; except as otherwise provided in rule 6, section B, or in other rules, of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(4) *Cars subject to average demurrage basis:*

(i) One credit will be allowed for each car released before the expiration of the first 24 hours of free time. After the expiration of 48 hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first 2 days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20 per car per day, or fraction of a day, will be made for each of the next 2 days, or fraction of a day, and $30 per car per day, or fraction of a day, for each of the next 2 days, and $50 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) (*a*) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(*b*) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE.—The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total numbers of debits at the ratio of two credits for one debit, and $10 per debit will be charged for the remainder. (See note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE.—For the purpose of applying paragraph (a)(4)(iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all

cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (a)(2) of this section.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) Notices of arrival, constructive placement, etc.:

(i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of part 1, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (c)(1) of this section shall not be deemed as nullifying the requirements of paragraph (a) (2) or (3) of this section.

(d) *Effective date.*—This order shall become effective at 7 a.m., April 1, 1973.

(e) *Expiration date.*—This order shall expire at 6:59 a.m., August 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, car service division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order 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, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73-7067 Filed 4-11-73;8:45 am]

[S.O. 1131]

PART 1033—CAR SERVICE

Chicago, Rock Island & Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of April 1973.

It appearing, that the line of the Chicago, Rock Island & Pacific Railroad Co. (RI) between Gowrie, Iowa, and Sibley, Iowa, is impassable because of track damage; that the portion of this line between Palmer, Iowa, and Royal, Iowa, can be operated if access to other portions of the RI can be obtained; that operation by the RI over tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Milw) between Emmettsburg, Iowa, and a junction between the RI and the Milw in the vicinity of Webb, Iowa, a distance of approximately 37.3 miles, will enable the RI to restore service on its line between Palmer and Royal; that the Milw has agreed to such use of its line by the RI; that such operation by the RI over the tracks of the Milw will provide continued railroad service to shippers served by such tracks; that operation by the RI over the aforementioned Milw tracks is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1131 Service Order No. 1131.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Chicago, Rock Island and Pacific Railroad Co. (RI) be, and it is hereby, authorized to operate over tracks of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. (Milw) between Emmettsburg, Iowa, and a junction between the RI and the Milw in the vicinity of Webb, Iowa, a distance of approximately 37.3 miles.

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

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

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

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-7068 Filed 4-11-73;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 28—PUBLIC ACCESS, USE, AND RECREATION

Blackwater National Wildlife Refuge, Md.

The following special regulation is issued and is effective during the period May 1, 1973, through December 31, 1973.

§ 28.28 Special regulations; public access; use; and recreation; for individual wildlife refuge areas.

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Entry to the parking area during normal duty hours at the visitor center by motor vehicle and bicycle is permitted.

Entry to the auto drive during daylight hours by motor vehicle is permitted. Visitors must remain in their vehicles while on the auto drive. Bicycles are permitted on designated portion of the auto drive.

Entry by foot during daylight hours is permitted on designated foot trails for the purpose of nature study, photography, and birdwatching.

Two-wheel motor vehicles—motorcycles, motorbikes, trail bikes, and minibikes are prohibited on the auto drive.

Pets are permitted on a leash not exceeding 10 feet in length in designated parking areas only.

Fires are prohibited for any purpose in the public use areas.

The refuge, comprising approximately 11,627 acres, is delineated on a map available from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Md. 21613 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1973.

[FR Doc.73-7028 Filed 4-11-73;8:45 am]

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on April 12, 1973.

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 9 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 1897, Bismarck, N. Dak. 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) All waters within the boundaries of the J. Clark Salyer National Wildlife Refuge, designated as open to fishing by the refuge manager, shall be open to the taking of all fish from May 5, 1973, through September 15, 1973, daylight hours only. The open areas shall then be closed to all boat fishing but remain open to bank and ice fishing from September 16, 1973, through March 24, 1974, daylight hours only. All refuge waters shall then be closed to all fishing from March 25 through May 3, 1974.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50, part 33, and are effective through March 24, 1974.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota.

APRIL 6, 1973.

[FR Doc.73-7058 Filed 4-11-73;8:45 am]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is effective on April 12, 1973.

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

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from May 12 through September 30, 1973, during daylight hours only.

(2) The use of motors on boats is not permitted. The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in title 50, part 33, and are effective through September 30, 1973.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minnesota 55760.

APRIL 5, 1973.

[FR Doc.73-7027 Filed 4-11-73;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 AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 760]

BEEKEEPERS

Indemnity Payment Program

Notice is hereby given that the Agricultural Stabilization and Conservation Service, under the authority of section 804 of the Agricultural Act of 1970, 84 Stat. 1382, 7 U.S.C. 135b, is considering amending the Beekeeper Indemnity Payment Program regulations, 7 CFR part 760, to improve administration of the program.

This proposed amendment would limit the total payment which could be made on a colony of bees suffering successive pesticide damages within the same calendar year, other than a complete kill, to $10.

The present flat rates of payment per colony for a single damage would remain unchanged.

Under the current program, $15 is the maximum indemnification which is made for a colony regardless of the number or degree of damages suffered by such colony during the same calendar year. It is also the rate of payment for a colony totally destroyed. Thus, one beekeeper could receive indemnification of $15 for a dead colony, whereas a second beekeeper experiencing successive damages could receive indemnification of $15 and would still have the colony.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment, to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each person submitting comments, suggestions, or objections regarding the proposed amendment shall include his name and address and shall give reasons for any suggested changes in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Deputy Administrator, State and County Operations, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.127(b)).

In order to be sure of consideration, all submissions must be received not later than April 27, 1973.

It is proposed that part 760 be amended by deleting the undesignated paragraph at the end of § 760.109 and substituting the following therefor:

§ 760.109 Computation of payment.

* * * * *

Beginning with 1973, the total amount of payment which can be made on a colony of bees which suffers successive pesticide damages, within the same calendar year, other than a complete kill, is $10. To be eligible for payment for two successive moderate damages during the calendar year, at least 5 weeks must have elapsed between the moderate losses and the colony must have been restored to normal strength prior to the second moderate damage by pesticides.

Signed at Washington, D.C., on April 6, 1973.

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

[FR Doc.73-7089 Filed 4-11-73;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210, 225]

NATIONAL SCHOOL LUNCH PROGRAM; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix A; Alternate Foods for Meals

The Department proposes to issue an appendix A to each of the regulations for the national school lunch program, the school breakfast program and nonfood assistance program and State administrative expenses, and the special food service program for children, which will authorize the use of alternate foods for meals served under each such program. Under appendix A of the national school lunch program regulations and appendix A of the special food service program for children regulations, the Department presently proposes to authorize the use of textured vegetable protein products as an alternate food component meeting the meal requirements of the programs as indicated in the following paragraphs. The proposal of this alternate food component is based on a recognition of the advances that have been made in food technology, as well as the changes in the dietary habits of children. It is believed that the proposed food alternate will assist in maintaining or enhancing the nutritional adequacy of the meals and increase the availability of nutrients to a greater number of children. Additional alternate food components may be proposed from time to time.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by May 14, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 14, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Child Nutrition Division, during the regular business hours 8:30 a.m. to 5 p.m. (7 CFR 1.27(b)).

The following alternate food component is proposed to be authorized under these appendixes:

TEXTURED VEGETABLE PROTEIN PRODUCTS

1. Schools and service institutions may utilize the textured vegetable protein products defined in paragraph 3 as a food component in meeting the meal requirements of § 210.10 of the national school lunch program regulations and the meal requirements of § 225.9 of the special food service program for children regulations, under the following terms and conditions:

(a) Textured vegetable protein products shall be prepared only in combination with meat, poultry, or fish. Meats are defined in USDA meat inspection regulations, volume 35, No. 193, 1970.

(b) The meat shall be ground and served as meat patties, meat loaves, chili, lasagna, pizza, etc. Poultry and fish shall be made into similar type items.

(c) When hydrated, the proportion of dry product to raw meat, poultry, or fish in combination shall not exceed 30 parts hydrated textured vegetable protein product per 70 parts raw meat, poultry, or fish on the basis of weight.

(d) Commercially prepared meat/textured vegetable protein products used in child nutrition programs must meet the requirements set forth in this appendix.

(e) All textured vegetable protein products shall bear a label identifying the product as being acceptable to the Department.

(1) Textured vegetable protein (type (1) as described in paragraph 3a) shall bear a label containing substantially the following legend appropriate to its use:

(a) Label for Dry Textured Vegetable Protein.

This is to certify that this dry textured vegetable protein product meets USDA-FNS specifications.

(b) Label for Hydrated Textured Vegetable Protein.

This is to certify that this hydrated textured vegetable protein product meets USDA-FNS specifications.

(c) Label for Meat-Hydrated Textured Vegetable Protein Mixes.

The meat/water/dry vegetable protein portion of this product contains percent meat, percent water, percent dry textured vegetable protein and meets USDA-FNS specifications.

(2) Granular protein concentrates, textured (structured) isolates, and mixtures (types (2), (3), and (4) as described in paragraph 3a) shall bear a legend similar to one of those in paragraph 1(e)(1) and which has been modified to reflect the source of protein. Products with tracer materials, such as titanium, must be labeled to show inclusion of such tracer materials.

2. Only textured vegetable protein products that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(e) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis and biological value determination performed by an independent laboratory acceptable to FNS and such other pertinent data as may be requested by FNS. This information is to be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. To be accepted by FNS, products must have the following characteristics and meet the following nutritional specifications:

(a) *Types.*—(1) Textured vegetable protein (minimum of 50 percent protein on a dry weight basis). Dry or hydrated (frozen), unflavored or flavored, uncolored or colored.

(2) Granular protein concentrate (minimum of 70 percent protein on a dry weight basis). Dry, unflavored or flavored, uncolored or colored.

(3) Textured (structured) isolates (minimum of 90 percent protein on a dry weight basis). Dry or hydrated (frozen), unflavored or flavored, uncolored or colored.

(4) Mixture of two or more of the above items and/or new textured products (minimum of 55 percent protein on a dry weight basis).

(b) *Ingredients.*—Textured vegetable protein products shall be made from food grade oilseed and/or peanuts, cereal flours or derived protein concentrates or isolates, alone or in combination with one or more of the following ingredients: Edible fats or oils, carbohydrates, binders, stabilizers, natural or artificial flavors, colors, amino acids, vitamins, and minerals. Textured vegetable protein products are characterized by having a structural integrity and identifiable texture such that each unit will withstand hydration and cooking, and other procedures used in preparing the food for consumption. All ingredients shall be in conformity with the requirements of the Federal Food, Drug, and Cosmetic Act, as amended, and any regulations issued thereunder.

If the product has a standard with USDA or FDA, the product shall follow the definition of these agencies.

(c) *Nutritional specifications.*—Textured vegetable protein products shall meet the following compositional requirements. Analytical methods employed should be according to the standard procedures defined in the Association of Official Analytical Chemists, 1970, "Official Methods of Analysis," 11th edition, Washington, D.C., or by appropriate analytical procedures FHS considers reliable.

TEXTURED VEGETABLE PROTEIN PRODUCTS

Items	Unit	Textured vegetable protein (minimum)	Granular protein concentrate (minimum)	Textured isolate (minimum)	All products (maximum)
Moisture of the dry product	Percent weight				8
Ash	do				6
Protein (N×6.25)	do	50.0	70.0	90.0	
Fat	do				2.0
Magnesium	Milligram/100 grams	70.0	98.0	84.0	
Iron [2]	do	10.0	14.0	12.0	
Thiamine	do	0.30	0.42	0.36	
Riboflavin	do	0.60	0.84	0.72	
Niacin	do	16.0	22.4	19.2	
Vitamin B_6	do	1.4	2.0	1.71	
Vitamin B_{12}	Micrograms per grams/100 grams.	5.7	8.0	6.86	
Pantothenic acid	Milligram/100 grams	2.0	2.8	2.4	
PER [3]	Casein=2.5	1.8	1.8	1.8	

[1] All values are expressed on the dry basis.
[2] Recommended sources of iron are ferric ammonium citrate, ferrous fumarate, ferrous sulfate ($FeSO_4$ or $FeSO_4 \cdot 7H_2O$), ferrous gluconate, reduced iron, or other iron sources known to have a similar relative biological value.
[3] The protein efficiency ratio, PER, of the textured vegetable protein shall not be less than 1.8 on basis of PER=2.5 for casein. PER of the meat-hydrated textured vegetable protein combination shall be not less than 2.5. PER shall be determined by the method "Biological Evaluation of Protein Quality".

(d) *Hydration.*—The moisture content (percent weight) of textured vegetable protein products when hydrated shall be:

	Range of moisture (percent)
(1) Textured vegetable protein (from dry product with 50 percent protein).	60–65
(2) Granular protein concentrate (from dry product with 70 percent protein).	70–75
(3) Texteured (structured) isolate (from dry product with 90 percent protein).	65–70
(4) Mixtures of two or more of above items and/or new textured products (from dry products with 55 to 85 percent protein).	60–75

(5) To achieve these moisture levels, the following parts dry textured vegetable protein product to water, by weight, may be:

Textured vegetable protein: 1:1.3 to 1:1.6.
Granular protein concentrate: 1:2.1 to 1:2.6.
Textured (structured) isolate: 1:1.7 to 1:2.0.
Mixture: Based on formulation.

Effective date.—This portion of the appendixes is proposed to be effective May 29, 1973.

Dated April 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6881 Filed 4-11-73;8:45 am]

[7 CFR Parts 210, 225]

NATIONAL SCHOOL LUNCH PROGRAM; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Alternate Foods for Meals

The Department proposes to issue an appendix A to each of the regulations for the national school lunch program, the school breakfast program and nonfood assistance program and State administrative expenses, and the special food service program for children, which will authorize the use of alternate foods for meals served under each such program. Under appendix A of the national school lunch program regulations and appendix A of the special food service program for children regulations, the Department presently proposes to authorize the use of enriched macaroni with fortified protein as an alternate food component meeting the meal requirements of the programs as indicated in the following paragraphs. The proposal of this alternate food component is based on a recognition of the advances that have been made in food technology, as well as the changes in the dietary habits of children. It is believed that the proposed food alternate will assist in maintaining or enhancing the nutritional adequacy of the meals and increase the availability of nutrients to a greater number of children. Additional alternate food components may be proposed from time to time.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by May 14, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 14, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Child Nutrition Division, during the regular business hours 8:30 a.m. to 5 p.m. (7 CFR 1.27(b)).

The following alternate food component is proposed to be authorized under these appendixes:

ENRICHED MACARONI WITH FORTIFIED PROTEIN

1. Schools and service institutions may utilize the enriched macaroni with fortified protein defined in paragraph 3 as a food component in meeting the meal requirements of § 210.10 of the national school lunch program regulations and the meal requirements of § 225.9 of the special food service program for children regulations, under the following terms and conditions:

(a) One ounce of dry enriched macaroni with fortified protein may be used to meet not more than one-half of the meat or meat alternate requirements specified in §§ 210.10 and 225.9, respectively, when served with one ounce of meat, poultry, fish, or cheese in cooked combination: *Provided, however,* That the size of servings of the cooked combination may be adjusted for various age groups.

(b) Only enriched macaroni with fortified protein which bears a label containing substantially the following legend shall be so utilized: "One ounce dry weight of this product meets one-half of the meat or meat alternate requirements of lunch or supper of the USDA child nutrition programs when served with one ounce of meat, poultry, fish, or cheese in a cooked combination."

2. Only enriched macaroni with fortified protein which has been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1b above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis and biological value determination performed by an independent laboratory acceptable to FNS and such other pertinent data as may be requested by FNS. This information is to be forwarded to: Director, Nutritional and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washintgon, D.C. 20250.

3. To be accepted by FNS, products must have the following characteristics and meet the following nutritional specifications:

(a) *Types.*—Macaroni, spaghetti, noodles, or similar products.

(b) *Ingredients.*—Products shall be made from cereal flours or meals and may be combined with one or more ingredients with a relatively high protein content, such as an oilseed flour, nonfat dry milk, or derived protein concentrates and include the vitamins and minerals specified in the nutritional specification outlined herein. Optional ingredients include amino acids or their salts, binders, or other ingredients that serve a necessary and useful purpose. All ingredients shall be in conformity with the requirements of the Federal Food, Drug, and Cosmetic Act, as amended, and any regulations issued thereunder.

(c) *Nutritional specifications.*—Enriched macaroni with fortified protein shall meet the following compositional requirements. Analytical methods shall be according to the standard procedure defined in the Association of Official Analytical Chemists, 1970, "Official Methods of Analysis," 11th edition, Washington, D.C., or by appropriate analytical procedures FNS considers reliable.

	Minimum	Maximum
Protein,[1] weight percent	20	25
PER	2.38	
Moisture, weight percent		13.0
Iron,[2] mg/oz	.82	1.03
Thiamine, mg/oz	.25	.31
Riboflavin, mg/oz	.11	.14
Niacin, mg/oz	1.7	2.1

[1] N×6.25. 20% by weight on 13% moisture (22% dry weight basis).

[2] Recommended sources of iron are ferric ammonium citrate, ferrous fumarate, ferrous sulfate ($FeSO_4$ or $FeSO_4 \cdot 7H_2O$), ferrous gluconate, reduced iron, or other sources known to have a similar relative biological value.

Effective date.—This portion of the appendices is proposed to be effective May 29, 1973.

Dated April 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6880 Filed 4-11-73;8:45 am]

[7 CFR Parts 210, 220, 225]

[Amdts. 5, 10, 14]

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Requirements for Meals

On July 22, 1972 (37 FR 14726), the Department published proposed amendments to the regulations governing the operation of the national school lunch program, the school breakfast program, and the special food service program for children to provide for approval by the Food and Nutrition Service (FNS) of foods as alternates for one or more of the food components specified as meal requirements in the respective regulations and for notification by FNS to State educational agencies and FNS regional offices of such approved alternate foods. Comments on such proposed amendments were received from 37 individuals and organizations. The respondents were about equally divided among those opposed to the amendments and those in support of the amendments. The principal comments, suggestions, and objections are summarized as follows:

1. More than one-half of the respondents expressed approval of the July 22, 1972, proposed amendments. These respondents felt that the proposed amendments would provide needed variety and flexibility in the meal pattern while producing economies for local schools in the operations of their food service programs.

2. Five respondents objected to the possibility of uncontrolled substitution of vegetable protein for animal protein because of the nutritional differences between these two protein sources. Four respondents stated or implied that vegetable protein was inferior to animal protein.

3. Five respondents felt there was presently insufficient evidence that meal components based on vegetable protein are nutritionally sound or safe for human consumption. Another four respondents objected to using children for "experimentation" in determining the nutritional soundness of meal components.

4. Four respondents expressed concern over the lack of reference in the proposed amendments to USDA publication of lists of specific foods which may be used as food alternates.

The Department did not intend, however, that uncontrolled or free substitution of vegetable for meat protein would occur, nor that any food alternates would be approved until they are proven nutritionally sound and safe for children. The Food and Nutrition Service intends to approve an alternate food item only after it has been tested and a determination made that its nutrient content is equal to or exceeds the nutrient content of the food component specified in the meal type requirements.

Upon further consideration, therefore, and to clarify the intent of the Department's proposals, the Department has determined that prior to approval of alternate foods to meet the meal requirements of any of the child nutrition programs specific notice of each proposed change should be published in the FEDERAL REGISTER, and that an opportunity should be afforded the public to comment thereon. It is proposed that each such change shall appear in an appendix to the affected regulation.

Accordingly, it is now proposed to amend parts 210, 220, and 225 of the child nutrition program regulations to provide for such an appendix. It is also now proposed to amend such regulations to provide for FNS, rather than Child Nutrition Division, approval of any variations in food components to meet ethnic, religious, economic or physical needs.

Comments, suggestions, or objections are invited. In order to be assured of consideration, comments, suggestions, or objections must be delivered by May 14, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 14, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

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

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.10, the reference to "CND" in paragraph (g) is hereby deleted and reference to "FNS" is hereby substituted therefor, and paragraph (a) (1) is revised to read as follows:

§ 210.10 **Requirements for lunches.**

(a) (1) Except as otherwise provided in this section, and in any appendix to this part, a type A lunch shall contain, as a minimum, each of the following food components in the amounts indicated: * * *

* * * * *

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

2. In § 220.8, the reference to "CND" in paragraph (f) is hereby deleted and reference to "FNS" is hereby substituted therefor, and paragraph (a) is revised to read as follows:

§ 220.8 **Nutritional requirements for breakfasts.**

(a) Except as otherwise provided in this section, and in any appendix to this part, a breakfast shall contain, as a minimum, the following food components in the amounts indicated: * * *

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PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

3. In § 225.9, the reference to "CND" in paragraph (g) is hereby deleted and reference to "FNS" is hereby substituted therefor, and paragraph (b) is revised to read as follows:

§ 225.9 **Requirements for meals.**

* * * * *

(b) Except as otherwise provided in this section, and in any appendix to this part, each meal shall contain, as a minimum, the indicated food components: * * *

* * * * *

Effective date.—These amendments are proposed to be effective May 29, 1973.

Dated April 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6882 Filed 4-11-73;8:45 am]

[7 CFR Parts 220, 225]

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix A; Alternate Foods for Meals

The Department proposes to issue an appendix A to each of the regulations for the national school lunch program, the school breakfast program and nonfood assistance program and State administrative expenses, and the special food service program for children, which will authorize the use of alternate foods for meals served under each such program. Under appendix A of the school breakfast program regulations and the special food service program for children regulations, the Department presently proposes to authorize the use of formulated grain-fruit products as an alternate food component meeting the meal requirements of the programs as indicated in the following paragraphs. The proposal of this alternate food component is based on a recognition of the advances that have been made in food technology, as well as the changes in the dietary habits of children. It is believed that the proposed food alternate will assist in maintaining or enhancing the nutritional adequacy of the meals and increase the availability of nutrients to a greater number of children. Additional alternate food components may be proposed from time to time.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by May 14, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 14, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours 8:30 a.m. to 5 p.m. (7 CFR 1.27(b)).

The following alternate food component is proposed to be authorized under these appendixes:

FORMULATED GRAIN-FRUIT PRODUCTS

1. Schools and service institutions may utilize the formulated grain-fruit products defined in paragraph 3 as a food component in meeting the meal requirements of § 220.8 of the school breakfast program regulations and the meal requirements of § 225.9 of the special food service program for children regulations, under the following terms and conditions:

(a) Formulated grain-fruit products may be used as an alternate to meet the bread/cereal and the fruit/juice requirements in the breakfast pattern of these programs. It will also meet the full requirement for bread and one-half the requirement for milk, juice, fruit, or vegetable in the supplemental food pattern in the special food service program for children.

(b) Only individually wrapped formulated grain-fruit products which bear a label containing substantially the following legend shall be utilized:

This product conforms to USDA child nutrition program specifications. It meets the breakfast requirements when served with one-half pint whole milk. It meets the supplemental food requirements when served with a half-cup of milk, juice, fruit, or vegetable.

The product should not be designed in such a manner that would require it to be classified as a special dietary food.

2. Only formulated grain-fruit products which have been accepted by the Food and Nutrition Service (FNS) for use in USDA child nutrition programs may be labeled as provided in paragraph 1(b) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis and biological value determination performed by an independent laboratory acceptable to FNS and such other pertinent data as may be requested by FNS. This information is to be forwarded to Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. To be accepted by FNS, products must have the following characteristics and meet the following nutritional specifications:

(a) *Types.*—There are two types of products. One is a grain-type product and the other a grain-fruit type product.

(b) *Ingredients.*—A grain-type product shall have its primary ingredient derived from grain. A grain-fruit type product shall have fruit as its primary ingredient. Each product must have at least 25 percent of its weight derived from grain. All ingredients and/or components shall comply with pertinent requirements or standards of the USDA and the Food, Drug, and Cosmetic Act, as amended, and any regulations issued thereunder. Manufacturers shall provide assurance that icings, toppings, coatings, or fillings shall not support the growth of pathogenic or food poisoning organisms at room temperature and shall be rendered nonhazardous by providing sucrose: water ratios of at least 2.1:1 or water activity of less than 0.85, or shall have a pH of 4.5 or below.

(c) *Nutritional specification.*—Each serving of the product shall meet the following compositional requirements.[1] Analytical methods shall be according to the standard procedures defined in the "Association of Official Analytical Chemists, 1970, Official Methods of Analysis," 11th edition, Washington, D.C., or by appropriate analytical procedures FNS considers reliable.

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[1] These specifications are based on a nutrient level for acceptable products plus one-half pint fluid whole milk to provide at least 25 percent of the recommended dietary allowance (RDA), 1968, for 10–12-year-old children for specified nutrients except magnesium and kilocalories. Magnesium and kilocalories—10 percent of the RDA.

Nutrient	Unit	Minimum	Maximum
Weight	Ounce	2	4
Moisture	Percent		40
PER	Casein 2.5	2.0	
Fat [1]	Percent		22
Fiber	do		0.8
Protein (N×6.25)	Gram	5.0	
Energy	Kilo calorie	2	
Vitamin A [2]	International unit	785	1,250
Vitamin E	do	5	
Thiamine	Milligram	0.26	
Riboflavin	do	0.13	
Vitamin B_6	do	0.26	
Vitamin B_{12}	Microgram	1.25	
Vitamin C	Milligram	25	
Niacin	do	2.68	
Iron [3]	do	4.4	
Calcium	do	120	
Phosphorus	do	120	
Magnesium	do	30	
Folacin	do	0.04	

[1] Although the maximum fat in these specifications is 22 percent, consideration should be given to the development of formulated items containing less fat. Most medical authorities recommend keeping the dietary intake of fats at about one-third of the day's calories. At least 5 percent of the total calories shall be from linoleic acid.

[2] Vitamin A levels above the maximum of 1,250 I.U. will be allowed in products containing this nutrient as a natural food, and if the vitamin has not been added to the ingredients or foods.

[3] Recommended sources of iron are ferric ammonium citrate, ferrous fumarate, ferrous sulfate ($FeSO_4$ or $FeSO_4 \cdot 7H_2O$), ferrous gluconate, reduced iron, or other sources known to have a similar relative biological value.

Effective date.—This portion of the appendixes is proposed to be effective May 29, 1973.

Dated April 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6883 Filed 4-11-73;8:45 am]

Packers and Stockyards Administration

[9 CFR Part 203]

GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Notice of Proposed Statement

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the Packers and Stockyards Administration proposes to issue the following statement of general policy under said act as § 203.14 of Title 9, Code of Federal Regulations:

§ 203.14 Statement with respect to advertising allowances and other merchandising payments and services.

(a) The Packers and Stockyards Administration has received complaints during the past several years concerning payments made to customers or retailers by packers subject to the Packers and Stockyards Act, purportedly for advertising allowances and other promotional services. Investigations were conducted of these complaints, some of which disclosed apparent violations of the provisions of the Packers and Stockyards Act. It was found in some cases that there was no relationship between the payment made and the cost of furnishing the services. The investigations further disclosed that the terms of the contract were not always complied with in that the payments received by customers were not used for the purposes specified.

(b) In view of the importance of this problem in the industry, it was determined that a policy statement should be issued to provide guidelines for the industry in order to assist firms in complying with the provisions of the Packers and Stockyards Act. This statement applies to any meat packer subject to the Packers and Stockyards Act, when such packer either directly or through an intermediary pays for or furnishes services to a customer who competes with any other customer in the resale of the packer's products of like grade and quality.

(c) The following statement of general policy has been developed after extensive consultations with members of the trade and represents the views of the Packers and Stockyards Administration with respect to the use of advertising allowances and other promotional services in connection with the sale of the packer's products.

THE GUIDELINES

1. *Who is a customer?*—(a) A "customer" is a person who buys for resale directly from the packer, or through the packer's agent or broker; and in addition, a customer is any buyer of the packer's product for resale who purchases from or through a wholesaler or other intermediate reseller.

NOTE.—In determining whether a packer has fulfilled his obligations toward his customers, the Packers and Stockyards Administration will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, a retailer who purchases solely from other retailers, or one who makes only sporadic purchases, or one who does not regularly sell the packer's product or who is a type of retail outlet not usually selling such products will not be considered a "customer" of the packer unless the packer has been put on notice that such retailer is selling his product.

(b) "Competing customers" are all businesses that compete in the resale of the packer's products of like grade and quality at the same functional level of distribution, regardless of whether they purchase direct from the packer or through some intermediary.

Example.—A packer sells directly to some independent retailers, sells to the headquarters of chains and of retailer-owned cooperatives, and also sells to wholesalers. The direct-buying independent retailers, the headquarters of chains and of retailer-owned cooperatives, and the wholesalers' independent retailer customers are customers of the packer. Individual retail outlets which are part of the chains or members of the retailer-owned cooperatives are not customers of the packer.

2. *Definition of services.*—"Services" are any kind of advertising or promotion of a packer's product, including but not limited to, cooperative advertising, handbills, window and floor displays, demonstrators and demonstrations.

3. *Need for a plan.*—If a packer makes payments or furnishes services, he should do so under a plan that meets several requirements. If there are many competing customers to be considered, or if the plan is at all complex, the packer would be well advised to put his plan in writing. Briefly, the requirements are:

(a) The payments or services under the plan should be available on proportionally equal terms to all competing customers.

(b) The packer should take action designed to inform all of his competing customers of the existence of and essential features of the promotion plan in ample time for them to take full advantage of it.

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some customers competing in the resale of the packer's products of like grade and quality with those being furnished payments or services, alternatives that are functionally available should be offered to such customers.

(d) In informing customers of the details of a plan, the packer should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives and the conditions upon which payment will be made or services furnished.

(e) The packer should take reasonable precautions to see that the services are actually performed and that he is not overpaying for them.

4. *Proportionally equal terms.*—The payments or services under the plan should be made available to all competing customers on proportionally equal terms. This means that payments or services should be proportionalized on some basis that is fair to all customers who compete in the resale of the packer's products. No single way to proportionalize is prescribed, and any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example 1.—A packer may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of purchases during a specified time.

Example 2.—A packer may properly place in reserve for each customer a specified amount of money for each unit purchased and use it to reimburse those customers for the actual cost of their advertising of the packer's product.

Example 3.—A packer should not select one or a few customers to receive special allowances (e.g., 5 percent of purchases) to promote his product while making allowances available on some lesser basis (e.g., 2 percent of purchases) to customers who compete with them.

Example 4.—A packer's plan should not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as for instance, 1 percent of the first $1,000 purchases per month, 2 percent on second $1,000 per month, and 3 percent on all over that.

Example 5.—A packer should not identify or feature one or a few customers in his own advertising without making the same service available on proportionally equal terms to customers competing with the customer or customers.

Example 6.—A packer should not offer to pay a straight line rate for advertising if such payment results in a discrimination between competing customers; e.g., the offer of $1 per line for advertising in a newspaper that charges competing customers different amounts for the same advertising space.

(The straight line rate for advertising is an acceptable method for allocation of advertising funds, if the packer offers an alternative to retailers that pays more than the lowest newspaper rate which enables small

retailers to obtain the same percentage of the cost of advertising as large retailers. Example: A packer's straight line rate of payment of $1 per line is based on 50 percent of the newspaper's lowest contract rate of $2 per line. The packer should offer to pay 50 percent of the newspaper advertising cost of the smaller retailers who established by invoice or otherwise that they paid more than the lowest contract rate of $2 per line for advertising.)

Example 7.—A packer should not refuse to participate in the cost of ads that feature prices other than the packer's suggested prices. (See item 6.)

5. *Packer's duty to inform.*—The packer should take reasonable action, in good faith, to inform all his competing customers of the availability of his promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate. In the alternative, such notification should include a summary of the essential features and a specific source to contact for further details on a specific promotion. Where such one-step notification is impracticable, the packer may, in lieu thereof, maintain a continuing program of first notifying all competing customers of the types of promotions offered by the packer and a specific source for the customer to contact in order to receive full and timely notice of all relevant details of the packer's promotions. Such notice should also inform all competing customers that the packer offers advertising allowances and/or other promotional assistance that are usable in a practical business sense by all retailers regardless of size. When a customer indicates his desire to be put on the notification list, the packer should keep that customer advised of all promotions available in his area as long as the customer so desires. The packer may make the required notification by any means he chooses; but in order to show later that he gave notice to a certain customer, he is in a better position to do so if it was given in writing or a record was prepared at the time of notification showing date, person notified, and contents of notification.

If more direct methods of notification are impracticable, a packer may employ one or more of the following methods, the sufficiency of which will depend upon the complexity of his own distribution system. Different packers may find that different notification methods are most effective for them.

(a) The packer may enter into contracts with his wholesalers, distributors, or other third parties which conform to the requirements of item 10, infra.

(b) The packer may place appropriate announcements on product containers or inside thereof with conspicuous notice of such enclosure on the outside.

(c) The packer may publish notice of the availability and essential features of a promotional plan in a publication of general distribution in the trade.

Example 1.—A packer has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The packer may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailers in accordance with item 10 or by using the wholesalers' customer lists for direct notification by the packer.

Example 2.—A packer has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly and he offers the plan to them. Others purchase his products through wholesalers. The packer may satisfy his notification obligations to them by undertaking, in good faith, one or more of the following measures:

(a) Placing on a shipping container or a product package in time to enable them to participate in the program a conspicuous notice of the availability and essential features of his proposals, identifying a specific source for further particulars and details. In lieu of identifying a source for further particulars, brochures describing the details of the offer may be included in the shipping containers. If it is impractical to include the essential features of the proposal on or in the shipping container, the packer may substitute in the notice, as stated above, a summary of the types of promotions offered (e.g., allowances for advertising in newspapers, handbills, or envelope stuffers; allowances for radio or television advertising; short term display allowances, etc.) and a statement that such promotions are usable in a practical business sense by all retailers regardless of size.

(b) Including the materials within the product container, if a promotional plan simply consists of providing retailers with display materials.

(c) Advising customers from accurate and reasonably complete mailing lists.

(d) Placing an announcement of the availability and essential features of promotional programs, and identifying a specific source for further particulars and details, at reasonable intervals in publications which have general and widespread distribution in the trade and which are recognized in the trade as means by which packers announce the availability of such programs.

Example 3.—A packer has a wholesaler-oriented plan directed to wholesalers distributing his products to retailing customers. He should notify all the competing wholesalers distributing his products of the availability of this plan, but the packer is not required to notify retailing customers.

Example 4.—A packer who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the packer directly notifies not only all competing direct purchasing retailers but also all competing retailers purchasing through the wholesalers as to the availability, terms and conditions of the plan, the packer is not required to notify his wholesalers.

Example 5.—A packer regularly engages in promotional programs and the competing customers include large direct purchasing retailers and smaller customers who purchase through wholesalers. The packer may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. If a wholesaler or other intermediary by written agreement with a retailer is actually authorized to collect promotional payments from suppliers, the packer may assume that notice of, and payment under a promotional plan to such wholesaler or intermediary constitutes notice and payment to the retailer.

(A packer should not rely on a written agreement authorizing an intermediary to receive notice of and/or payment under a promotional plan for a retailer if the packer knows, or should know, that the retailer was coerced into signing the agreement. In addition, a packer should assume that an intermediary is not authorized to receive notice of and/or payment under a promotional plan for a retailer unless there is a written authorization signed by such retailer.)

6. *Availability to all competing customers.*—The plan should be such that all types of competing customers may participate. It should not be tailored to favor or discriminate against a particular customer or class of customers but should, in its terms, be usable in a practical business sense by all competing customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to customers for whom the basic plan is not usable and suitable. The packer should not, either expressly or by the way the plan operates, eliminate some competing customers, although he may offer alternative plans designed for different customer classes. If he offers alternative plans, all of the plans offered should provide the same proportionate equality and the packer should inform competing customers of the various alternative plans.

With respect to promotional plans offered to retailers, the packer should insure that his plans or alternatives do not bar any competing retailer customers from participation whether they purchase directly from him or through a wholesaler or other intermediary.

When a packer, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory and refrains from taking any steps which would prevent any customer, or class of customers, from participating in his program, he shall be deemed to have satisfied his obligation to make his plan functionally available to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the packer in violation of the provisions of the Packers and Stockyards Act.

Example 1.—A packer offers a plan of short-term store displays [1] of varying sizes, including some which are suitable for each of his competing customers and at the same time are small enough so that each customer may make use of the promotion in a practical business sense. The plan also calls for uniform, reasonable certification of performance by the retailer. Because they are reluctant to process a reasonable amount of paperwork, some small retailers do not participate. This fact is not deemed to place a packer in violation of item 6 and he is under no obligation to provide additional alternatives.

Example 2.—A packer offers a plan for cooperative advertising on radio, television, or

[1] Allowances that have little or no relationship to cost or approximate cost of the service provided by the retailer may be considered to be in violation of section 202 of the act, such as an allowance of $1 per case of goods purchased if the retailer furnishes a display or provides specific shelf space, or a promotional allowance of 10 percent of purchases during a specific period of time if the retailer places an ad of at least 3 column inches in a newspaper. In addition, a customer, subject to the act, that induces such allowances may be proceeded against under section 202 of the act. Also, the purchase of display or shelf space, whether directly or by means of so-called allowances, may be considered an "unfair practice" in violation of section 202 of the act.

in newspapers of general circulation.[3] Because the purchases of some of his customers are too small, this offer is not functionally available to them. The packer should offer them alternative(s) on proportionally equal terms that are usable by them and suitable for their business.

7. *Need to understand terms.*—In informing customers of the details of a plan, the packer should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished.

8. *Checking customer's use of payments.*—The packer should take reasonable precautions to see that services he is paying for are furnished and also that he is not overpaying for them. Moreover, the customer should expend the allowance solely for the purpose for which it was given. If the packer knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services should be discontinued.

A packer who, in good faith, takes reasonable and prudent measures to verify the performance of his competing customers will be deemed to have satisfied his obligations under the act. Also, a packer who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of item 10 shall be deemed to have satisfied this obligation. If a packer has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost, or approximate cost if the actual cost is not known, of services performed by him shall not alone be deemed to place a packer in violation of the act.

(When customers may have different but closely related costs in furnishing services that are difficult to determine, such as the cost for distributing coupons from a bulletin board or using a window banner, the packer may furnish to each customer the same payment if it has a reasonable relationship to the cost of providing the service or is not grossly in excess thereof.)

9. *Competing customers.*—The packer is required to provide in his plan only for those customers who compete with each other in the resale of the packer's products of like grade and quality. Therefore a packer should make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly should make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a packer can limit the area of his promotion. However, this section is not intended to deal with the question of a packer's liability for use of an area promotion where the effect may be to injure the packer's competition.

10. *Wholesaler or third party performance of packer's obligations.*—(a) A packer may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the packer's obligations under this part. However, the interposition of intermediaries between the packer and his customers does not relieve the packer of his ultimate responsibility of compliance with the provisions of the Packers and Stockyards Act. The packer, in order to demonstrate his good faith effort to discharge his obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the packer's customers in conformity with the standards set forth in items 5 and 7; supra.

(2) Check customer performance in conformity with the standards set forth in item 8; supra.

(3) Implement the plan in a manner which will insure its functional availability to the packer's customers in conformity with the standards set forth in item 6, supra. (This must be done whether the plan is one devised by the packer himself or by the intermediary for use by the packer's customers.); and

(4) Provide certification in writing and at reasonable intervals that the packer's customers have been and are being treated in conformity with the agreement.

(b) A packer who negotiates such agreements with his wholesalers, distributors or third party promoters will be considered by the Administration to have justified his "good faith" obligations under this section only if he accompanies such agreements with the following supplementary measures: At regular intervals the packer takes affirmative steps to verify that his customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of his customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that his customers are receiving such proportionally equal treatment, the packer takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

(c) Intermediaries, subject to the Packers and Stockyards Act, administering promotional assistance programs on behalf of a packer may be in violation of the provisions of the Packers and Stockyards Act if they have agreed to perform the packer's obligations under the act with respect to a program which they have represented to be usable and suitable for all the packer's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

11. *Customer's liability.*—A customer, subject to the Packers and Stockyards Act, who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same packer's products may be in violation of the provisions of the act. Also, customers (subject to the Packers and Stockyards Act) that make unauthorized deductions from purchase invoices for alleged advertising or other promotional allowances may be proceeded against under the provisions of the act.

Example 1.—A customer subject to the act should not induce or receive an allowance in excess of that offered in the packer's advertising plan by billing the packer at "vendor rates" or for any other amount in excess of that authorized in the packer's promotional program.

12. *Meeting competition.*—A packer charged with discrimination under the provisions of the Packers and Stockyards Act may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing packer to the particular customer, or to meet equivalent services furnished by a competing packer to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend solely on the basis that competition in a particular market is very keen, requiring that special allowances be given to some customers if a packer is "to be competitive."

13. *Cost justification.*—It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a packer to show that such payment or service could be justified through savings in the cost of manufacture, sale, or delivery.

The foregoing are guidelines which set forth the general views of the Packers and Stockyards Administration regarding advertising allowances and other merchandising payments and services. In a particular situation in which the Administrator believes that the act has been violated in connection with such activities, a complaint may be issued instituting a formal administrative proceeding under the act. In such a proceeding, the Administrative Law Judge or the Judicial Officer of the Department will determine, after opportunity for full hearing, whether the packer has in fact violated the Packers and Stockyards Act and should be ordered to cease and desist from continuing such violation.

Any person who wishes to file written data, views, or arguments concerning the proposed statement may do so by filing them in duplicate with the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before July 1, 1973.

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

Done at Washington, D.C., on April 6, 1973.

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

[FR Doc.73-7090 Filed 4-11-73;8:45 am]

[3] In order to avoid the tailoring of promotional programs that discriminate against particular customers or class of customers, the packer in offering to pay allowances for newspaper advertising should offer to pay the same percentage of the cost of newspaper advertising for all competing customers in a newspaper of the customer's choice, or at least in those newspapers that meet the requirements for second class mail privileges. Examples of promotional plans that may discriminate against small retailers are: (1) A plan that offers to pay 75 percent of the cost of advertising in daily newspapers, which are the regular advertising media of the packer's large or chain store customers, and only 50 percent of the cost of advertising in other newspapers that may be used by small retail customers; and (2) a plan that pays allowances for advertising in daily newspapers, which are the regular advertising media of the packer's large or chain store customers, but does not pay allowances for advertising in semiweekly, weekly, or other newspapers that may be desirable to small retail customers, who are offered, as an alternative to advertising in daily newspapers, services such as envelope stuffers, handbills, window banners, etc. (See item 4.)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NE-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the

Federal Aviation Regulations so as to alter the Houlton, Maine, 700-foot transition area (38 FR 504).

A review of the terminal area has indicated a need to expand the Houlton, Maine, 700-foot transition area so as to provide greater airspace protection for random VFR departure routes from the Houlton, Maine, airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before May 14, 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, Operations, Procedures and Airspace Branch, New England 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 persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Houlton, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of the Federal Aviation Regulations so as to amend the description of the Houlton, Maine, transition area by deleting the words "7-mile radius" and inserting the words "13-mile radius" in lieu thereof.

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 Burlington, Mass., on March 30, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-7014 Filed 4-11-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-NE-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Waterville, Maine, 700-foot transition area (38 FR 596).

A review of the terminal area has indicated a need to expand the Waterville, Maine, 700-foot transition area so as to provide greater airspace protection for random VFR departure routes from the Waterville, Maine, airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before May 14, 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, Operations, Procedures and Airspace Branch, New England 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 persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Waterville, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Waterville, Maine, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within 11.5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Waterville Robert La Fleur Airport, Waterville, Maine, excluding the portion that coincides with the Augusta, Maine, 700-foot 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 Burlington, Mass., on April 2, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-7015 Filed 4-11-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part Ch. IV]

[Docket No. 72-41]

TRUCK DETENTION AT THE PORT OF NEW YORK

Order Granting Hearing Counsel's Petition for Limited Hearings

The Federal Maritime Commission published proposed "Truck Detention Rules" on August 23, 1972, received comments from interested persons, replies to those comments, and a position submitted by the Bureau of Hearing Counsel.

The exchange of comments on rule B(1)(a) which precludes prelodging of delivery orders and dock receipts at marine terminal facilities at the Port of New York appears to have introduced disputes of fact. Furthermore, suggested modifications of rule B(1)(a) proposed by the Port Authority of New York and New Jersey and Atlantic Container Lines have not been circulated previously for reply comments.

Noting that comments filed thus far, with the exception of those pertaining to rule B(1)(a), provide the Commission with sufficient information to promulgate a final rule, hearing counsel have petitioned the Commission to institute hearings to develop additional facts concerning the present practice of prelodging documents, operational and procedural problems caused by such prelodging, and the feasibility of alternatives to proposed rule B(1)(a).

Therefore, it is ordered, That public hearings be limited to cross-examination ing testimony limited to the facts surrounding proposed rule B(1)(a);

It is further ordered, That an Administrative Law Judge of the Office of Administrative Law Judges be assigned to preside over such hearings and issue a recommended decision;

It is further ordered, That direct testimony be presented by affidavit, and that hearings be held for the purpose of tak- of designated witnesses; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy thereof and all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearings be mailed directly to all participants enumerated on the Commission's service list.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7007 Filed 4-11-73;8:45 am]

[46 CFR Part 544]

[Docket No. 73-5]

SECTION 15 AGREEMENTS

Notice of Proposed Rule Making; Extension of Time To File Comments

Upon request of interested parties, and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (38 FR 4982) is enlarged to and including June 19, 1973. Replies of hearing counsel shall be filed on or before July 19, 1973. Answers to hearing counsel's replies shall be filed on or before August 9, 1973.

All filings in this proceeding shall include an original and fifteen copies.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7001 Filed 4-11-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT ET AL.

Rescission of Redelegation of Authority

To: Director, Office of Capital Development, Deputy Director, Office of Capital Development, and Associate Director, Office of Capital Development.

Pursuant to the authority delegated to me by the redelegation of authority from the Assistant Administrator/Coordinator, Bureau for Supporting Assistance, dated September 2, 1971 (36 FR 18960), I hereby rescind the redelegation of authority from the Assistant Administrator, Bureau for Near East and South Asia to the Director, Office of Capital Development and Engineering, et al., dated September 17, 1971 (36 FR 19983) relating to certain functions concerning the country of Jordan.

This rescission is effective immediately.

Dated April 4, 1973.

ALFRED D. WHITE,
Acting Assistant Administrator, Bureau for Asia.

[FR Doc.73-7020 Filed 4-11-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

SLIDE FASTENERS AND PARTS OF SLIDE FASTENERS FROM JAPAN

Determination of Sales at Not Less Than Fair Value

On February 1, 1973, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (38 FR 3101) that slide fasteners and parts of slide fasteners from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that, for the reasons stated in the tentative determination, slide fasteners and parts of slide fasteners from Japan are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(b), Customs Regulations (19 CFR 153.33(b)).

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

APRIL 6, 1973.

[FR Doc.73-7111 Filed 4-11-73;8:45 am]

UPHOLSTERY SPRING WIRE OF COILING AND KNOTTING QUALITY FROM JAPAN

Antidumping Proceeding Notice

On March 12, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that upholstery spring wire of coiling and knotting quality from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

APRIL 10, 1973.

[FR Doc.73-7236 Filed 4-11-73;9:53 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[Reg. No. 1105-2-507]

ENVIRONMENTAL STATEMENTS

Engineer Regulations on Preparation and Coordination

This regulation supersedes ER 1105-2-507, January 3, 1972, published in the FEDERAL REGISTER on February 2, 1972 (37 FR 2525), effective April 12, 1973.

This revision reflects further comments received after the publication of the original regulation in the FEDERAL REGISTER and interpretive judicial rulings concerning the National Environmental Policy Act of 1969 (83 Stat. 852), and particularly section 102(2) thereof (42 U.S.C. 4332); therefore, notice of proposed rulemaking is not necessary.

Single copies of the engineer regulation may be obtained by writing to the Office, Chief of Engineers, attention: HQDA (DAEN-CWP-V), Washington, D.C. 20314.

The Engineer regulation on preparation and coordination of environmental statements reads as set forth below.

For the Chief of Engineers.

H. L. SARGENT,
Colonel, Corps of Engineers, Executive Director of Civil Works.

FEBRUARY 16, 1973.

PLANNING

PREPARATION AND COORDINATION OF ENVIRONMENTAL STATEMENTS [1]

Table of Contents

[1] This regulation supersedes ER 1105-2-507, Jan. 3, 1972.

1. *Purpose.*—This regulation provides guidance for preparation and coordination of Environmental Statements as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality Guidelines for Statements on Proposed Federal Actions Affecting the Environment, dated April 23, 1971, and section 122 of the River and Harbor Act of 1970 (Public Law 91-611), which is covered in separate guidelines.

2. *Applicability.*—This regulation applies to all elements of the Corps of Engineers with civil works responsibilities for planning, design, construction, management, and regulation of water resource developments and is applicable to preauthorization and postauthorization project activities.

3. *References.*—

a. ER 1165-2-500, "Environmental Guidelines for the Civil Works Program of the Corps of Engineers."

b. National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852; 42 U.S.C. 4331 et seq.) hereinafter referred to as NEPA.

c. Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970 (35 FR 4247, Mar. 7, 1970) (attached as appendix A).

d. Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ) (36 FR 7724, Apr. 23, 1971) (attached as appendix B).

e. Section 309 of the Clean Air Amendments of 1970 (Public Law 91-604; 84 Stat. 1709; 42 U.S.C. 1857 h-7).

f. Freedom of Information Act (Public Law 89-487; 81 Stat. 54; 5 U.S.C. 552) hereinafter referred to as Freedom of Information Act.

g. Section 122 of the River and Harbor Act of 1970 (Public Law 91-611; 84 Stat. 1823) hereinafter referred to as section 122, 1970 R&HA.

h. ER 1105-2-502, "Public Meetings."

i. ER 1105-2-11, "Preservation, Restoration and Administration of Historic and Cultural Environment."

j. ER 1105-2-12, "Archeological Investigations and Salvage Activities."

k. ER 1105-2-105, "Guidelines for Assessment of Social, Economic, and Environmental Effects."

4. *Policy.*—a. *General.*—From the initiation of preauthorization planning through postauthorization planning and design, construction, and operation and management, all Corps of Engineers actions will be evaluated in terms of their impact on the environment within this overall policy:

(1) Early and continuing coordination will be undertaken so as to develop a full interchange of views between the Corps of Engineers officials and appropriate local, State, and Federal agencies and the interested public.

(2) The District Engineer will develop, analyze, and consider all reasonable and feasible alternatives and measures which will enhance, protect, preserve, and restore the quality of the environment or, at least, minimize and mitigate to the extent possible unavoidable adverse effects; and will analyze and study the environment together with engineering, economic, social, and other considerations to insure balanced decisionmaking in the total public interest.

(3) During Corps of Engineers project planning and the related decisionmaking process, a systematic and interdisciplinary approach will be utilized to insure proper weighing and balancing of environmental effects together with the engineering, economic, and social and other considerations affecting the total public interest. Sections 102(2) (A) and (B) of NEPA and section 122, 1970 R&HA.

b. *Preparation of the environmental statements.*—(1) Environmental statements are required by section 102(2)(C) of NEPA. They will constitute an integral part of the interdisciplinary plan formulation process and will serve as a summation and evaluation of the effects, both beneficial and adverse, that each alternative action would have on the environment and as an explanation and objective evaluation of the finally recommended plan.

(2) Should the District Engineer determine in evaluating the impact of a minor action that an environmental statement is not required, a finding to that effect will be placed in the project file. This finding shall include a statement of the facts and the signer's basis and reasons for his decision, be signed by the District Engineer or higher commander and shall have been brought to the attention of the public in advance of any action by publication in the 3-year schedule (para. 5j) and if appropriate other notice. If the District or Division Engineer is in doubt as to whether or not a statement should be prepared, further guidance must be requested in accordance with 4d. These determinations are reversible should controversy or other later events require an environmental statement to be written.

(3) Prior to forwarding, environmental statements will be carefully reviewed by District and Division Engineers to insure that the statement fully complies with the requirements of this regulation and the references cited herein.

c. *Systematic review.*—NEPA requires an environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. To support the spirit of NEPA fully, a systematic review of all Corps of Engineers actions will be conducted and environmental statements prepared whether or not required by the act, unless in a minor action the environmental effects are found to be insignificant.

d. *Further policy guidance.*—If after taking all measures within his authority, the District or Division Engineer need further assistance in satisfying the requirements of paragraph 4b, he will report the matter to HQDA (DAEN-CWZ-C) Washington, D.C. 20314, and request the necessary authority of guidance.

5. *Specific actions requiring environmental statements.*—Listed below are types of Corps of Engineers actions that require the preparation of an environmental statement by reporting officers. For actions not identified in this paragraph, reporting officers should request

[1] Appendices C through F filed as part of the original document.

further guidance from HQDA (DAEN-CWZ-C) Washington, D.C. 20314. Environmental statements will be revised or supplemented in accordance with paragraph 5k.

a. *Legislation.*—Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects (survey, review, and authorization reports) and other legislation, exclusive of appropriations.

b. *Proposals under continuing authorities.*—Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army under special authorities, including reports recommending approval of projects under the following special continuing authorities:

(1) Section 205, 1948 FCA, as amended (Public Law 87-874; 62 Stat. 1182; 33 U.S.C. 701s).

(2) Section 107, 1960 R. & H.A., as amended (Public Law 86-645; 74 Stat. 486; 33 U.S.C. 577).

(3) Section 103, 1962 R. & H.A., as amended (Public Law 87-874; 76 Stat. 1178; 33 U.S.C. 426g).

(4) Section 2, 1937 FCA, as amended by section 208, 1954 FCA (Public Law 208, 75th Congress; 68 Stat. 1266; 33 U.S.C. 701g).

(5) Section 3, 1945 R. & H.A. (Public Law 14, 79th Congress; 59 Stat. 23; 33 U.S.C. 603a).

(6) 1909 R. & H.A., as amended (Public Law 317, 60th Congress; 35 Stat. 818; 33 U.S.C. 5).

(7) Section 111, 1968 R. & H.A. (Public Law 90-483; 82 Stat. 735; 33 U.S.C. 426i).

c. *Construction or land acquisition not started.*—Initiation of construction or land acquisition on projects (unless exempt under provisions of paragraph 4a) not yet started but for which funds have been appropriated or are provided by the current fiscal year appropriation act.

d. *Requests for initiation of construction or land acquisition.*—Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

e. *Continuing construction or land acquisition.*—Environmental statements for projects in continuing construction or land acquisition status will be submitted in accordance with the criteria and the schedule established in compliance with paragraph 5j. The project will be covered in one comprehensive environmental statement, even if a portion or feature is funded separately. If the project is to be constructed and operated as part of a basin plan or a system of other projects, the environmental effects of the overall plan or system should be covered in reasonable depth.

f. *Operation, maintenance, and management.*—(1) Pursuant to the requirements of NEPA, district engineers are to make an environmental assessment of all projects in an operation and maintenance status. If the assessment indicates that the effects of the individual O. & M. projects are too insignificant to warrant preparation of a statement he will prepare a written finding to that effect in accordance with the procedures in paragraph 4b(2). If the assessment indicates a statement is needed such statement should be prepared.

(a) Composite statements grouping several projects under a single statement may be prepared when projects serve the same general purpose, are closely associated geographically and involve similar environmental impacts. The composite statement should address the cumulative environmental impacts of the projects as a group rather than on an individual basis. Such grouping of similar projects will be confined to projects in a single class category such as channel and harbor, or lock and dam, or flood control reservoirs, etc. For example, several small boat harbors along an intercoastal waterway, or several flood control reservoirs which are operated under a network plan, or several harbors either for recreation or commercial purposes in a specific geographical area, could be appropriately covered by a composite statement.

(b) Separate statements for a project should be prepared where the operation and maintenance activities are unique or where known substantial environmental conflicts presently exist or can reasonably be expected to exist.

(2) Certain administrative actions regarding utilization of project resources such as leases, permits, easements and licenses, may lead to significant effects on the environment and therefore would require separate consideration. These actions may have been included in general terms under the overall project statement; however, separate environmental statements would still be required for those specific actions that are determined by the district engineer to significantly affect the quality of the environment or to significantly affect future land or resource use.

(3) *Exceptions.*—(a) Completed projects turned over to local interests for operation and maintenance.

(b) Projects where only infrequent periodic maintenance is performed. Statements may be deferred until funds for maintenance are requested.

g. *Regulatory permits.*—(1) Subject to the guidance contained in the regulations on policies and procedures for regulatory permits, an evaluation of the impact of a proposed activity on all aspects of the quality of the environment is required. That evaluation will include consideration of environmental information provided by the applicant, all advice received from Federal, State, and local agencies, and comments from the public.

(2) When the district engineer determines after such evaluation that an environmental statement need not be prepared for the proposed activity, he will follow the procedure outlined in paragraph 4b(2). If a public meeting is to be held in such cases, a summary of environmental consideration will be included with the announcement of the public meeting.

(3) If the district engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental statement.

(4) If another Federal agency is the lead agency as defined by section 5b of the CEQ guidelines, the district engineer will coordinate with that agency to insure that the resulting environmental statement adequately describes the impact of the activity which is subject to Corps permit authority.

(5) If the proposed activity is part of a continuing program of similar activities in an area for which an overall environmental statement has been filed with CEQ ("umbrella statement"), that "umbrella statement" will be used in the evaluation of the environmental impact of the proposed activity.

(6) If the proposed activity involves fixed structures or artificial islands on the outer continental shelf lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, the district engineer's decision to issue a Corps of Engineers permit will be based on an evaluation of the impact of the proposed activity on navigation and national security only. An environmental statement by the Corps of Engineers is not required in such cases, and inquiries concerning environmental consideration will be referred to the Department of the Interior.

h. *Non-Federal participation in authorized project.*—When a non-Federal agency cooperates with the Corps of Engineers by construction or other participation, a final environmental statement will be prepared by the District Engineer and filed with CEQ prior to advertisement of the work. The non-Federal agency may furnish environmental data; however, the District Engineer will be responsible for independent verification and use of the data and for the draft environmental statement.

i. *Disposal of lands for port and industrial uses.*—For disposal of surplus project lands for development of port and industrial facilities pursuant to section 108 of River and Harbor Act of 1960 (Public Law 86-645; 74 Stat. 487; 33 U.S.C. 578), the District Engineer will prepare an environmental statement and process it with the proposed action to higher authority.

j. *Schedule of submission of environmental impact statements (Reports Control Symbol DAEN-CWO-43).*—Each District will develop by the end of each fiscal year a schedule which develops for the following 3 years the environmental statements to be prepared or revised on projects in AE&D, continuing construction and operation and maintenance status. Appendix E contains the format for the schedule which is intended to establish the priority for initial preparation or review of previously completed environmental statements and to serve

as a management tool for the methodical and expeditious reduction of backlog statements on ongoing work. While this constitutes a change from previously issued guidance, it should not be construed as authorizing any lessening of effort in the rate of preparation of statements.

(1) Priority effort will be assigned to continuing construction projects for which an environmental statement has not been filed with CEQ and operation and maintenance projects having a significant impact on the environment or those O. & M. actions such as dredging which, once taken, preclude adoption of alternative plans. Statements for continuing construction are to be filed at the earliest date possible.

(2) The fiscal year 1973 schedule is to be prepared as of March 31, 1973. Fiscal year 1974 schedule will be prepared as of June 30, 1973, and maintained current quarterly thereafter. All reports and quarterly updates will be submitted in triplicate within 30 days of preparation to HQDA(DAEN-CWO-C) Washington, D.C. 20314. HQDA will provide a copy of this schedule to CEQ at this time.

(3) In so far as practicable the schedule should consider the priorities expressed by appropriate Federal, State and local agencies and the known views of the interested public. The schedule is to be available to anyone upon request.

(4) Where a composite environmental statement is prepared for a group of O. & M. projects the listing on the schedule should include the names of all the projects included in the statement.

(5) Where the District Engineer's environmental assessment of a proposed action indicates that an environmental statement is not required (paragraph 4b(2)), such action and the negative assessment will be noted in the 3-year schedule and in the annual budget request.

k. *Revising or supplementing statements.*—Whenever necessary, an appropriate revision or supplement to a final environmental statement on file with CEQ shall be prepared by the District Engineer. The extent of the revision and further coordination with other Federal, State, and local governmental agencies and the interested public will be based on the following:

(1) If the final environmental statement previously filed clearly failed to comply with the requirements of NEPA; e.g., failed to discuss alternatives or failed to disclose the environmental impacts of the proposed action, or if there has been a major change in the plan of development or method of operation of the proposed action, a new coordinated environmental statement (draft and final) must be prepared and filed with CEQ. Section 10b of the CEQ Guidelines would also be applicable.

(2) Whenever the final environmental statement on file becomes deficient because the environmental effects of the project were not adequately and fully covered, an appropriate supplement or revision to the environmental statement shall be prepared. Full coordination of the supplement or revised environmental statement is essential and further action such as new contract activity should be withheld at least for 30 days from receipt of the supplement or revised statement by CEQ.

(3) Whenever it is necessary to clarify or amplify a point of concern raised after the final environmental statement was filed with CEQ and the point of concern was considered in making the initial decision or if comments on the final environmental statement are received from Federal, State, or local governmental agencies or the public, the clarification amplification, or response to the comments received shall be prepared and filed with CEQ. Coordination and section 10b of CEQ Guidelines would not be applicable.

6. *Specific actions excluded from statements.*—While all actions must be reviewed for their environmental implications, specifically excluded from the administrative requirement for the preparation of an environmental statement are:

a. Emergency and disaster recovery actions performed under Public Law 99, 84th Congress, 69 Stat. 186, 33 U.S.C. 701n;

b. Emergency Bank Protection for Highways, Highway Bridge Approaches and Public Works, section 14, FCA of 1946, 60 Stat. 653, 33 U.S.C. 701r;

c. Emergency snagging and clearing accomplished under section 3, R. & H.A. of 1945, as amended, 59 Stat. 23, 33 U.S.C. 603a; except where disposal of sedimentation and dredged materials are involved;

d. Emergency actions directed by the Office of Emergency Preparedness under the provisions of Public Law 91-606, 84 Stat. 1744;

e. Acquisition of land with appropriations made for the Land Acquisition Fund, initially established by Congress in connection with the passage of the Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriations Act, 1971 (Public Law 91-439).

7. *Considerations in preparing a statement.*—a. *General and administrative.*—(1) The environmental statement summarizes the direct and indirect environmental effects of a proposed water resources development project or other proposal. It should reflect accurately the detailed appraisals and analyses of Federal and State agencies with jurisdiction by law or special expertise with respect to environmental impacts and the concerns, views, and comments expressed by conservation and environmental action groups and the public and the author's evaluation thereof.

(2) Environmental statements are public documents and may receive broad exposure in the news media and intense public scrutiny.

(3) They should be prepared in coordination with and be reviewed by District Counsel.

(4) Environmental investigations leading to the preparation of environmental statements should be undertaken to the same depth and scope as study or project related engineering, economic and technical studies.

(5) The environmental statement will bring together and summarize the various findings of other documents with respect to environmental considerations. The environmental statement will summarize information and cite sources of overall appraisals and responsible judgments of complex environmental matters and inter-relationships (e.g., water quality by EPA, fish and wildlife resources by the Bureau of Sport Fisheries and Wildlife or other authoritative sources).

(6) The environmental statement will be submitted as a separate document and not as an enclosure to a report. Even so, it should accompany the report or other documents during the agency review process at all levels. It should be consistent and based on data in the report.

(7) Environmental statements will be based on CEQ Guidelines, Appendix B; the guidance of appendix C, and the following:

(a) Describe the proposed action concisely using simple terms. Describe the environmental impacts sufficiently to reflect a careful assessment, evaluation, and independent appraisal of the favorable and adverse environmental effects of the recommended proposal and each considered alternative. In no case will possible adverse effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, avoid overstating either favorable or unfavorable effects. Project maps will be included and photographs used where appropriate.

(b) Discuss significant relationships between the proposal and other existing and anticipated developments (par. 5e). This should include not only corps proposals but actions by others, either public or private, which may be affected by the project. Consideration should be given to both specific proposals and general trends in the region of influence.

(c) Discuss the significance of the regional and national environmental impact of the project, as applicable, supported by information indicating the relative scarcity or abundance of the environmental resources in question and other regional and national factors.

(d) Use objective analyses. General cost comparisons are preferable to detailed project cost figures to illustrate the environmental, economic, or social trade-offs necessary to achieve objectives.

(e) Summarize comments and/or recommendations of an environmental nature submitted by appropriate governmental agencies as well as formal views and recommendations received from organizations and individuals with an environmental resource interest. Present in the subsection entitled "Coordination With Others."

(f) Obtain the comments of the Environmental Protection Agency on the water quality aspects of the proposed action, after the appropriate State or interstate organization have certified the

action as being in substantial compliance with their applicable water quality standards.

(g) Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with wild and scenic rivers, wilderness areas, national recreation areas, national parks, national forests, etc.

(h) Include a sentence indicating that the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project, or a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 905; 16 U.S.C. 470f) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the FEDERAL REGISTERS of March 15, 1972, and subsequent issues (reference 3i).

1. In the case of properties under the control or jurisdiction of the U.S. Government, the environmental statement should include a discussion of steps taken to comply with section 2(b) of Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

2. Pertinent correspondence enclosed with the environmental statement should include a written request to the Department of the Interior for investigations of historical, archeological, and paleontological resources and contact with the State archeologist or historian regarding the effect of the proposed action upon these resources within the project area. In the event the Department of the Interior advises in writing that it is unable to provide timely information on historical, archeological, and paleontological resources for inclusion in environmental statements, district engineers may contract with outside experts to provide limited, reconnaissance-level information. The scope and monetary limitation of these outside contracts has been provided by other guidance.

b. *The annual budget.*—The time requirements for the filing of final environmental statements, prepared and coordinated in accordance with section 102(2)(C) of NEPA, have been established with a view to meeting, to the maximum extent, the requirements specified by the Council on Environmental Quality. (Par. 10(c) of the CEQ "guidelines".)

(1) *Requests for initiation of construction and land acquisition.*—For budget recommendations in this category, final environmental statements must have been filed with the CEQ prior to September 1, of the calendar year in which the budget recommendation is being submitted by division and district engineers.

(2) *Requests for continuing construction or land acquisition and operation and maintenance activities.*—Environmental statements on projects in these categories shall be submitted in accordance with the 3-year schedule required by paragraph 5j.

(3) *Expression of capability for construction.*—Prior to the expression of any construction or land acquisition only capability on a project, a final environmental statement should be on file with the CEQ. If not, the expression of capability will be qualified as being subject to filing a fully coordinated statement prior to start of construction or land acquisition.

(4) *Listings.*—The annual budget recommendations of division engineers will provide a listing of projects recommended in each budget category indicating the time of actual or scheduled submission of the final environmental statements to the CEQ.

c. *Coordination.*—Use existing coordination procedures to obtain the views of Federal, State, and local governmental agencies and the public on review of draft environmental statements. If the project is in litigation, furnish the draft or final environmental statements to all the litigants.

(1) *Time limits.*—Reporting officers should establish a time limit of not less than 45 days for reply, after which and in the absence of a specific request for an extension of time, a lack of response may be presumed to indicate that the agency consulted has no comment to make. In an exceptional case, where time is a very critical factor, a time limit of 30 days for reply may be established. No administrative action will be taken regarding the proposal sooner than 90 days after a draft environmental statement has been filed with CEQ, or sooner than 30 days after the final text of an environmental statement (together with comments) has been made available to CEQ and the public. Administrative actions are defined for this purpose to include report transmittals, initial land acquisition, advertising of the initial construction contract, and regulatory permit approval.

(2) *Expedited filing.*—In certain exceptional cases where the work must be performed within critical time restraints, but does not fall within the emergency actions listed in paragraph 6, an expedited filing process may be recommended. In such cases, reporting officers will provide all information and facts to HQDA (DAEN-CWZ-C), Washington, D.C. 20314, and request the necessary authority and guidance. At the same time, the reporting officer should initiate informal coordination with the appropriate Federal, State, and local agencies to insure prompt review of the environmental statement.

(3) *Federal agencies.*—(a) Use appendix B, CEQ "guidelines," to determine the Federal agencies with jurisdiction by law or special expertise to whom the draft environmental statement is to be sent for comment on the environmental impacts. See appendix F for special coordination requirements of individual Federal agencies. Draft environmental statements on civil works projects to be forwarded to other headquarters elements within the Department of Defense will be submitted to OCE for necessary coordination.

(b) Section 8 of SEQ "guidelines" require in addition to normal coordination procedures, the following coordination with the Environmental Protection Agency (EPA):

1. Comments of the Administrator or his designated representative will accompany each final environmental statement on matters related to air or water quality, noise control, solid waste disposal, pesticides, radiation criteria and standards, or other provisions of the authority of EPA.

2. Copies of basic proposals (studies, proposed legislation, rules, leases, permits, etc.) will be furnished to EPA with each environmental statement. For actions for which environmental statements are not being prepared but which involve the authority of EPA, EPA will be informed that no environmental statement will be prepared and that comments are requested on the proposal.

3. A period of 45 days be allowed for EPA review of draft environmental statements and/or proposals after which it may be presumed, unless EPA requests a specified extension of time, that it does not desire to comment.

(4) *State and local agencies.*—Coordination of the environmental statement with State and local agencies authorized to develop and enforce environmental standards may be obtained directly with the agencies and with the appropriate State, regional, or metropolitan clearinghouses unless the Governor has designated some other source for obtaining this review. For additional guidance, see ER 1120-2-112, "Coordination of Investigations and Reports with Clearinghouses."

d. *Availability of statements.*—Draft and final environmental statements, including comments received during review, will be made available to the public in accordance with paragraph 8 of this regulation, section 2(b) of Executive Order 11514, "Protection and Enhancement of Environmental Quality," and paragraph 10 of the CEQ "Guidelines" as follows:

(1) *Draft environmental statements.*—The District engineer will furnish copies of draft environmetal statements to all persons or groups known to be interested and in addition will furnish copies in response to requests from the public and will furnish public information file copies to the Division office and the appropriate State, regional and metropolitan clearinghouses. A copy will also be available for review in the public affairs office in OCE.

(2) *Final environmental statements.*—After the final environmental statement has been filed with CEQ, the district engineer will furnish copies, including comments, in response to requests from the public and furnish, on an expedited basis, public information file copies to the appropriate State, regional and

metropolitan clearinghouses. Information copies will also be provided to all Federal, State, and local agencies and conservation/environmental groups with which the statements were coordinated including those contacted during departmental review of survey reports. This is to enable the public or Government agency to comment on the final statement to CEQ and/or the corps if they so desire, within the 30-day period prior to the administrative actions being taken. A copy will also be available for review in the public affairs office in OCE.

(3) *Comments of other agencies.*—In response to specific requests from the general public, district engineers will make available the comments received from other agencies on the draft statement prior to the availability of the final environmental statement. Such release of comments will be in accordance with the provisions of the Freedom of Information Act.

(4) *Number of copies.*—In order to comply with paragraph 10(b) of CEQ "Guidelines," reporting officers will provide 25 copies of all draft environmental statements to higher authority (20 for OCE and 5 for division engineers) at the time formal coordination with appropriate Federal, State, and local governmental agencies and the public is initiated. Twenty-five copies of the final coordinated statement will be submitted to higher authority (20 for OCE and 5 for division engineers) for further processing to CEQ. OCE will notify division and district engineers when final statements are filed and will provide each with copies of the filed final statement, with all revisions clearly identified. Each planning report submitted should be accompanied by an environmental statement.

(5) *Public review.*—News releases concerning draft and final environmental statements by district engineers will be given as wide a coverage as deemed sufficient to accomplish the purpose of this directive and the intent of paragraphs 6a(vii) and 10 of the CEQ "Guidelines." When significant environmental impacts or public concern have become apparent subsequent to the last public meeting, reporting officers will notify the division engineer of the facts and issues involved and request a decision as to whether a public meeting should be held prior to or during coordination of the statement.

(6) *Public availability.*—District engineers will prepare sufficient copies of draft and final environmental statements to accomplish all required coordination with Federal and State agencies, clearinghouses, affected local governmental entities and organizations representing a legitimate public interest, whether favorable or unfavorable to the proposed project, and respond to reasonable and responsible requests from the general public. In accordance with 31 U.S.C. 483, 5 U.S.C. 552, and paragraph 10 of CEQ "Guidelines," charges to cover reproduction costs may be assessed generally in accordance with the following:

(a) Where cost of reproduction is insignificant compared to collection and accounting costs, draft and final statements will be furnished in single copies to individuals requesting copies. For multiple copy requests, reproduction costs will be recouped from the requestor.

(b) For large environmental statements and where substantial reproduction costs are incurred, individuals requesting copies should be advised that copies are available from the district engineer at the cost of reproduction and also advised of the nearest point at which copy is available for public inspection. They should also be advised of the availability (at cost) of the statement from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151, or the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

e. *Relationship to project planning, construction and operation.*—(1) *Project planning.*—In the formulation of new project proposals, environmental considerations will be integrated into the planning process from the beginning. Preliminary identification of possible environmental impacts and effects will be made and discussed fully at early stages in the study. Consultation and coordination with Federal, State, and local agencies which have jurisdiction by law or special expertise with respect to the environmental impacts involved and groups or persons known to be interested will be started as soon as these impacts are identified tentatively and will continue throughout the planning process. Reporting officers will insure that such consultation has been sufficient to identify all significant impacts prior to forwarding of environmental statements to higher authority.

(a) *Section 122, effect assessment.*—Effect assessment procedures in response to section 122, 1970 R. & H.A. are contained in ER 1105–2–105. All significant adverse effects (including environmental) of proposed corps actions are identified and evaluated and the feasibility and cost of eliminating or minimizing such adverse effects are considered fully in the planning and decisionmaking process. The effect assessment procedure, particularly the study of the environmental effects of various project alternatives, will provide a valuable source of information for the environmental impact statement.

(b) *Survey reports.*—*1.* A written summary of environmental considerations in the project area will be prepared and presented at the Checkpoint I conference. This summary will be based on information developed in a project-related environmental inventory.

2. The summary of environmental considerations which includes an analysis of probable environmental effects of the considered project alternatives will be presented at each public meeting in a degree of detail commensurate with that in which the engineering, economic or other aspects of alternatives are discussed.

(2) *Authorized projects.*—On projects that were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the opportunity to study and evaluate a full range of alternatives may be more limited. However, to the extent feasible, alternative solutions and opportunities for environmental enhancemnt, preservation, restoration, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate, in coordination with appropriate Federal, State, and local agencies and the public, the environmental impact of all reasonable alternatives prior to preparing a recommendation or an environmental statement.

(3) *Operation, maintenance, and management.*—In the development of plans for operation, maintenance, and management activities, consider all significant effects on the environment. Such considerations differ from those for a project in planning status and discussion should address only the environmental effects of the operation of the project and on-going O. & M. programs. Include alternative uses of available resources when the proposed O. & M. activity will change the quality of the environment, modify the beneficial uses of the environment, or serve some purposes to the disadvantage of other environmental goals. Typical examples of these activities which could have an impact on the environment are as follows:

(a) Disposal of dredged material in wetlands or marshlands.

(b) Disposal of polluted dredged material in unconfined or open water areas.

(c) Debris collection and disposal activities.

(d) Resource management programs involving the cutting, sale and/or disposal of forest resources; extensive plant disease eradication; predator or vector control; and aquatic plant control.

(e) Reservoir regulation in which some environmental benefits must be sacrificed for other environmental benefits or economic considerations, e.g., drawdown to provide water for power and for downstream water quality control.

(f) Leases, licenses, rights-of-way, administrative permits, and other actions involving use by others of project resources, if impact is significant and not otherwise covered in another environmental statement.

(g) Redesignation of project land under management by the corps from scenic buffer or "green belt," undeveloped natural area, or wild life management area to more intensive type of public use or some other type of use.

(4) *Regulatory permits.*—In evaluating permit applications, the district engineer will carefully evaluate the effect on the environment of the proposed action considering environmental information provided by the applicant, all advice received from Federal, State and local agencies and comments of the public.

Where the environmental effect is believed to be significant, an environmental statement will be prepared, except when an "umbrella statement" has been filed with the CEQ (paragraph 5g above).

8. *Public participation.*—Public participation will be planned and incorporated into the conduct of the corps water resources program and must be viewed as an integral part of the planning and administrative process. Public participation is a continuous two-way communication process which involves: Keeping the public fully informed on the status and progress of studies and findings of plan formulation and evaluation activities; actively soliciting from all concerned citizens and conservation and environmental groups their opinions and perceptions of objectives and needs; and determining public preferences regarding resources use and alternative development or management strategies plus any other information and assistance relevant to plan formulation and evaluation.

a. *Preauthorization projects studies.*—Public meetings, informal meetings and workshops within the project area and the use of news media are means to develop free-flowing dialogue to assist in the identification of the environmental concerns and develop appropriate measures within the proposed plan to mitigate, eliminate, or reduce environmental impact. Unresolved environmental conflicts must be clearly set forth with a full and complete discussion of both sides of the issue.

b. *Postauthorization project studies.*—Public meetings as specified in ER 1105-2-502 will be held during postauthorization planning studies to insure that views of interested parties will be considered in the development of the plan and that all interested parties will be kept informed of study progress. Full coordination with conservation groups and others interested in the proposed project will be maintained during postauthorization planning. A public meeting should be held in special situations such as unusual interest or controversy, unusual time lapse or significant changes in the authorized project or environmental effects where either the public or the corps, or both, would benefit by the exchange of views and information.

9. *Statement of findings.*—A statement of findings (SOF) will accompany final environmental statements as a separate and distinct document. The SOF for regulatory permits will be filed with CEQ when a decision on the permit application has been made.

a. On a continuing construction and operation and maintenance projects, an SOF will accompany the environmental statement after the agency and public review comments on the draft environmental statement have been considered and the environmental statement is forwarded to the division engineer. The SOF will be signed at each level of review (i.e. district, division, and OCE) as the environmental statement progresses, indicating concurrences or changes, and the original copy will be returned to the reporting officer for his action file when the final environmental statement is filed with CEQ.

b. In the case of survey reports, an extracted SOF will accompany the revised draft environmental statement when the district engineer forwards the survey report to the division engineer for further review and processing and Federal agencies at Washington level. The extracted SOF will be signed at each level of review (i.e. district, division, and OCE), indicating changes or concurrences, and submitted to CEQ by the Secretary of the Army with the final environmental statement. A SOF is not required for unfavorable survey reports.

10. *Processing.*—Environmental statements will be prepared by the officer initially preparing the recommendation or report (normally the district engineer). The initiating officer is recognized as the responsible Federal official within the the meaning of section 102(2)(c) of NEPA except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the Chief of Engineers and the Secretary of the Army. Agency comments and the views expressed should be directed at the environmental impacts and should be no older than 12 months for new proposals nor older than 3 calendar years for previously authorized projects. More recent coordination will be required if significant changes of fact have occurred in the period since filing that affect the proposal, the action being initiated, or the associated environment.

a. *Survey reports.*—(1) During the formulation stage public meeting, all antieipated environmental impacts and effects of each potentially feasible solution under active consideration will be identified and discussed. Environmental data obtained from effect assessment procedures, as required by section 122, 1970 R. & H.A., will provide useful data for evaluating various project alternatives. A summary of environmental considerations will be attached or inclosed to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting.

(2) A draft environmental statement will be prepared and circulated for review and comment before preparation of the final report and recommendations. When there is a late stage public meeting held in connection with the study, this draft environmental statement will be circulated for review and comment at least 15 days before such meeting. The draft environmental statement will present and discuss the anticipated environmental effects of the plan of improvement which may be recommended by the district engineer and also present in clear and concise terms the probable environmental impacts of the alternative plans considered in the study. The statement will also reflect the information and data inputs provided by the coordination accomplished during the study with various Federal, State, and local agencies.

(3) The draft environmental statement will be circulated for formal review and comment to appropriate regional Federal, State, and local governmental agencies, conservation and/or environmental groups, individuals known to have an interest in the study and in response to requests from the general public. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWP-E, DAEN-CWP-C or DAEN-CWP-W as appropriate) Washington, D.C. 20314, and five for the division engineer) for further processing to CEQ. The date of receipt by CEQ of the draft environmental statement, as noted in the FEDERAL REGISTER and/or the 102 monitor, starts the official agency review period. At the time of the circulation of the draft environmental statement, the district public affairs office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the district engineer.

(4) If the district engineer desires, he may circulate the draft environmental statement with the announcement of the late stage public meeting provided a minimum of 15 days is allowed for review and comment between the date of receipt of the statement by CEQ and the date of the public meeting. In view of the extensive mailing list used in circulating the announcement, the district engineer need only provide draft environmental statements to those agencies, groups, clubs and interested citizens listed above. In either case, however, a summary of environmental considerations will be attached to the announcement of the public meeting. The announcement will also include a specific reference indicating that the draft environmental statement is on file with CEQ and that copies are available for public review and comment upon request from the district engineer and will also be available at the public meeting.

(5) When the district engineer completes his report, he will finalize his recommended plan of improvement and prepare an appropriately updated and revised draft environmental statement. All comments received will be attached as appendix A and summarized in paragraph 8—coordination with others. Numerous repetitive comments received from the public should be noted with an appropriate summarization of the issues and corps response, including a typical letter with a list of names of those submitting similar letters. Paragraph 8 should also discuss the environmental issues raised at the public meeting not included as part of the written comments in appendix A. The district engineer will forward the report, the revised draft environmental statement and an extracted SOF to the division engineer for further review and processing to BERH and OCE. The division engineer will review and comment on the revised draft environmental statement when he submits his report to the Board of Engineers for Rivers and Harbors (BERH).

(6) BERH and OCE will review the revised draft environmental statement at

the same time it reviews the project report. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views upon environmental issues. If extensive revisions are required as a result of BERH or OCE review, the revised draft environmental statement will be returned to the reporting officers for revision and resubmission to BERH or OCE as appropriate.

(7) The revised draft environmental statement will be circulated for review and comment with the survey report to the concerned State or States and Federal agencies at the Washington level in accordance with established procedures. The revised draft environmental statement, the proposed report of the Chief of Engineers, the report of BERH and supplemental economic data will be provided CEQ by OCE at this time. Copies of the revised draft environmental statement will be furnished division and district engineers. District engineers will provide public information file copies to the appropriate State, regional and metropolitan clearinghouses and to organized groups or individuals who provided written comments on the draft environmental statement.

(8) After termination of the review period the final environmental statement will be prepared in OCE or by the district engineer, as appropriate, contingent upon the departmental comments received and the revisions required. It will accompany the Chief's final report on the project to office, Secretary of Army (OSA). All letters received in OCE during Department review will be furnished BERH or MRC for staff review as considered appropriate. Formal BERH or MRC reconsideration of its previous recommendations will only be accomplished in those instances when the Chief of Engineers determines that new information obtained is of such significance as to warrant reconsideration by the full Board or Commission.

(9) When OSA transmits the final report to Congress, it will also transmit the final environmental statement to CEQ. OCE will provide division and district engineers with a copy of the filed final environmental statement. OCE Public Affairs Office will prepare and issue a news release stating that a final environmental has been filed with CEQ, is available for review at the Office of the Chief of Engineers and that single copies may be obtained from the district engineer.

(10) The district engineer will furnish a copy of the final environmental statement to each agency and organization with whom the draft environmental statement was coordinated including those contacted during Departmental review. Public information copies will be furnished to the appropriate State, regional, and metropolitan clearinghouses.

b. *Special projects and continuing authorities.*—All required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by district engineers without further referral to any of these agencies by the Chief of Engineers.

(1) A draft environmental statement will be prepared and circulated for review and comment before preparation of the final report and recommendations. When there is a late stage public meeting held in connection with the study, this draft environmental statement will be circulated for review and comment to appropriate Federal, State, and local governmental agencies, organized conservation and environmental groups and the interested public at least 15 days before the meeting. Draft environmental statements will be available at the public meeting and to the public upon request from the district engineer. If a public meeting is scheduled to initiate a study, a draft environmental statement is not required. However, a discussion of known environmental issues concerning the study area should be inclosed with the announcement of public meeting.

(2) Twenty-five copies of the draft statement will be furnished to higher authority (20 for HQDA (DAEN–CWP–E, –C, or –W) Washington, D.C. 20314 and 5 for the division engineer) for further processing to CEQ. Three copies of the advance draft report should accompany the draft environmental statement when sent forward. The date of receipt by CEQ starts the 90-day period before the administrative action of project approval can be taken. At the same time the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the district engineer. The district engineer may circulate the draft environmental statement with the announcement of the late stage public meeting as discussed in paragraph 10a(4) above. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by division counsel and the Office of General Counsel, OCE.

(3) After receipt and evaluation of agency review comments, comments of the interested public and information obtained at the public meeting the district engineer will prepare the final environmental statement and complete the project report. The report together with twenty-five copies of the final environmental statement will be forwarded to higher authority (20 for HQDA (DAEN–CWP–E, –C, or –W) Washington, D.C. 20314 and 5 for the Division Engineer) for further processing.

(4) The division engineer will review the project formulation and technical aspects of the project report and the adequacy of the final environmental statement. Upon completion of division office review, the project report and accompanying statement will be submitted to OCE for review by BERH and further processing by OCE.

(5) Upon receipt of BERH comments, OCE will review the project report and final environmental statement for policy and procedure. OCE or OSA will transmit the final environmental statement to CEQ, as appropriate. The date of receipt by CEQ will start the required 30-day period before administrative action can be taken. Copies of the filed final environmental statement will be furnished the division and district engineers by OCE with all revisions clearly identified. The district Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the district engineer. District engineers will furnish copies of the final environmental statement to the agencies and organizations with whom the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional and metropolitan clearinghouses.

(6) OCE will provide the division engineers with notification of project approval and Chief of Engineers authorization to proceed with project work after the final environmental statement has been on file with CEQ for 30 days and all problems or questions have been satisfactorily resolved.

c. *Authorized projects not started.*—It is contemplated that all required consultation with Federal, State and local agencies and the public concerning the environmental aspects will be accomplished at field level by district engineers without further referral to any of these agencies by the Chief of Engineers. See paragraph 8 on Public Participation for guidance on holding public meetings in connection with preparation of statements for authorized projects. Any unsolicited comments received directly by OCE will be furnished to the district engineer with appropriate instructions.

(1) Prior to submittal of the phase I General Design Memorandum (ER 1110–2–1150, "Post-Authorization Studies"), the district engineer will review the environmental statement that was filed with CEQ when the project was authorized, or prepared one if none has been prepared. If the Phase I review indicates that the environmental effects of the project as proposed have not changed significantly from the authorized project, and were adequately and fully covered in the statement, no changes to the statement will be required. This will be noted in the phase I GDM with a statement that a revised or updated statement will not be required. However, if the review indicates that there are changes in the project which would significantly affect the quality of the environment, or if the environmental effects of the project were not adequately covered in the statement, a new environmental statement (draft and final) must be prepared, with the final environmental statement to accompany the phase I GDM. See paragraph 5k for procedure for devising or supplementing the final environmental statements. The physical changes in the project and/or changed environmental effects will be briefly discussed in phase I GDM

including a statement that a new or revised environmental statement or supplement will be prepared. For projects for which environmental statements are required (paragraph 5, Agency Actions Requiring Statements) and for which the GDM has been previously submitted, environmental statements will be prepared as soon as possible.

(2) The draft environmental statement will be circulated by the district for formal review and comments to the appropriate Federal, State and local governmental agencies, interested conservation and environmental groups and in response to requests from the general public. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN–CWO–C, or –M) Washington, D.C. 20314, and 5 for the division engineer) for further processing to CEQ. The date of receipt by CEQ starts the 90-day period before the administrative action can be taken. At the same time, the district engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the district engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by division counsel and the Office of General Counsel, OCE.

(3) After receipt of agency review comments and comments of the interested public, the district engineer will prepare the final environmental statement and attach copies of all comments received. Numerous repetitive comments may be summarized in the comment and response section of the statement and a typical letter with a list of names of individuals submitting similar letters attached. Twenty-five copies of the final environmental statement will be furnished to higher authority (20 for HQDA (DAEN–CWO–C or –M) Washington, D.C. 20314 and 5 for the division engineer) for further processing to CEQ.

(4) The division engineer will transmit 20 copies of the final environmental statement along with his review comments when he submits the phase I, GDM (if appropriate) to OCE.

(5) OCE will transmit the environmental statement along with the accompanying phase I—GDM to BERH for review and comment.

(6) Upon receipt of BERH comments, OCE will revise the final environmental statement where appropriate. Office, Secretary of the Army will transmit the final environental statement to the CEQ. This action will start the 30-day period before the administrative action can be taken. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the district engineer.

(7) Copies of the final environmental statement will be furnished the division and district engineers with all revisions clearly identified. District engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

d. *Continuing construction and operation and maintenance.*—It is contemplated that all required consultation with Federal, State and local agencies, and the public concerning the environmental aspects will be accomplished at field level by district engineers without further referral to any of these agencies by the Chief of Engineers.

(1) Paragraphs 5e, 5f, and 5j establish the requirements for preparation of environmental statements regarding continuing construction and operation and maintenance.

(2) Procedure for the initial submission will be the same as described in c(2) through (7) above except there will be no BERH consideration on any project in continuing construction or O. & M. status.

(3) For completed projects in operation where a final environmental statement has previously been filed, review will be scheduled in accordance with paragraph 5j. Where this review indicates no new information or considerations affecting the previous decision on the plan of operation and no changes are found to be required in the environmental statement, the SOF shall be properly annotated by the district engineer and concurred in by the division engineer. However, if significant changes in the method of operation are planned or have occurred since the statement was filed, the extent of the revision and further coordination of the environmental statement shall be in accordance with paragraph 5k.

e. *Regulatory permit applications.*—For permit actions on which environmental statements are required by paragraph 5g the preparation and coordination of an environmental statement will be accomplished at field level. In such cases the following actions shall be taken:

(1) The district engineer will require the applicant to furnish information and an analysis of the environmental impacts of the proposed action.

(2) The draft environmental statement will be circulated by the district for formal review and comment to the appropriate Federal, State, and local agencies, interested citizens, conservation and environmental groups and in response to requests from the general public. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN–CWO–N) Washington, D.C. 20314, and five for the division engineer) for further processing to CEQ. The date of receipt of the draft environmental statement by CEQ starts the 90-day period before the administrative action can be taken. The district engineer may circulate the draft environmental statement with the announcement of the public meeting as discussed in paragraph 10a(4) above. At the same time the district engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the district engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by division counsel and the office of general counsel, OCE. If a public meeting is to be held, the draft environmental statement will be filed with CEQ at least 15 days prior to the meeting. A summary of environmental considerations will be included in the announcement of public meeting.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. The final environmental statement will become a part of the official file on the permit. Twenty-five copies of the final statement will be forwarded to higher authority (20 for HQDA (DAEN–CWO–N) Washington, D.C. 20314, and five for the division engineer) for further processing to CEQ. If a public hearing is to be held, the proposed final environmental statement must be completed prior to the hearing.

(4) Final action to issue the permit will not be taken until 30 days after the final environmental statement is transmitted by the Secretary of the Army to CEQ. If, however, at any time prior to the formal transmittal to CEQ, it is determined that the permit will be denied, the official so determining will inform higher authority and CEQ of the denial and that a final environmental statement will not be filed.

(5) Revisions by higher authority to the final statement submitted by the district engineer will be furnished to the district engineer who will distribute revised copies of the final environmental statement to the agencies and organizations with which the draft statement was coorditated as well as to appropriate State, regional, and metropolitan clearinghouses. The district public affairs office will prepare and issue a news release announcing the filing of the final environmental statement with CEQ and advising the public that single copies are available from the district engineer.

f. *Disposal of land for port and industrial uses.*—When the district engineer determines that disposal of surplus project property for development of public port or industrial facilities is in the public interest, he will prepare an environmental statement to accompany his report and recommendation. It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by district engineers without further referral to any of these agencies by the chief of engineers.

(1) The district engineer will prepare a draft environmental statement utilizing information obtained from appropriate Federal, State, and local agencies and applicant. A public meeting may be used to obtain information and views from the interested public. The statement will set

forth, among other things, what the applicant intends to develop on the property and the possible uses to be made of it. It will also summarize all constraints which will be placed on the new owner, such as reversionary clause, uses, needs for permits for structures or discharges into navigable waters, etc.

(2) The draft environmental statement will be circulated by the district for formal review and comment to the appropriate Federal, State, and local agencies, interested citizens, conservation and environmental groups and in response to requests from the general public at least 15 days before the public meeting, if one is held in connection with the proposed action. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWO-M) Washington, D.C. 20314 and 5 for the division engineer) for the further processing to the CEQ. The receipt of the draft environmental statement by CEQ starts the 90-day period before the administrative action can be taken. At the same time, the district engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the district engineer.

(3) After receipt of agency review comments and comments of the interested public, the district will prepare the final environmental statement and attach copies of all comments received. Twenty-five copies of the final environmental statement together with the district engineer's report and recommendations, as required by ER 405-1-909, will be transmitted to higher authority for further action.

(4) If higher authority decision is favorable to the request for disposal of project lands, the office, Secretary of the Army will transmit the final environmental statement to the CEQ at least 30 days prior to the issuance of the public notice of disposal as required by paragraph 32.c(2) of ER 405-1-909. The district public affairs office will prepare and issue a news release stating that a final environmental statement has been filed with the CEQ and that single copies are available from the district engineer.

(5) If higher authority decision is unfavorable to the request, the CEQ will be informed of the denial and that a final environmental statement will not be filed.

(6) Copies of the final environmental statement with all revisions clearly identified will be furnished the division and district engineers. District engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

For the chief of engineers.

WESLEY E. PEEL,
Colonel,
Corps of Engineers Executive.

6 Appendixes.
App. A Executive order 11514, "Protection and Enhancement of Environmental Quality," Mar. 5, 1970. See 35 FR 4247, Mar. 7, 1970.
App. B Council on Environmental Quality Guidelines, "Statements on Proposed Federal Actions Affecting the Environment." See 36 FR 7724, Apr. 23, 1971.
App. C Preparation of Environmental Statements.
App. D Flow charts.
App. E Three-year schedule.
App. F Coordinate with Federal Agencies.

COUNCIL OF STATE PLANNING AGENCIES [1] (STATE CLEARINGHOUSES)

NOVEMBER 1972

FEBRUARY 16, 1973.

Alabama: 205-269-7171, extension 14; C. L. Melenyzer, Director of State Planning, Alabama Development Office, State Office Building, Montgomery, Ala. 36104.
Alaska: 907-586-5386; R. W. Pavitt, AIP, Director Division of Planning and Research, Office of the Governor, Pouch AD, Juneau, Alaska 99801.
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American Samoa: 3-2131; Ed Marcus, Director, Department of Economic Development and Planning, Government of American Samoa, Pago Pago, American Samoa 96920.
Arizona: 602-271-5371; Harry F. Higgins, AIP, State Planning Director, Department of Economic Planning and Development, Suite 1704, 3003 North Central Avenue, Phoenix, Ariz. 85012.
Arkansas: 501-371-1211; Charles T. Crow, Director, Department of State Planning, Capitol Hill Building, Little Rock, Ark. 72201.
Bertram Wakeley, Manager, Program Planning Division, Department of Planning, Capitol Hill Building, Little Rock, Ark. 72201, 501-371-1301.
California: 916-445-4831; John S. Tooker, Director, Office of Planning and Research, Office of the Governor, Suite 222, 1400 10th Street, Sacramento, Calif. 95814.
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District of Columbia: Reginald Webb, 202-629-2272; Assistant Director of Planning and Evaluation, Office of Community Services, District Building, 14th and E Street NW., Washington, D.C. 20004.
District of Columbia Department of Environmental Services, Room 306, Library, 415 12th Street NW., Washington, D.C. 20004.
Florida: 904-224-3117; Earl M. Strauss, Director, Division of State Planning, Department of Administration, 725 South Bronough Street, Tallahassee, Fla. 32304.
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Illinois: 217-525-5414; Frank A. Patalano, Director, Office of Planning and Analysis, Executive Office of the Governor, 216 East Monroe Street, Third Floor, Springfield, Ill. 62706.
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Kansas: 913-296-3481; Dennis McCartney, Acting Director, Planning Division, Department of Economic Development, State Office Building, Topeka, Kans. 66612.
Kentucky: 502-564-3605; Laurel W. True, Administrator, Kentucky Program Development Office, Room 157, Capitol Building, Frankfort, Ky. 40601.
Michael Sicilian, Director, Division of State Planning, Kentucky Program Development Office, State National Bank Building, Frankfort, Ky. 40601, 502-564-3840.
Louisiana: 504-389-2494; Patrick W. Ryan, Executive Director, Office of State Planning, Office of the Governor, P.O. Box 44425, Capitol Station, Baton Rouge, La. 70804.

[1] This listing was supplied by the Council of State Governments, 1150 17th Street NW., Washington, D.C. 20036, 202-785-5610.

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Massachusetts: 617-727-3562, 617-727-8340; Robert H. Marden, Assistant Secretary of Administration for Planning and Intergovernmental Coordination, Executive Office of Administration and Finance, Room 312, State House, Boston, Mass. 02133.

Michigan: 517-373-0933; Ross E. Lowes, Director, Bureau of Programs and Budget, Division of State Planning, Second Floor, Lewis Cass Building, Lansing, Mich. 48913.

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John W. Sparbel, Chief, Planning Division, Nevada State Planning Board, 401 South Carson Street, Carson City, Nev. 89701. 702-882-1189.

New Hampshire: 603-271-2155; Mary Louise Hancock, Planning Director, Office of State Planning, State House Annex, Concord, N.H. 03301.

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Miss Irene St. Gelais, Research Associate, Office of State Planning, State House Annex, Concord, N.H. 03301, 603-271-2220.

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Sidney L. Willis, Department of Community Affairs, P.O. Box 2768, 329 West State Street, Trenton, N.J. 08625.

New Mexico: 505-827-2315; David W. King, State Planning Officer, Department of Planning, Executive-Legislative Building, room 403, Santa Fe, N. Mex. 87501.

New York: 518-474-7955; Richard A. Wiebe, Director, Office of Planning Services, State Capitol, room 249, Albany, N.Y. 12224.

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North Carolina: 919-829-4131; Ronald F. Scott, State Planning Officer, Department of Administration, State Planning Division, 116 West Jones Street, Raleigh, N.C. 27603.

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Oregon: 503-378-3732; Robert K. Logan, Administrator, Local Government Relations Division, 240 Cottage Street SE., Salem, Oreg. 97310.

Pennsylvania: 717-787-2086; A. Edward Simon, Director, Office of State Planning and Development, P.O. Box 1323, Harrisburg, Pa. 17120.

Puerto Rico: 722-1004; Architect Enrique Soler-Cloquell, Chairman, Puerto Rico Planning Board, P.O. Box 9447, Santurce, P.R. 00908.

Rhode Island: 401-277-2656; Daniel W. Varin, Chief, Statewide Planning, Statewide Planning Program, room 201, 265 Melrose Street, Providence, R.I. 02907.

Jerome Lessuck, Assistant Chief, Statewide Planning Program, 265 Melrose Street, Providence, R.I. 02907, 401-277-2656.

Chairman, State Planning Council, room 118, The State House, Providence, R.I. 02903, 401-277-2280.

South Carolina: 803-758-3306; William A. McInnis, Deputy Director, Office of the Governor, Division of Administration, suite 304, Kittrell Center, 2711 Middlesburg Drive, Columbia, S.C. 29204.

South Dakota: 605-224-3661; Lynn Muchmore, Director, State Planning Agency, State Capitol Building, Pierre, S. Dak. 57501.

Dr. Merlin Hackbart, Economic Development Program, State Planning Agency, State Capitol Building, Pierre, S. Dak. 57501, 605-224-3661.

Bob Fitzgerald, Assistant Director, State Planning Agency, State Capitol Building, Pierre, S. Dak. 57501, 605-224-3661.

Tennessee: 615-741-2577; Tilden J. Curry, Executive Director, State Planning Office, 660 Capitol Hill Building, 301 Seventh Avenue North, Nashville, Tenn. 37219.

Niles C. Schoening, Director, State Planning Division, State Planning Office, 660 Capitol Hill Building, 301 Seventh Avenue North, Nashville, Tenn. 37219, 615-741-1676.

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Utah: 801-328-5246; Burton L. Carlson, State Planning Coordinator, Office of the Governor, 210 State Capitol, Salt Lake City, Utah 84114.

Vermont: 802-828-3326; Benjamin W. Partridge, Jr., Director of Planning, State Planning Office, Pavilion Office Building, Montpelier, Vt. 05602.

Bernard D. Johnson, Assistant Director of Planning, State Planning Office, Pavilion Office Building, Montpelier, Vt. 05602, 802-828-3326.

Virginia: 703-770-3785; Robert H. Kirby, Director, Division of State Planning and Community Affairs, 1010 James Madison Building, 109 Governor Street, Richmond, Va. 23219.

Virgin Islands: 774-1726; Thomas R. Blake, Planning Director, Office of the Governor, Planning Office, P.O. Box 2606, Charlotte Amalie, St. Thomas, V.I. 00801.

Washington: 206-753-2200; Frank Baker, Director, Planning and Community Affairs Agency, State Capitol, Olympia, Wash. 98501.

Paul T. Benson, Jr., Assistant Director, State Planning Division, Office of Program Planning and Fiscal Management, 105 House Office Building, Olympia, Wash. 98504, 206-753-5297.

West Virginia: 304-348-3562; Carl L. Bradford, Deputy Director, Governor's Office of Federal-State Relations, State Capital, Charleston, W. Va. 25305.

Wisconsin: 608-266-2440; Harry J. Schmidt, Director, State Bureau of Planning and Budget, Department of Administration, room B-158, 1 West Wilson Street, Madison, Wis.

Roger L. Schrantz, Deputy Director, State Bureau of Planning and Budget, Department of Administration, room B-158, 1 West Wilson Street, Madison, Wis. 53702.

E. Jack Schoop, Assistant Director for Planning, State Bureau of Planning and Budget, Department of Administration, room B-130, 1 West Wilson Street, Madison, Wis. 53702.

Wyoming: 307-777-7284; Jerome M. Mark, Chief of State Planning, Department of Economic Planning and Development, 720 West 18th Street, Cheyenne, Wyo. 82201.

The following are alternative points as designated by these particular States ments: [1]

Louisiana: No address available as Council on Environmental Quality will not be set up until January 1, 1973. However, the CEQ will be attached to the Office of the Governor.

Michigan: Advisory Council for Environmental Quality, room 1, The Capitol, Lansing, Mich. 48903.

New Mexico: Environmental Improvement Agency, P.O. Box 2348, Santa Fe, N. Mex. 87501.

Ohio: Ohio Environmental Protection Agency, 395 East Broad Street, Columbus, Ohio 43215.

Washington: Planning and Community Affairs Division, Office of Program Planning and Fiscal Management, House Office Building, Olympia, Wash. 98504.

Wisconsin: Bureau of Environmental Impact, Department of Natural Resources, 4610 University Avenue, Madison, Wis. 53702.

[FR Doc.73-7069 Filed 4-11-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

CONTROLLED SUBSTANCES IN SCHEDULE I AND SCHEDULE II

Proposed Aggregate Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C.A. 826) requires the Attorney General to establish production quotas for all controlled substances listed in schedule I and schedule II by July 1 of each year.

[1] This listing was supplied by the Council of State Governments, 1150 17th Street NW., Washington, D.C. 20036, 202-785-5610.

In determining the proposed 1973 aggregate production quotas for the following schedule I substances to be distributed to researchers and analytical laboratories for use as reference standards only, the Bureau has considered the following as required by section 306 of the CSA (21 U.S.C. 826) and § 303.11 of title 21 of the Code of Federal Regulations:

1. The total net disposal by all manufacturers during the current and preceeding 2 years and trends in the national rate of net disposal;

2. Total actual (or estimated) inventory of and of all substances manufactured from them and trends in inventory accumulation;

3. Projected demands as indicated by procurement quotas requests pursuant to § 303.13 of title 21 of the Code of Federal Regulations.

Based upon consideration of the above factors, the Director of the Bureau of Narcotics and Dangerous Drugs under the authority invested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C.A. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, proposes that the proposed 1973 aggregate production quotas for the following controlled substances, expressed in grams of their respective anhydrous bases, be established as follows:

Substance:	*Proposed (gm.)*
1. beta - (3,4-methylene dioxyphenyl) isopropylamine proposed 1973	1500
2. N,N-dimethyltryptamine	190
3. mescaline hydrochloride	415

All interested parties are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received by May 16, 1973.

Dated April 6, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-7048 Filed 4-11-73;8:45 am]

MBH CHEMICAL CORP.

Manufacture of Methylphenidate; Notice of Application

Pursuant to § 301.43 of title 21 of the Code of Federal Regulations, notice is hereby given that on January 22, 1973, MBH Chemical Corp., 377 Crane Street, Orange, N.J., made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of methylpenidate, a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with U.S. obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Any person registered to manufacture methylphenidate in bulk may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file written comments on or objection to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, room 611, 1405 I Street NW., Washington, D.C. 20537.

Dated April 6, 1973.

JOHN E. INGERSOLL,
Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-7049 Filed 4-11-73;8:45 am]

MBH CHEMICAL CORP.

Manufacture of Amphetamine; Notice of Application

Pursuant to § 301.43 of title 21 of the Code of Federal Regulations, notice is hereby given that on January 22, 1973, MBH Chemical Corp., 377 Crane Street, Orange, N.J., made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of amphetamine, a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacturer controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with U.S. obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Any person registered to manufacture amphetamine in bulk may, on or before May 14, 1973, file written comments on or objection to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, room 611, 1405 I Street NW., Washington, D.C. 20537.

Dated April 6, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-7051 Filed 4-11-73;8:45 am]

MBH CHEMICAL CORP.

Manufacture of Methamphetamine; Notice of Application

Pursuant to § 301.43 of title 21 of the Code of Federal Regulations, notice is hereby given that on January 22, 1973, MBH Chemical Corp., 377 Crane Street, Orange, N.J., made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of methamphetamine, a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with U.S. obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Any person registered to manufacture methamphetamine in bulk may, on or before May 14, 1973, file written comments on or objection to the issuance of the proposed registration, and may, at the same time, file a written request for a

hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, room 611, 1405 I Street NW., Washington, D.C. 20537.

Dated April 6, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-7052 Filed 4-11-73;8:45 am]

MBH CHEMICAL CORP.

Manufacture of Phenmetrazine; Notice of Application

Pursuant to § 301.43 of title 21 of the Code of Federal Regulations, notice is hereby given that on January 22, 1973, MBH Chemical Corp., 377 Crane Street, Orange, N.J., made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of phenmetrazine, a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

> The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with U.S. obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:
>
> (1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Any person registered to manufacture phenmetrazine in bulk may, on or before May 14, 1973, file written comments on or objection to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, room 611, 1405 I Street NW., Washington, D.C. 20537.

Dated April 6, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-7050 Filed 4-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

TOBACCO MARKETING SYSTEM STUDY COMMITTEE

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Tobacco Marketing System Study Committee at 8:30 a.m. on Thursday, April 19, 1973, and Friday, April 20, 1973, in the King Charles Room of the Velvet Cloak Inn, 1505 Hillsborough Street, Raleigh, N.C.

The purpose of the meeting is the continuation of the study and analysis of the United States and Canadian tobacco marketing systems with a view of improving the marketing system for U.S.-grown tobacco. The meeting will be open to the public. Any member of the public may file a written statement with the committee, before or within 1 week following the meeting.

The names of the members of the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. William L. Lanier, Director, Tobacco Division, ASCS, room 3741, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C., on April 10, 1973.

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

[FR Doc.73-7161 Filed 4-11-73;8:45 am]

Forest Service

CALIFORNIA REGION REGIONAL FORESTER'S ROAD COMMITTEE

Notice of Meeting

A 2-day Regional Roads Committee meeting will commence at 10 a.m., May 1 in Redding, Calif., region 5.

The meeting agenda consists of a 2-day field trip over portions of the Yolla Bolla and Hayfork Ranger Districts of the Shasta-Trinity National Forest, observing and discussing design standards, costs, and timber sale road construction being accomplished under the new timber sale contract (2400-6). The group will initially meet at the forest supervisor's office, Shasta-Trinity National Forest, 1615 Continental Street, Redding, Calif. 96001, for orientation and car assignment.

The meeting is open to the public. Persons wishing to accompany the committee on the field trip should notify the forest supervisor, Shasta-Trinity National Forest by April 27. Each participant will be expected to furnish their own transportation, food, and lodging. Written statements may be filed with the chairman following each day of the field trip or following the entire meeting.

During stops at points of interest, public members are asked to speak only at times when recognized by the chairman. In the interest of time, the chairman will limit public discussion to enable completion of the tour.

DOUGLAS R. LEISZ,
Regional Forester.

APRIL 2, 1973.

[FR Doc.73-7046 Filed 4-11-73;8:45 am]

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet at 1 p.m. through 5 p.m., May 17, 1973 and at 8:30 a.m. through 12 noon, May 18, 1973, at the Clark Lake Day Use Building, Sylvania Recreation Area, Watersmeet, Mich. 49969.

The purpose of the meeting is to discuss multiple use planning procedures for the Ottawa National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Joseph H. Harn, Forest Supervisor, Ottawa National Forest, Ironwood, Mich. 49938, phone number: 906-932-1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

JOSEPH H. HARN,
Forest Supervisor.

APRIL 5, 1973.

[FR Doc.73-7059 Filed 4-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

APRIL 10, 1973.

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on April 18, 1973, in room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 38 members representing the industry, trade associations, and trade unions, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Report on conditions in the domestic market.
3. Implementation of textile agreements.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the

Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Past meetings of the Committee have dealt primarily with the following subjects: (1) Review of import trends; (2) conditions in the domestic market; and (3) implementation of textile agreements.

In the future, portions of meetings dealing with subjects (1) and (2) will be open to public participation. Discussions relating to subject (3), implementation of textile agreements, will in general be open to the public: *Provided, however,* That a portion of such a discussion may be closed, on the basis of 5 U.S.C. 552(b)(5), if such portion relates to proposed negotiating positions of the United States in the area of textiles and textile products whose premature disclosure would adversely affect the United States negotiating position.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with section 10(d) of the Federal Advisory Committee Act and the OMB-Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-7153 Filed 4-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on review of dentifrices and dental care agents.	Apr. 24, 9 a.m., Conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 to 11 a.m., closed after 11 a.m., Michael Kennedy, room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drug products containing dentifrices and dental care ingredients.

Agenda.—Orientation of members and review of material on over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on review of laxative, antidiarrheal, emetic, and antiemetic drugs.	Apr. 30, 9 a.m., Conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 to 11 a.m., closed after 11 a.m., John T. McElroy, room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

Purpose.—Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drug products containing laxative, antidiarrheal, antiemetic, and emetic drugs.

Agenda.—Orientation of members and review of material on over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the

Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b) which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552 (b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated April 5, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-7017 Filed 4-11-73;8:45 am]

[GRASP 3G0016]

AD HOC ENZYME TECHNICAL COMMITTEE

Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0016) has been filed by the Ad Hoc Enzyme Technical Committee, Mr. R. B. Kocher, Chairman, care of Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514, and placed on public display at the office of the hearing clerk, Food and Drug Administration, proposing affirmation that the following enzymes are generally recognized as safe (GRAS) for use in food:

A. Animal-derived enzyme preparations:
Catalase (bovine liver). Rennet.
Lipase, animal. Rennet, bovine.
Pepsin. Trypsin.

B. Plant-derived enzyme preparations:
Bromelain.
Malt.
Papain.

C. Microbially-derived enzyme preparations:
Aspergillus niger, var.—lipase.
Aspergillus niger, var.—catalase.
Aspergillus niger, var.—carbohydrase.
Aspergillus niger, var.—glucose oxidase.
Bacillus subtilis, var.—carbohydrase and protease, mixtures.
Rhizopus oryzae—carbohydrase.
Saccharomyces species—carbohydrase.

Interested persons may, on or before June 11, 1973, review the petition and/or file comments (preferably in quintuplicate) with the hearing clerk, Department of Health, Education, and Welfare, Food and Drug Administration, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the hearing clerk, address given above, during working hours, Monday through Friday.

Dated April 5, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-7060 Filed 4-11-73;8:45 am]

[FAP 2B2773]

CELANESE FIBERS MARKETING CO.

Notice of Filing of Amended Petition for Food Additive

Notice was given in the FEDERAL REGISTER of April 4, 1972 (37 FR 6773), that a petition (FAP 2B2773) had been filed by Celanese Fibers Marketing Co., P.O. Box 1414, Charlotte, N.C. 28201, proposing that § 121.2536 Filters, resin-bonded (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate fibers in the manufacture of resin-bonded filters.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that said petition has been amended to propose additionally the safe use of 4-ethyl-4-hexadecyl morpholinium ethyl sulfate as a lubricant employed during the fiber finishing of polyethylene terephthalate.

Dated April 5, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-7061 Filed 4-11-73;8:45 am]

[DESI 9048; Docket No. FDC-D-611; NDA No. 9-048]

PAUL B. ELDER CO.

Methoxsalen Capsules; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 9048) published in the FEDERAL REGISTER of November 3, 1970 (35 FR 16950) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

That part of NDA 9-048 pertaining to Oxsoralen Capsules (methoxsalen); Paul B. Elder Co., 705 East Mulberry Street, P.O. Box 31, Bryan, Ohio 43506.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before May 14, 1973, applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days 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 withdrawing approval of the pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before May 14, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest

upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other 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 and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) 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 and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated April 5, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-7062 Filed 4-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-70 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 15, 1973, to February 28, 1973 (List No. 6–73). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

The E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif. 94965, Approval Nos. 160.011/10/1, 160.011/20/1 and 160.011/21/1 expired and were terminated effective February 15, 1973.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

The Nautical Products, Inc., 130 Atlantic Avenue, Brooklyn, N.Y. 11201, no longer manufactures certain kapok buoyant cushions and approval No. 160.048/192/0 was therefore terminated effective February 28, 1973.

DECK COVERINGS FOR MERCHANT VESSELS

The Kompolite Products Co., Inc., 55 Webster Avenue, New Rochelle, N.Y. 10801, no longer manufactures certain deck coverings and approval No. 164.006/36/0 was therefore terminated effective February 25, 1973.

Dated April 5, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-7056 Filed 4-11-73;8:45 am]

[CGD 73-71N]

SCIENCE ADVISORY MEETING

Notice of Open Meeting

This is to give notice pursuant to Executive Order 11671, section 13(a), dated June 5, 1972, that the Science Advisory Committee will conduct an open meeting on Wednesday and Thursday, April 25 and 26, 1973, at the Administration Building, U.S. Coast Guard Research and Development Center on Avery Point, in Groton, Conn., beginning at 8:30 a.m. daily.

Members of the committee and their affiliations are as follows:

Dr. Ralph D. Bennett, Chairman, Consultant, California.
Dr. Charles C. Bates, Vice Chairman, Science Advisor to the Commandant, U.S. Coast Guard, Maryland.
Mr. John MacNeil Dempsey Jr., Assistant Manager, J. J. Henry Co., New Jersey.
Professor Ira Dyer, Chairman, Department of Ocean Engineering, Massachusetts Institute of Technology, Massachusetts.
Professor Samuel R. Heller, Department of Mechanical Engineering, Catholic University, Virginia.
Professor Donald L. Katz, Chairman, Department of Chemical Engineering, University of Michigan, Michigan.
Professor Erman A. Pearson, Department of Civil Engineering, University of California, California.
Miss Margaret Allison Todd, Manager, Technical Systems Software Development, International Business Machines Corp., Gaithersburg, Md.
Professor William S. Richardson, Chairman, Department of Oceanography, Nova University, Florida.
Dr. William E. Shoupp, Vice President for Research, Westinghouse Electric Corp., Pennsylvania.
Dr. Calvin P. C. Poon, Associate Professor of Environmental Engineering, University of Rhode Island, Kingston, R.I.
Professor O'Dale Waters, Jr., Chairman, Department of Oceanography, Florida Institute of Technology, Florida.

The agenda for the April 25 and 26 meeting at Groton, Conn., consists of the following:

Progress report of earlier committee recommendations: status of fiscal year 1973 RDT&E effort and the outlook for the fiscal year 1974; review of ongoing and planned activities of the USCG Research and Development Center; review of present and future plans of the Coast Guard sponsored National Research Council's Committee on Hazardous Materials, including the pending 1973 summer study on probable movement of hazardous materials to the year 2000; and technical assessment of present USCG RDT&E problems.

In addition to these items, one item pertaining to Coast Guard technical liaison with other agencies will be taken up in an after-dinner session of the committee at 7:45 p.m. on April 25, 1973, at the Seamen's Inn, Mystic, Conn.

The U.S. Coast Guard first established the Science Advisory Committee on May 11, 1969, to provide a broad external and neutral view for review of the Coast Guard's effort in the area of research, development, test and evaluation. The Acting Secretary of Transportation on November 8, 1972, formally extended the committee for an additional 2-year period ending December 31, 1974, and charged the committee with rendering advisory services relative to an ongoing broad external review of the Coast Guard's R.D.T. & E. effort, making recommendations concerning development

of new technologies for accomplishing Coast Guard missions, and interfacing Coast Guard scientific and technological programs with those of other agencies, particularly the Departments of Navy and Transportation.

Dated April 9, 1973.

C. A. RICHMOND, Jr.,
Rear Adm. U.S. Coast Guard, Chief, Office of Research and Development.

[FR Doc.73-7054 Filed 4-11-73;8:45 am]

[CGD 73-66N]

TOWING INDUSTRY 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 Towing Industry Advisory Committee will conduct an open meeting on Thursday, April 26, 1973, at 9 a.m. in the La Fontaine West Ballroom of the Warwick Hotel, Houston, Tex., and on Friday, Arpil 27 at the same time and place. The agenda includes the following discussion items:

1. Implementation of regulations for licensing operators on uninspected towing vessels.
2. Progress of study of need for engineers on uninspected towing vessels.
3. Status of proposed revisions of licensing procedures of towing vessel engineers.
4. Implementation of oil spill prevention regulations.
5. Status of study of double wall construction for tank vessels.
6. Status of regulations implementing the Ports and Waterways Safety Act.
7. Comments on pollution control enforcement.
8. Progress of regulations implementing EPA marine sanitation device standards.
9. Comments on bridge-to-bridge radiotelephone system.
10. Discussion of recommendation concerning the installation of radiotelephones on movable bridges.
11. Consideration of proposal that the Coast Guard inspect all bridges over navigable waters at intervals of not less than 2 years.
12. Review of pending and/or proposed legislation related to Coast Guard responsibilities.
13. Discussion of delineation of authority for enforcement of Occupational Safety and Health Act with respect to vessels.
14. Status of ratification of the International Convention on the tonnage and measurement of ships 1969.
15. Report on the Conference on Revision of the International Regulations for Preventing Collisions at Sea 1972.
16. Progress of Second Coast Guard District's Board of Inquiry concerning safety of navigation on western rivers.

The Towing Industry Advisory Committee, formerly called the Western Rivers Panel, was first established on March 12, 1943. Its continued operation for a 2-year period beginning July 1, 1971, was authorized on June 11, 1971, by the Secretary of Transportation. The Committee provides advice and consultation with respect to the safe operation of towing vessels and barges on the rivers, inland waters, along the coasts and upon the oceans. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Public attendance will be limited to space available. Interested persons may write for more information or file statements with the Committee by submitting them to the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, D.C. 20590.

Dated April 5, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-7055 Filed 4-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

APRIL 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Fuel will hold a meeting on April 26 and 27, 1973, at the Physical Services Building, Battelle Memorial Institute, Pacific Northwest Laboratory, Battelle Boulevard, Richland, Wash. The subject scheduled for discussion is reactor fuel performance.

The subcommittee is meeting to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of a discussion of information contained in proprietary documents which falls within exemption (4) of 5 U.S.C. 552(b); and that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meeting to protect the proprietary information being discussed and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-7175 Filed 4-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23843; Order 73-4-45]

AEROLINEAS ARGENTINAS

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of April 1973.

Aerolineas Argentinas, a government-owned carrier, is the holder of a foreign air carrier permit, issued pursuant to order 69-2-112, authorizing it to perform foreign air transportation with respect to persons, property, and mail, over three routes between a point or points in Argentina, via specified intermediate points, to New York, Miami, and Los Angeles. There exists no civil air transport agreement between the Government of the United States and the Government of Argentina. The rights exchanged are based on comity and reciprocity.

In docket 23843 Aerolineas filed an application for amendment of its permit so as to obtain authority, inter alia, to serve New York as a coterminal point on its route to Miami.

On March 23, 1973, Aerolineas advised the Board that it desired to serve Miami and New York, as coterminal points on one flight per week effective April 29, 1973.

In granting Aerolineas authority to operate to the United States the Board found that the carrier met the fitness standards of the act and that its services were in the public interest. Aerolineas has performed its presently authorized services successfully. It currently serves New York daily, and Miami three times each week with B-707 equipment. The Government of Argentina has issued various licenses to Braniff Airways, Inc., and Pan American World Airways, Inc., authorizing scheduled air service between, inter alia, New York and Miami, on the one hand, and Buenos Aires on the other, via named intermediate points. Both carriers currently operate between New York and Miami and Buenos Aires.

In view of the facts set forth, the Board tentatively finds and concludes that: (a) It is in the public interest, based on comity and reciprocity, to amend, and temporarily renew, pending final decision of the Board in this proceeding by further Board order, the foreign air carrier permit held by Aerolineas Argentinas so as to authorize the carrier to engage in foreign air transportation of persons, property, and mail between a point or points in Argentina, and the coterminal points New York and Miami, via the intermediate points Santiago and Antofagasta, Chile; La Paz, Bolivia; Lima, Peru; Guayaquil, Ecuador; and Panama City, Panama; (b) Aerolineas is fit, willing, and able to provide the above-described foreign air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder; and (c) the public interest requires, that the exercise of the privileges that would be granted in Aerolineas' amended permit should be subject to the terms, conditions, and limitations contained in the attached proposed form of permit, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

Accordingly, *it is ordered that:*

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and, subject to the approval of the President pursuant to section 801 of the act, why a foreign air carrier permit substantially in the form attached to this order should not be issued;

2. Any interested person having objections to the tentative findings and conclusions set forth herein or to the issuance of the proposed foreign air carrier

permit shall file such objections within 7 days after the service date of this order, and file with the Board and serve on the persons named in paragraph 5 a memorandum of objection specifying the part or parts of the tentative findings and conclusions or permit objected to and stating the specific grounds of any such objections; [1]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: Aerolineas Argentinas, the Ambassador of Argentina in Washington, D.C., Braniff Airways, Inc., Pan American World Airways, Inc., and the Bureau of Operating Rights of the Civil Aeronautics Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN AIR CARRIER
(AS AMENDED)

Aerolineas Argentinas is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

1. Between a point or points in Argentina, the intermediate points Sao Paulo, Rio de Janeiro, and Belem, Brazil; Port of Spain, Trinidad and Tobago; and Havana, Cuba, and the terminal point New York, N.Y.

2. Between a point or points in Argentina, the intermediate points Santiago and Antofagasta, Chile; La Paz, Bolivia; Lima, Peru; Guayaquil, Ecuador; and Panama City, Panama, and the coterminal points Miami, Fla., and New York, N.Y.

3. Between a point or points in Argentina, the intermediate points Lima, Peru; Bogota, Colombia; and Mexico City, Mexico, and the terminal point Los Angeles, Calif.

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by part 212 of the Board's Economic Regulations.

This permit shall be subject to the following condition:

(a) The holder shall, upon order of the Board and within the time specified therein, file with the Board for approval its existing or proposed schedules of service between any point in the United States and any point outside thereof. Such filings shall include all schedules which are or will be operated by the holder between each pair of points set forth in the order, including the type of equipment used or to be used, the time of arrival and departure at each point, the frequency of each schedule, and the effective date of any proposed schedule.

(b) The holder may continue to operate existing schedules and may inaugurate operations under proposed schedules 30 days after the filing thereof unless the Board notifies the holder that such operations, or any part thereof, are disapproved. If the notification pertains to a proposed schedule, service thereunder shall not be inaugurated or if the Board so provides may be inaugurated subject to the terms and conditions of the notice. If the notification pertains to an existing schedule, service thereunder shall be discontinued at such time as the Board shall direct, or may be continued subject to such terms and conditions as the Board may provide.

(c) The Board may take all actions pursuant to (a) and (b) above without hearing and in the Board's sole discretion.

(d) This condition shall terminate upon the effective date of any agreement between the United States and Argentina covering the foreign air transportation herein authorized.

This permit shall be subject to the condition that the holder shall serve the terminal points New York, N.Y.; Miami, Fla.; and Los Angeles, Calif., only on flights originating or terminating at a point in Argentina.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Argentina for Argentine international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Argentina shall be parties.

This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions the holder and the Board will consult with respect thereto and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective on_____ and shall terminate on the date of final decision on the application in docket 23843, except that if during the said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Argentina are or shall become parties, then, and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-7173 Filed 4-11-73;8:45 am]

[1] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 20826; Order 73-4-29]

ALASKA SERVICE INVESTIGATION

Order on Petitions for Reconsideration and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of April 1973.

By orders 72-9-91 and 72-9-92 of September 25, 1972, the Board effected certain amendments to the certificates of public convenience and necessity of Alaska Airlines, Inc., and Wien Consolidated Airlines, Inc.; ordered Howard J. Mays to resume service in accordance with the terms of the Mays' certificate within 90 days; and in all other respects reopened and remanded the Bush Routes Phase of the case for further hearing and initial decision. The intra-Alaska service issues deferred in the Part 298 Weight Limitation Investigation, 72-7-61, were also consolidated in the remanded proceeding.

Petitions for reconsideration and modification were filed by Bureau Counsel and by Richard F. Galleher and Munz Northern Airlines, Inc.[1] Alaska Airlines, Inc., and Wien Consolidated Airlines, Inc., filed answers to the petition of Bureau Counsel. Parkair, Inc., and Polar Airways, Inc., filed motions to consolidate. The present order disposes of petitions for reconsideration of the portion of the foregoing order involving the Mays' certificate and the issues of the remanded proceeding, as well as requests for consolidation of applications.[2]

As framed by order 72-9-91, our examination in this case of service alternatives (including the certification of air taxis) for Alaskan bush routes was to be limited to points at which Alaska Airlines and Wien Consolidated are certificated, but which are not directly served by these carriers with their own equipment.

Bureau Counsel asks enlargement of the scope of the proceeding to consider:

1. The issues of deletion or suspension of authority pursuant to section 401(g) of the act, and service alternatives to

[1] The petition of Galleher and Munz, filed late, was accompanied by a motion for leave to file an otherwise unauthorized document.

[2] The certificate amendments were stayed by order 72-11-70. That order also indicated the Board's intent to dispose of petitions to reconsider these amendments after the court's disposition of the petitions for review of order 71-12-45 which acted on the trunkline and regional routes phase.

certificated authority at all bush points,[3] including those presently served by federally certificated carriers with their own equipment;

2. The renewal application of Kodiak Airways, Inc. (docket 23604);

3. The renewal application of Western Alaska Airlines, Inc. (docket 23605); and

4. The certificate amendment application of Kodiak Airways, Inc. (docket 23757) for authority to link up the respective systems of Kodiak and Western Alaska.

5. The actual implementation of a program of subsidized services pursuant to competitive bid contracts, including possible contractual awards to specific carriers.

Alaska and Wien oppose the inclusion in the investigation on remand of bush points which they serve with their own equipment on the ground that this will unduly expand the scope of the proceeding and result in an undue burden in developing the record. Alaska also contends that the only dependable service to the bush is through and by the federally certificated carriers with this superior administrative and back-up support capabilities and that elimination of Alaska at the bush communities it serves would frustrate their progress toward air traffic growth. Wien also asks that its application for Kodiak-King Salmon authority, docket 24103, be consolidated if the Board consolidates the application of Kodiak in docket 23757 for such an authorization as suggested by Bureau Counsel.

The proposal of Bureau Counsel to include consideration of service at all bush points, including those presently served by Wien and Alaska, is appropriate for a full review of the best methods of serving bush points in Alaska. Accordingly, this suggestion will be adopted.

In light of this expansion in the scope of the issues, we have also decided to partially grant Richard F. Galleher's petition. Specifically, Mr. Galleher asks that we (1) vacate our order requiring Howard J. Mays to resume services in conformity with the terms and conditions of the Mays' certificate, and (2) consolidate the issues of the continued effectiveness of the certificate and its transfer to Galleher for resolution in the Reopened Bush Routes Phase of the Alaska proceeding.

Since we have expanded our examination of service alternatives (including the possible certification of air taxis) to cover all bush routes in Alaska, including those encompassed in the Mays' certificate, we find it appropriate to consider within the context of the broadened case whether this certificate should cease to be effective under section 401(f), or should be revoked under section 401(g). In addition, assuming appropriate applications are filed, we will also entertain a request by Mr. Galleher for independent certification at any of the points in the Mays' certificate (or over any other bush route in Alaska, for that matter), or, in the alternative, for the transfer of the Mays' certificate to Galleher.

On the other hand, we see no reason to vacate our order requiring Mays to resume service or to suspend Mays' service obligations until final disposition of the bush route issues before us. In fact, since the holder has not resumed operations within the requisite 90-day period, the parties are expressly placed on notice that the Board may direct at the conclusion of this proceeding that the Mays' certificate shall cease to be effective, or shall be revoked. In this connection, we are not impressed with Galleher's claim that our order was unfair because it required the institution of service in midwinter under harsh weather and depressed traffic conditions. In our judgment, this raises a false issue because the real problem is that the certificate has been essentially dormant for nearly 20 years and that the only authorized holder—Howard J. Mays—has no interest in serving the routes in question (as Mr. Galleher concedes).[4] Similarly, our service resumption order was in no way anomalous, as Mr. Galleher now argues, despite the fact that the Board was aware that Mays had disposed of his interest in the certificate and that the Mays' operation was, in point of fact, defunct. Mr. Galleher seems to overlook the background and purpose of our order, which was issued in response to his own legal claim that the May's certificate could not be canceled in the absence of a formal Board order to the holder to resume service.

With respect to the applications of Kodiak and Western Alaska, both carriers are engaged in operations largely devoted to service to small points. We therefore find appropriate the consolidation of the applications for renewal of their certificates and Kodiak's application to link up the two routes by a Kodiak-King Salmon authority.[5] In view of the competitive aspects we will also consolidate Wien's application for Kodiak-King Salmon authority.

However, we will not grant the Bureau's request for expansion of the scope of this proceeding to consider the actual implementation of a subsidization program for bush services based on competitive bid contracts. In including such a program as one of several bush route service alternatives to be studied in the reopened case, we did not intend to undertake an examination of its particulars at this time or to consider actual contract awards to specific carriers. Such an undertaking would be premature in our view. Instead, we expect to limit our focus on this question to the identification of those Alaskan bush points, if any, where these subsidized contractual operations might prove feasible and desirable (assuming of course, that the Congress authorizes such a program).[6]

Accordingly, it is ordered, That:

1. The statement of issues on remand set out in paragraph 6 of order 72-9-91 is amended to provide as follows:

(a) Whether the public convenience and necessity require the alteration, amendment, or modification of Alaska Airlines' certificate for route 124 and/or Wien Consolidated Airlines' certificate for route 126 so as to (1) eliminate or modify irregular route authority and authority to provide service under the 25-mile rule, (2) name in these certificates points actually served under irregular route authority or the 25-mile rule, and, (3) delete or suspend authority at bush points;[7]

(b) Whether the public convenience and necessity require, and the Board should approve, service alternatives[8] at bush points.[7]

(c) Whether part 298 of the Board's economic regulations should be amended to relax the existing 12,500-pound weight limitation applicable to air taxis operating within Alaska;

(d) Whether the Board should direct that the certificate of Howard J. Mays authorizing intra-Alaska operations shall cease to be effective under section 401(f) of the act, or shall be revoked under section 401(g);

(e) Whether an application for the transfer of the Howard J. Mays' certificate of public convenience and necessity to Richard F. Galleher should be approved as not inconsistent with the public interest under section 408 of the act.

2. The applications of Kodiak Airways, Inc., docket 23604, and Western Alaska Airlines, Inc., docket 23605, for

[3] "Bush points" are defined as any point in Alaska except those at which issues of operating authority were decided in the Trunkline and Regional Route Phase of the Alaska Service Investigation, Docket 20826, Order 71-12-45. Specifically, "bush points" incude any point in Alaska except Anchorage, Fairbanks, Nome, Kotzebue, Prudhoe Bay/Sag River, Kenai, Homer, Cordova, Yakutat, Kodiak, Juneau, Ketchikan, and Sitka. "Bush service" includes service between: (a) any pair of "bush points," and (b) any "bush point" and one of the mainline points enumerated above.

[4] In fact, Mr. Galleher has also shown little inclination to provide scheduled services over the regular routes in the Mays' certificates. Of course, since the Board has never approved a transfer of the Mays' routes to Mr. Galleher, the latter could not have operated certificated services. Nevertheless, Mr. Galleher—as the owner of Munz Northern Airlines—has been perfectly free to operate air taxi services over these routes. In fact, however, he has not chosen to provide scheduled flights to any point named in the Mays' certificate or expressed any interest in doing so in the future.

[5] The Board has approved the merger of these two carriers. Order 72-11-71, Nov. 16, 1972.

[6] At the Board's request, a bill was introduced in the 92d Congress which would have authorized the Board to enter into such contracts on an experimental basis, and the submission of such legislation to the 93d Congress is under consideration.

[7] See footnote 3, above.

[8] See pp. 4, 5, of our opinion attached to order 72-9-91.

renewal of their certificate, the applications of Kodiak Airways, Inc., docket 23757, and Wien Consolidated Airlines, Inc., Docket 24103, for amendment of their certificates, and the applications of Parkair, Inc., docket 24865, and Polar Airways, Inc., docket 24862, for new certificates be and they are consolidated with the Alaska Service Investigation (Bush Routes Phase), docket 20826.

3. The motion of Richard F. Galleher and Munz Northern Airlines, Inc., to file an otherwise unauthorized document is hereby granted.

4. The requests concerning the issues in the remanded investigation be and they are denied in all other respects.

5. Additional or amended applications conforming to the scope of this proceeding as revised herein, together with motions to consolidate such applications for hearing and decision herein, shall be filed within 15 days of the date of service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-7072 Filed 4-11-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Rural Development Service, Office of the Secretary.

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

[FR Doc.73-7074 Filed 4-11-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of 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 Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of Defense (Environmental Quality), Office of the Assistant Secretary (Health and Environment), Office of the Secretary of Defense.

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

[FR Doc.73-7082 Filed 4-11-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director for Environmental Quality, Office of the Assistant Secretary (Health and Environment), Office of the Secretary of Defense.

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

[FR Doc.73-7075 Filed 4-11-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of December 10, 1971, FR Doc. 71-18113 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Executive Assistant, Office, Assistant Attorney General, Civil Division. This is notice that the title of this position is now being changed to Deputy Assistant Attorney General, Civil Division.

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

[FR Doc.73-7084 Filed 4-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of 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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Professional Standards Review Office, Office of the Assistant Secretary for Health, Office of the Secretary.

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

[FR Doc.73-7076 Filed 4-11-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Director of Public Affairs, Office of the Secretary to Assistant to the Secretary (Public Affairs), Office of the Secretary.

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

[FR Doc.73-7083 Filed 4-11-73;8:45 am]

DEPARTMENT OF LABOR

Notice of 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 Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary of Labor.

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

[FR Doc.73-7077 Filed 4-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of 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 Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary, Office of the Secretary.

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

[FR Doc.73-7078 Filed 4-11-73;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of 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 the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs and Operations), Office of the Secretary.

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

[FR Doc.73-7079 Filed 4-11-73;8:45 am]

U.S. INFORMATION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Information Agency to fill by noncareer executive assignment in the excepted service the position of Assistant Director (Motion Pictures and Television), Office of the Assistant Director.

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

[FR Doc.73-7080 Filed 4-11-73;8:45 am]

VETERANS' ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Veterans' Administration to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Administrator, Office of the Administrator.

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

[FR Doc.73-7081 Filed 4-11-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee to this Commission will convene at 1:30 p.m. on April 13, 1973, at the Howard Johnson Hotel, 210 South Nicholson Street, Santa Maria, Calif. 93454.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission in room 1015, at 312 North Spring Street, Los Angeles, Calif. 90012.

The purposes of this meeting are to (1) discuss the release of the California State Advisory Committee's report entitled "The Schools of Guadalupe," and review plans for the implementation of this report.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., April 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-7160 Filed 4-11-73;8:45 am]

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee of this Commission will convene at 9 a.m. on April 13, 1973, at the Los Angeles Press Club, 600 North Vermont Avenue, Los Angeles, Calif. 90004.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission in room 105, 312 North Spring Street, Los Angeles, Calif. 90012.

The purposes of this meeting are to discuss the release of the California State Advisory Committee's report entitled, "The Schools of Guadalupe," and begin to make plans for the implementation of this report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-7162 Filed 4-11-73;8:45 am]

HAWAII STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii State Advisory Committee to this Commission will convene at 7:30 p.m. on April 18, 1973, in the Committee room of the Ala Moana Hotel at 410 Atkinson Drive, Honolulu, Hawaii 96814.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, room 1015, 312 North Spring Street, Los Angeles, Calif. 90012.

The purposes of this meeting are to discuss and release the California State Advisory Committee's report entitled "The Schools of Guadalupe," and begin to make plans for the implementation of this report.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., April 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-7163 Filed 4-11-73;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fact finding meeting will convene at 8:30 a.m. on Saturday, April 14, 1973, in the fourth floor courtroom, U.S. Post Office Building, Great Falls, Mont. 59401. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect minorities throughout the State of Montana, with special emphasis in the areas of public and private fair employment practices; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to minorities in the State of Montana with special emphasis in the areas of public and private fair employment practices; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to minorities in the State of Montana with special emphasis in the areas of public and private fair employment practices; and related subjects.

A planning meeting of the Montana State Advisory Committee will convene at 3 p.m. on Friday, April 13, 1973, in the conference room of the Hotel Rainbow, First Avenue and Third Street North, in Great Falls, Mont. 53901. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office, room 216 Ross Building, 1762 Champa Street, Denver, Colo. 80202.

In addition to the above described meetings, a closed executive session of the Montana State Advisory Committee will convene on April 14, 1973, at 7:30 a.m. in the Judges' Chambers, fourth floor, U.S. Post Office Building, First Avenue North at Third Street, Great Falls, Mont. 59401. At this session, the committee members will discuss matters which may tend to defame, degrade, or incriminate individuals, and as such this session is closed to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 9, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-7164 Filed 4-11-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ASSISTANT ADMINISTRATOR FOR AIR AND WATER PROGRAMS ET AL.

Delegations of Authority To Sign Certain Federal Register Documents

Pursuant to the authority vested in the Administrator of the Environmental Protection Agency by section 3 of the Reorganization Plan No. 3 of 1970, the following officials are authorized, within

their respective areas of responsibility, to exercise the authority of the Administrator of the Environmental Protection Agency, except as noted below, concerning notices of committee meetings and public hearings, and notices of extensions of time for comment on proposed regulations:

Assistant Administrator for Air and Water Programs.
Assistant Administrator for Categorical Programs.
Assistant Administrator for Enforcement and General Counsel.
Assistant Administrator for Planning and Management.
Assistant Administrator for Research and Monitoring.

For public hearings requiring adjudicatory action which have an Agency component as a party to the hearing, the Chief Administrative Law Judge, or the Administrative Law Judge designated to preside in such proceedings, is authorized to issue such notices.

This authority may not be redelegated.

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 9, 1973.

[FR Doc.73-7098 Filed 4-11-73;8:45 am]

CERTAIN LOW EMISSION VEHICLES

Notice of Determination Regarding Use by Federal Government

On October 19, 1972, the Boyertown Auto Body Works applied to the Administrator to have four types of battery-powered vehicles certified for Federal procurement as low emission vehicles under section 212 of the Clean Air Act. The Administrator transmitted the application to the Low Emission Vehicle Certification Board on December 22, 1972. Notice of receipt of the application was published in the FEDERAL REGISTER on December 29, 1972 (37 FR 28775). No comments were received in response to the notice.

Under the certification scheme provided in section 212, the Administrator is required to make a determination whether the vehicle is a low emission vehicle under the regulations set forth in 40 CFR part 85, subpart Q. The Administrator has determined that the four types of battery-powered vehicles described in the application of Boyertown Auto Body Works are low emission vehicles. The basis for this determination is that these vehicles meet all criteria set forth in 40 CFR 85.1602. In making this determination, the Administrator has considered only the amounts of emissions from the vehicles themselves, since section 212 does not authorize him to consider pollutant emissions from powerplants resulting from the generation of electricity needed to power these vehicles.

Because these vehicles are powered by propulsion systems which do not require control devices (for exhaust emissions) external to the engine, the Administrator recommends to the Low Emission Certification Board that the vehicles be considered "inherently low-polluting vehicles" as defined in 40 CFR 85.1601(a)(2).

The Board must determine, on or before October 12, 1973, whether these vehicles are suitable for purchase by the Federal Government in accordance with the criteria specified in section 212(d)(1) of the Clean Air Act.

A copy of the application for certification is available for inspection in the "Public Docket" at the Office of Public Affairs, room 329, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Interested persons who wish to comment on the determination of suitability for purchase of the vehicles by the Federal Government may submit comments (in quadruplicate) to the Administrator, Environmental Protection Agency, attention: Office of Mobile Source Air Pollution Control, Office of Air and Water Programs, 401 M Street SW., Washington, D.C. 20460. All relevant comments received not later than May 14, 1973, will be considered by the Low Emission Vehicle Certification Board.

This notice is issued pursuant to section 212(d)(3)(G) of the Clean Air Act, as amended (42 U.S.C. 1857f-6e(d)(3)(G)).

Dated April 6, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-7096 Filed 4-11-73;8:45 am]

[Docket No. 246, etc.]

MERCURY

Notice of Objection and Request for Hearing Regarding Cancellation of Registrations of Pesticides

Notice is hereby given, pursuant to § 164.20 of the rules of practice (37 FR 9476) issued under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (Public Law 92-516; 86 Stat. 973), that objections and, in effect, requests for public hearings were filed in 23 separate proceedings in connection with cancellations of registrations of pesticides containing mercury. These 23 proceedings have been consilodated for hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the hearing clerk, Environmental Protection Agency, room 3902A, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 9, 1973.

[FR Doc.73-7097 Filed 4-11-73;8:45 am]

MOBILE SOURCE AIR POLLUTION CONTROL PROGRAM

Notice of Availability of Advisory Circulars

Title 40, part 85, of the Code of Federal Regulations, entitled "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines," sets forth the requirements imposed on manufacturers as a precedent to obtaining certification of new motor vehicles and new motor vehicle engines. To provide to such manufacturers additional information relating to procedural matters involved in the certification process, and to set forth the basis on which the Administrator will exercise discretion in matters in which the regulations provide for such discretion, there has been developed an informational publication series entitled "Mobile Source Air Pollution Control (MSAPC) Advisory Circulars." MSAPC advisory circulars have been published from time to time on an as-needed basis. The advisory circulars do not have the force and effect of Federal regulations.

Notice is hereby given of the public availability of MSAPC advisory circulars. Requests for individual copies of specific advisory circulars, or requests to be placed on the mailing lists for all advisory circulars, should be addressed to the Deputy Assistant Administrator, Mobile Source Air Pollution Control, Office of Air and Water Programs, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated April 6, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-7095 Filed 4-11-73;8:45 am]

MOBILE SOURCE AIR POLLUTION CONTROL PROGRAM

Availability of Certain Information

Notice is hereby given of the availability of Mobile Source Air Pollution Control (MSAPC) Advisory Circular No. 27, "Public Release of Information Contained in Applications for Certification of Light Duty Vehicles and Heavy Duty Engines," which discusses EPA policy regarding the release of information contained in manufacturers' applications for certification of conformity with emission control standards. This circular explains the criteria and procedures that will be employed by the Agency in dealing with requests for public disclosure of information contained in applications for certification of light duty vehicles and heavy duty engines. This advisory circular also indicates the type and quantum of information which must be submitted by any applicant to justify any claim that specified information is entitled to be held confidential by the Agency.

Requests for copies of Advisory Circular No. 27 may be addressed to: Director, Division of Certification and Surveillance, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Mich. 48105.

Requests for applications for certification should also be addressed to the Director, Division of Certification and Surveillance. Requests should specify which parts of each application are requested. Unless payment of fees is waived pursuant to 40 CFR 2.111, fees for supplying

data will be charged according to the following schedule:

1. Search for records—$2.50 per one-half hour.
2. Reproduction, duplication, or copying of records—$0.20 per page.
3. Certification of authentication of records—$4 per application.

Charges of $10 or more must be prepaid. Anyone requesting waiver of payment fees should specify the reasons why waiver would be in the public interest.

Dated April 6, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-7094 Filed 4-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 642]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 2, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

7044-C2-P-(3)-73—Ratel Communications Co. (New), C.P. for a new two-way station to operate on 152.06 MHz at 6.8 miles southwest of Merkel, Tex.

7047-C2-P-(2)-73—New England Telephone & Telegraph Co. (KCA671), C.P. to change antenna system and additional facilities, operating on 454.425 and 454.600 MHz base and 459.425 and 459.600 Test MHz at Route 128, Bear Hill Road, Waltham, Mass.

7048-C2-P-73—South Central Bell Telephone Co. (KIY604), C.P. to replace transmitter and change antenna location to Crockett Ridge (LEContee Street), approximately 3 miles northwest of Morristown, Tenn.

7049-C2-P-73—Xavier W. Nady (KLF597), C.P. to replace transmitter, change antenna system and location to 0.125 mile south of intersection of Water Works Road and the Pierce-King County line, Tacoma, Wash.

7050-C2-MP-73—Ram Broadcasting of Indiana, Inc. (KUC846), C.P. to change antenna location to 1 Indiana Square, Indianapolis, Ind., operating on frequency 158.70 MHz (one-way signaling).

7051-C2-P-73—RCC of Virginia, Inc. (KRH653), C.P. to replace transmitter, change antenna system and location to 700 East Indian River Road, Norfolk, Va. Frequency: 158.70 MHz (one-way signaling).

7052-C2-P-73—Specialized Telephone Service (New), C.P. for a new one-way signaling station to operate on 158.70 MHz at 300 East Collins Drive, Casper, Wyo.

7053-C2-P-73—Wisconsin Telephone Co. (KSC880), C.P. to replace transmitter, operating on 152.75 MHz at Meadowbrook Road, Waukesha, Wis.

7054-C2-P-(4)-73—Illinois Bell Telephone Co. (KSA810), C.P. for additional facilities and to change antenna system at 10 South Canal Street, and operating on frequencies 454.375, 454.525, 454.575, 454.625 MHz and to add 459.375, 459.525, 459.575, 459.625 MHz Test frequencies.

7055-C2-P-(2)-73—Mobile Radio Communications, Inc. (KAA275), C.P. to replace transmitters, operating on 454.05 and 454.10 MHz at 922 Linwood Street, Kansas City, Mo.

7056-C2-P-73—Radio Phone Communications, Inc. (New), C.P. for a new two-way station to operate on 152.18 MHz at Route 337, near Shoulders Hill, Nansemond, Va.

Radiofone Corp. of New Jersey, Inc. (KEC738), C.P. to add antenna location No. 2 to operate on 454.100 MHz at General Motors Building, 767 Fifth Avenue, New York, N.Y. (7057-C2-P-73).

Same as above (KEA256), C.P. to add antenna location No. 5 to operate on 454.025 MHz at the same location as above.

Same (KRS674), C.P. to add antenna location No. 3 to operate on 454.150 MHz at the same location above.

7058-C2-P-73—Tel-Illinois, Inc. (New), C.P. to operate a one-way paging station to operate on 43.22 MHz at an existing tower at St. John's Orphanage, Belleville, Ill.

7059-C2-AL-(3)-73—Xavier W. Nady doing business as Mobilphone-El Paso. Consent to assignment of license from Xavier W. Nady doing business as Mobilphone-El Paso, assignor to Mobile Telecommunications Corp., assignee. Stations: KLB687 Ruidoso, N. Mex., KLB566 Alamogordo, N. Mex., KKE968 El Paso, Tex.

7060-C2-AP-73—Answerphone, Inc. (KTS284). Consent to assignment of permit from Answerphone, Inc., assignor to Mobile Telecommunications Corp., assignee. Station: KTS284, El Paso, Tex.

7061-C2-AL-(4)-73—Gerard T. Uht and Professional Answering Service. Consent to assignment of license from Gerard T. Uht and Professional Answering Service, assignors to to Portable Communications, Inc., assignee. Stations: Respectively KEK289 and KTS238 Buffalo, N.Y., and KSV922 and KSV966 Jamestown, N.Y.

7062-C2-P-73—Gerard T. Uht (KTS238), C.P. to change antenna location to No. L Marine Midland Center, Buffalo, N.Y., and operating on frequency 158.70 MHz.

7063-C2-P-(3)-73—Madera Radio Dispatch (KMB350), C.P. to add transmitter, change antenna system, antenna and control point location (loc. No. 2). Operating on frequencies 454.325 MHz and 152.21 MHz (standby) also 74.26 and 75.92 MHz control.

7064-C2-P-73—Curry County Communications (KTS241), C.P. for an additional transmitter (control) to operate on 158.58 MHz at Oregon Street, Port Oxford, Oreg.

7065-C2-R-73—New England Telephone & Telegraph Co. (KA9446). Renewal of license expiring April 25, 1973 (Developmental). Term: April 25, 1973 to April 25, 1974.

Major Amendment

8433-C2-P-70—Mobile Radio Dispatch Service, Inc. (KEA256), Asbury Park, N.J. Change the location of the base facilities operating on 152.03 MHz to northwest corner of Freeway and West Bangs Avenue, Neptune, N.J. All other particulars to remain as reported on Public Notice No. 497 dated June 22, 1970.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (part 21 of the rules).

Correction

6888-C2-TC-(2)-73—AAA Telephone Answering Service and Medical Exchange, Inc. Correct station locations to read Baton Rouge, La. Stations: KQZ723 and KLB781. All other particulars to remain as reported March 26, 1973, Public Notice No. 641.

RURAL RADIO SERVICE

7043-C1-P-(2)-73—Continental Telephone Co. of Minnesota (KAI84), C.P. to change antenna location, operating on 152.69 MHz at 0.7 mile south of Crane Lake, Minn.

7045-C1-P-73—Pacific Northwest Bell Telephone Co. (New), C.P. for a new rural subscriber station to operate on 157.95 MHz at 9.8 miles east of McKenzie Bridge, Oreg.

7046-C1-P-73—Same as above (New), C.P. for a new central office station to operate on 152.69 MHz at 3.7 miles west-southwest of Blue River, Oreg.

Corrections

The following stations have been deleted for failure to file a renewal of the station's license: Pacific Northwest Bell Telephone Co. (KSQ48), (KSQ47), North Florida Telephone Co. (KIT99), Mountain States Telephone & Telegraph Co. (KPH63), Jack Loperene (KNB47), Forester Telephone Answering Service (KKB30), The Chesapeake and Potomac Telephone Co. of Virginia (KJC39), (KIB31), The Chesapeake and Potomac Telephone Co. of Maryland (KGI66), county of Clark, Nev. (KPS90), Radio Dispatch Service (KLU30) and Mountain States Telephone & Telegraph Co. (KPZ53).

Informative

Commencing April 2, 1973, all applications involving facilities in the Rural Radio Service will be assigned file numbers containing the designation C6 rather than C1.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6894-C1-TC-(15)-73—MCI Michigan, Inc. Application for consent to transfer from MCI Michigan, Inc., transferor, to MCI Communications Corp., transferee for stations WOE45, WOE46, WOE47, WOE48, WOE49, WOE50, WOE51, WOE52, WOE53, WOE54, WOE55, WOE56, WOE57, WIV82, and WIV83 located within the States of Michigan (14) and Ohio (1).

6895-C1-P-73—General Telephone Company of the Southeast (KZI74), 3.9 miles west-northwest of Rock Oak, South Branch Mountain, W. Va. Latitude 39°09'37" N., longitude 78°49'35" W. C.P. to add frequency 6108.3V MHz toward Romney, W. Va.

6896-C1-P-73—Same (New), Romney, W. Va. Latitude 39°20'17" N., longitude 78°45'27" W. C.P. for a new station on frequency 6390.0V MHz toward South Branch Mountain, W. Va.

6946-C1-P-73—General Telephone Company of the Southwest (KLT54), northside of Tate Street, Brownfield, Tex. Latitude 33°10'36" N., longitude 102°16'24" W. C.P. to change antenna system, replace transmitter and correct existing distance and azimuth on frequencies 5967.4V and 6086.0V MHz toward Seagraves, Tex.

6947-C1-P-73—Same (KLT53), on Hill Street, Seagraves, Tex. Latitude 32°56'30" N., longitude 102°33'42" W. C.P. to change antenna system, replace transmitter and correct existing distance and azimuth on frequencies 6219.5V and 6338.1V MHz toward Brownfield, Tex.; add frequency 11,605V MHz toward Denver City, Tex.

6948-C1-P-73—Same (New), 119 West Fourth Street, Denver City, Tex. Latitude 32°58'03" N., longitude 102°49'47" W. C.P. for a new station on frequency 11,075V MHz toward Seagraves, Tex.

6949-C1-P-73—Blue Mountain Telephone Co. (New), 1 block west of Secondary Road, Monument Oreg. Latitude 44°49'06" N., longitude 119°25'14" W. C.P. for a new station on frequency 11,445H MHz toward Spray, Oreg., via Passive Reflector.

6950-C1-P-73—Same (New), Spray, 1 block west of Highway 19, Spray, Oreg. Latitude 44°49'56" N., longitude 119°47'38" W. C.P. for a new station on frequency 10,715H MHz toward Mitchell, Oreg., via three Passive Reflectors; frequency 109,995H MHz toward Mitchell, Oreg., via two Passive Reflectors.

6951-C1-ML-73—The Western Union Telegraph Co. (KAA89), Arcade Building, St. Louis, Mo. Latitude 38°37'41" N., longitude 90°11'34" W. Modification of license to change authorized emission designator from 6100F9 to 10560F9 for 600 FDM channel loading.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6952-C1-ML-73—Same (KSN51), 1 mile northeast of Dorsey, Ill. Latitude 38°59'05" N., longitude 89°59'20" W. Modification of license to change authorized emission designator from 6100F9 to 10560F9 for 600 FDM channel loading.

6953-C1-ML-73—The Western Union Telegraph Co. (KSN50), 7.5 miles southeast of Carlinville, Ill. Latitude 39°13'33" N., longitude 89°45'56" W. Modification of license to change authorized emission designator from 6100F9 to 10560F9 for 600 FDM channel loading.

2380-C1-P-73—The Mountain States Telephone & Telegraph Co. (KAN27), latitude 39°-44'43" N., longitude 104°59'45" W. C.P. to change antennas. Denver, Colo.

2381-C1-P-73—Same (KBC97), Elizabeth, Colo. Latitude 39°25'46" N., longitude 104°-39'30" W. C.P. to change antenna structure of existing antennas. Change polarity of 6130.5 and 6004.5 from horizontal to vertical toward Denver KAN27 on azimuth 320°31'.

6958-C1-MP-73—MCI St. Louis-Texas, Inc. (WOF88), 3.6 miles northwest of Union, Mo. Latitude 38°27'50" N., longitude 91°03'30" W. Modification of C.P. to change polarization of frequency 6256.5 to horizontal toward High Ridge, Mo., on azimuth 93°17'.

6959-C1-MP-73—Same (WOJ21), Tanglewood, 6 miles northwest of Sand Springs, Okla. Latitude 36°10'17" N., longitude 96°13'23" W. Modification of C.P. to relocate station to Tanglewood, Okla., for frequencies 6152.8H to Tulsa, Okla., on azimuth 96°19' and 6152.8V MHz toward Skedee, Okla., on azimuth 295°07'.

7001-C1-MP-73—Data Transmission Co. (WKR34), modification of C.P. to change location to 2 miles south-southwest of Cedar Hill, Tex. Latitude 32°33'34" N., longitude 96°-58'17" W. Change azimuth towards Primrose to 262°47'. Change azimuth towards Dallas to 18°48'. Delete point of communication Bristol and add frequency 5974.8V MHz towards new point of communication Rosser on azimuth 100°10'.

7002-C1-MP-73—Same (WKR35), 7220 North Stemmons, Freeway, Tex. Latitude 32°28'10" N., longitude 96°23'19" W. Modification of C.P. to change azimuth towards Cedar Hill to 198°51'.

7003-C1-MP-73—Same (WKR36), modification of C.P. to change name and location to Rosser, 4 miles east of Rosser, Tex. Latitude 32°28'10" N., longitude 96°23'19" W. Change frequency towards Cedar Hill to 6226.9V MHz on azimuth 280°29'. Change frequency towards Stockard to 6256.5V MHz on azimuth 114°17'.

7004-C1-MP-73—Same (WKR37), 2.5 miles northeast of Stockard, Tex. Latitude 32°17'19" N., longitude 95°55'09" W. Modification of C.P. delete point of communication Bristol and add frequency 6004.5V MHz towards new point of communication Rosser on azimuth 294°32'. Change azimuth towards Montalba to 155°43'.

7005-C1-MP-73—Data Transmission Co. (WKR38), modification of C.P. to change location to 1.9 miles northeast of Montalba, Tex. Latitude 31°53'44" N., longitude 95°42'41" W. Change azimuth towards Stockard to 335°50'. Change frequency towards Centerville to 6404.8H MHz on azimuth 194°56'.

7006-C1-MP-73—Same (WKR39), modification of C.P. to change location to 6.8 miles northeast of Centerville, Tex. Latitude 31°19'07" N., longitude 95°53'26" W. Change azimuth towards Montalba to 14°50'. Change frequency towards Mossy Grove to 6152.8V MHz on azimuth 162°23'.

7007-C1-MP-73—Same (WKR40), modification of C.P. to change location to 4 miles southeast of Mossy Grove, Tex. Latitude 30°48'43" N., longitude 95°42'15" W. Change azimuth towards Centerville to 342°29'. Delete point of communication Keenan and add frequency 6404.8H MHz towards new point of communication Montgomery on azimuth 179°30'.

7008-C1-MP-73—Same (WKR41), modification of C.P. to change name and location to Montgomery, 1 mile south of Montgomery, Tex. Latitude 30°22'24" N., longitude 95°-41'59" W. Change azimuth towards Mossy Grove to 359°30'. Change azimuth towards Spring to 149°5'.

7009-C1-MP-73—Same (WKR42), modification of C.P. to change location to 6 miles west of Spring, Tex. Latitude 30°05'43" N., longitude 95°30'30" W. Delete point of communication Keenan and add frequency 6404.8V MHz towards new point of communication Montgomery on azimuth 329°11'.

7010-C1-MP-73—Same (WKR43), modification of C.P. to change location to 1200 Milam, Houston, Tex. Latitude 29°45'23" N., longitude 95°22'06" W. Change azimuth toward Spring to 340°15'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7011-C1-MP-73—The Mountain States Telephone and Telegraph Co. (KYJ78), 13.6 miles southwest of Rawlins, Wyo. Latitude 41°38'15" N., longitude 107°23'11" W. Modification of C.P. to change latitude of existing 30 feet by 32 inches passive reflector located 1.5 miles south-southwest of Arlington from: 41°33'32" N., to 41°33'23" N.

7013-C1-P-73—Pacific Northwest Bell Telephone Co. (KPZ32), 6.8 miles east-northeast of Mitchell, Oreg. Latitude 44°36'03" N., longitude 120°01'18" W. C.P. to add frequency 11,645H MHz toward Flock Mountain, Oreg., via passive reflector.

7017-C1-P-73—The Western Union Telegraph Co. (New), 1.5 miles east of Woodland Hills, Tex. Latitude 32°37'57" N., longitude 96°51'58" W. C.P. for a new station on frequency 10,855V MHz toward Cedar Hill, Tex.; frequency 10,815H MHz toward Dallas, Tex.

7018-C1-P-73—Same (KLS58), Southland Life Building, Dallas, Tex. Latitude 32°47'06" N., longitude 96°47'41" W. C.P. to add frequency 11,545H MHz toward Woodland, Tex.

7019-C1-P-73—The Western Union Telegraph Co. (New), 2 miles southwest of Cedar Hill, Tex. Latitude 32°34'43" N., longitude 96°58'57" W. C.P. for a new station on frequency 11,345V MHz toward Woodland Hill, Tex.

Major Amendments

7044-C1-P-71—Southwest Texas Transmission Co. (KLR37), 0.5 mile east of Sonaora, Tex. Latitude 30°34'25" N., longitude 100°37'49" W. Application amended to add frequencies 6315.0H MHz and 6390.0V MHz, via power split, toward new point of communication at Ozona (lat. 30°43'00" N., long. 101°12'00" W.), Tex., on azimuth 286°20'. (Informative: Applicant proposes to deliver the signals of KWEX-TV and KSAT-TV of San Antonio, Tex., to CATV systems in Ozona, Tex.)

3058-C1-P-70—Data Transmission Co. (New), Rockford, 2.5 miles northeast of Harlem, Ill. Add frequency 5945.2V MHz on azimuth 145°27' toward point of communication at Starks, Ill.

3063-C1-P-70—Same (New), 1.5 miles southwest of Starks, Ill. Change frequency to 6197.2V MHz on azimuth 325°39' toward Rockford, Ill. Change frequency to 6345.5V MHz on azimuth 134°03' toward Wheaton, Ill.

3064-C1-P-70—Same (New), change location to 2.7 miles southwest of Wheaton, Ill. Latitude 41°50'17" N., longitude 88°09'12" W. Change frequency to 6093.5V MHz on azimuth 314°16' toward Starks, Ill. Delete point of communication at Tinley Park and add frequency 6063.8V MHz on azimuth 60°38' towards new point of communication Elmhurst.

3065-C1-P-70—Same (New), change location to 1 mile north of Elmhurst, Ill. Latitude 41°55'21" N., longitude 87°57'07" W. Change azimuth towards Posen to 142°49'. Change frequency towards Wheaton to 6315.9V MHz on azimuth 240°46'. (All other particulars same as reported on Public Notice dated Dec. 15, 1969; Aug. 3, 1970, and Oct. 10, 1972.

[FR Doc.73-6967 Filed 4-11-73;8:45 am]

FEDERAL MARITIME COMMISSION

COMBI LINE AND PRUDENTIAL-GRACE LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. H. Punke, manager, intermodal division, Prudential-Grace Lines, Inc., One Whitehall Street, New York, N.Y. 10004.

Agreement No. 10049 between the above named carriers provides for the interchange of lash barges and related equipment pursuant to terms and conditions set forth therein.

Dated April 6, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7002 Filed 4-11-73;8:45 am]

[Docket No. 73-14]

GULF-PUERTO RICO LINES, INC.

Proposed ILA Surcharge Between U.S. Gulf Ports and Puerto Rico; Order of Investigation and Suspension

On April 8, 1973, Gulf-Puerto Rico Lines, Inc. (GPRL) proposes to put into effect in its trade between U.S. Gulf ports and ports in Puerto Rico a surcharge of 9 percent to allegedly offset increased labor costs resulting from its current contract with the International Longshoremen's Association (ILA). The surcharge was filed pursuant to special permission authorizing this form of publication. In accordance with Amendment 1 to General Order 11 (46 CFR 512.3 (d)(1)), GPRL has filed financial and other data in support of this surcharge. The data show basically the costs to GPRL of the new ILA contract (Oct. 1, 1971, to Sept. 30, 1974) as compared with their costs under the contract ending September 30, 1971, and are divided into three segments:

a. Wages and fringe benefits;
b. Guaranteed annual income assessment (GAI);
c. Container royalties.

A protest was filed by the Commonwealth of Puerto Rico asserting that the surcharge is unjust and unreasonable in violation of section 18(a) of the Shipping Act, 1916, and requesting suspension and investigation. Specifically, the Commonwealth alleges that:

1. The surcharge proposes to recover past operating costs through a prospective rate increase;
2. The increase, in combination with similar increases in the East Coast/Puerto Rico Trade, "must inevitably harm the economy of Puerto Rico"; and,
3. GPRL has failed to take into consideration productivity increases as required by the Commission's General Order 28.

The Commission's staff has attempted to recompute the proposed surcharge by eliminating the retroactive cost factors and the container royalty. Under those circumstances the required surcharge would be 4.9 percent versus the proposed 9 percent.

Upon consideration of the carrier's data and the facts set forth above, the Commission is of the opinion that the proposed surcharge should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. However, the Commission is of the further opinion that the full exercise of its suspension authority would not be warranted under the circumstances and that GPRL should be allowed to put into effect an interim 4.9 percent surcharge. Good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed surcharge for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued such changes are hereby ordered to be made a part of this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, third revised title page 1 of Gulf-Puerto Rico Lines, Inc. tariff FMC-F No. 1 is hereby suspended and the use thereof deferred to and including August 7, 1973, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately by Gulf-Puerto Rico Lines, Inc. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 8, 1973, unless otherwise authorized by the Commission, and that the suspended matter may not be changed except as ordered herein until this proceeding has been disposed of or until the period of suspension has expired whichever comes first unless otherwise ordered by the Commission.

It is further ordered, That there may be filed by Gulf-Puerto Rico Lines, Inc. the tariff matter necessary to effectuate a surcharge of 4.9 percent on all rates between U.S. Gulf Coast ports and ports in Puerto Rico, such tariff matter to become effective on not less than 1 day's notice and to expire on August 7, 1973, unless otherwise ordered by the Commission.

It is further ordered, That pursuant to section 18a of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether the proposed surcharge is just and reasonable.

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether the attempt to recover container royalty costs (which are based upon a unit container assessment) by a surcharge upon rates (or revenue) would result in an undue or unreasonable preference or advantage to heavier and lower rated cargo, and/or subject lighter and higher rated cargo to any undue or unreasonable prejudice or disadvantage.

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That Gulf-Puerto Rico Lines, Inc. be named as respondent in this proceeding.

It is further ordered, That the Commonwealth of Puerto Rico be named as petitioner in this proceeding in accordance with Commission's rules of practice and procedure.

It is further ordered, That the provisions of rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuiness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge.

It is further ordered, That: (1) A copy of this order be forthwith served upon the respondent and petitioner herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the respondent, petitioner and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7005 Filed 4-11-73;8:45 am]

ROHNER, GEHRIG & CO., INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Gerald H. Ullman, Esq., 120 Broadway, New York, New York 10005.

Agreement No. FF 73-2, between Rohner, Gehrig & Co., Inc. (Rohner FMC No. 375), and Palmetto Shipping Co., Inc. (Palmetto FMC No. 241), was filed for the purpose of obtaining approval pursuant to section 15, Shipping Act, 1916, of the establishment of a branch office in Charleston, S.C., by Rohner for which Palmetto will render services. Rohner is to conduct operations as an ocean freight forwarder from the branch office and will be responsible for the furnishing and the paying of all clerical personnel employed at the branch. Palmetto will furnish supervision for the branch office at its own expense and will conduct a sales solicitation program to obtain accounts for the office. Palmetto will be reimbursed for its sales activity in an annual amount of $6,000 and will share net profits and losses on a 40-percent basis. Provision is also made for the formation of a new corporation after an initial 3 years operation of the branch office and 60 percent of its capital stock will be issued to Rohner and 40 percent to Palmetto.

Dated April 5, 1973.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7003 Filed 4-11-73;8:45 am]

SACRAMENTO-YOLO PORT DISTRICT, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said

to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Ms. Suzanne White, Cargill, Incorporated, Law Department, Cargill Building, Minneapolis, Minnesota 55402.

Agreement No. T-21-3, between the Sacramento-Yolo Port District (Port) and Cargill of California, Inc. (Cargill), modifies the basic agreement which provides for the lease to Cargill of a grain terminal facility at Sacramento, Calif. The purpose of the modification is to provide for the installation of air pollution control equipment, the cost of which is to be divided equally between the Port and Cargill, with Cargill's portion applied to its rental obligation to the Port under the basic agreement. If an ecology or similar charge to affect the cost of these improvements should be assessed against vessels loading at the facility, Cargill will be entitled to half of such revenues until their half of the cost of the equipment is recovered or the basic agreement expires, whichever shall first occur.

Dated April 6, 1973.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7004 Filed 4-11-73;8:45 am]

UNITED SHIPPING AGENTS, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton W. Flack, Esq., 4311 Wilshire Boulevard, suite 300, Los Angeles, Calif. 90010.

Agreement No. DC-56, between United Shipping Agents, Inc.; Cal-Hawaiian Freight, Inc.; All Pacific Freight, Inc.; All Hawaii Cargo Consolidation, Inc.; and Mid-Pacific Freight Forwarders, provides for the establishment of the non-vessel operating common carrier rate agreement: United States-domestic offshore islands of Hawaii, Puerto Rico, Guam, and the Virgin Islands. The agreement will encompass rates, charges, rules, and regulations applicable to the transportation of cargo between the points covered by the agreement.

Dated April 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-7006 Filed 4-11-73;8:45 am]

FEDERAL RESERVE SYSTEM

CEGROVE CORP.

Acquisition of Bank

Cegrove Corp., Wayne Township, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Ramapo Bank, Wayne Township, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 2, 1973.

Board of Governors of the Federal Reserve System, April 5, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-7021 Filed 4-11-73;8:45 am]

GENESEE COUNTY BANK

Order Approving Application for Consolidation of Banks

Genesee County Bank, Flint, Michigan, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the consolidation of that bank with Genesee Merchants Bank & Trust Co., Flint, Michigan, under the name of Genesee Merchants Bank & Trust Co.

As required by the act, notice of the proposed transaction, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of United Michigan Corporation for formation of a bank holding company through acquisition of the successor by consolidation with Genesee Merchants Bank & Trust Co., provided that said transaction shall not be consummated: (a) Before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective April 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-7022 Filed 4-11-73;8:45 am]

UNITED MICHIGAN CORP.

Order Approving Formation of Bank Holding Company

United Michigan Corporation, Flint, Michigan, 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)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of the successor by consolidation with Genesee Merchants Bank & Trust Co., Flint, Michigan (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of 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 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, a nonoperating company with no subsidiaries, was organized for the primary purpose of becoming a bank holding company with respect to Bank

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Bucher.

($406 million deposits).[1] Bank, located in the city of Flint, operates 30 branches within the 25-mile branching limit permitted by Michigan law and is the second largest of three banks located in Flint. Since the purpose of the proposed transaction is essentially a corporate reorganization to effect holding company ownership of Bank, consummation of the proposal would not adversely affect existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of applicant are dependent upon those of Bank. The financial and managerial resources of Bank are regarded as generally satisfactory, and future prospects appear favorable. Banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-7023 Filed 4-11-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

NIMITZ MARINE FACILITY

Summary Notice of Federal Action Affecting the Environment

In regard construction of a replacement pier and marginal wharf extension.

A summary statement concerning the pier construction project was published in the FEDERAL REGISTER, vol. 37, No. 207, p. 22915, October 26, 1972. Comments received on the draft environmental impact statement have been reviewed and taken into consideration in preparing the final environmental statement.

The final environmental statement has been filed with the Council on Environmental Quality. Copies are available from the Deputy Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550.

Dated April 4, 1973.

H. GUYFORD STEVER,
Director.

[FR Doc.73-7030 Filed 4-11-73;8:45 am]

[1] Banking data are as of June 30, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Bucher.

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AADAN CORP.

Order Suspending Trading

APRIL 6, 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 Aadan 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 April 8, 1973, through April 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-7031 Filed 4-11-73;8:45 am]

[File 500-1]

CLINTON OIL CO.

Order Suspending Trading

APRIL 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., 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 April 7, 1973, through April 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-7032 Filed 4-11-73; 8:45 am]

[70-5324]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures

APRIL 6, 1973.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, Del. 19807, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, $50 million principal amount of —— percent debentures, series due May 1998. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Co. of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 21st Supplemental Indenture to be dated as of May 1, 1973.

The supplemental indenture will prohibit redemption of any of the debentures prior to May 1, 1978, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be subject to a sinking fund providing for retirement of $35 million (70 percent) thereof prior to maturity through annual payments of $1,750,000 commencing in 1978.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and, together with other funds then available and funds thereafter to be generated from operations, will be used by Columbia to finance, among other things, the 1973 capital expenditures program of Columbia's subsidiary companies, which involves expenditures of approximately $200 million. The capital expenditures program involves additions and improvements to the properties of the Columbia System necessary to explore for, to produce, receive, transport, store and distribute the quantities of gas required by the System's customers. Columbia estimates that additional long-term financing of up to $40 million will be required in 1973 to complete this program. Such additional financing, to the extent necessary, will be the subject of future filings with this Commission.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commission, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than May 2, 1973, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration 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 declarant 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 declaration, as filed or as amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7041 Filed 4-11-73;8:45 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 6, 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 April 10, 1973, through April 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7033 Filed 4-11-73;8:45 am]

[File 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

APRIL 6, 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 April 9, 1973, through April 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7034 Filed 4-11-73;8:45 am]

[File 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

APRIL 6, 1973.

The common stock, $0.30 par value, of Equity Funding Corp. of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $0.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Equity Funding Corp. of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 7, 1973, through April 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7035 Filed 4-11-73;8:45 am]

[File 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

APRIL 6, 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 First Leisure 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 April 6, 1973, through April 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7036 Filed 4-11-73;8:45 am]

[File 500-1]

GOODWAY INC.

Order Suspending Trading

APRIL 6, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 8, 1973, through April 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7037 Filed 4-11-73;8:45 am]

[File 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

APRIL 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, 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 7, 1973, through April 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7038 Filed 4-11-73;8:45 am]

[70-5323]

MISSISSIPPI POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

APRIL 6, 1973.

Notice is hereby given that Mississippi Power Co. (Mississippi), 2992 West Beach, Gulfport, Miss. 39501, a public-utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of rule 50, $15 million principal amount of its first mortgage bonds, —— percent series due ——, (New Bonds) to mature not more than 30 years and not less than 5 years, such maturity date to be determined prior to the filing of the registration statement relating to the New Bonds. The price of the New Bonds (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof and accrued interest) will be determined by the competitive bidding. The New Bonds will be issued under an indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Co. of New York, as trustee, as heretofore supplemented and to be further supplemented by a supplemental Indenture (Indenture) to be dated as of May 1, 1973, which contains a prohibition until May 1, 1978, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost. Mississippi proposes to use the proceeds from the sale of the New Bonds and $4,500,000 of additional equity funds to be received from the Southern Co. during 1973 (file No. 70-5261), together with its cash on hand in excess of operating requirements, interest and dividends, to finance its 1973 construction program (estimated to be $43,701,000), to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose (of which $18,600,000 are expected to be outstanding on the date the New Bonds are sold), and for other lawful purposes.

Mississippi also proposes, on or prior to June 1, 1973, to issue $1,473,000 principal amount of its first mortgage bonds, 2¾ percent series due 1980, (Sinking Fund Bonds) and to surrender such bonds to the trustee, all in accordance with the sinking fund provisions of its Indenture. The Sinking Fund Bonds are to be identical with those which were the subject of the Commission's order of May 7, 1971 (Holding Company Act Release No. 17125) and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose. The Sinking Fund Bonds will not constitute obligations of Mississippi for the payment of money.

A statement as to the fees and expenses to be paid by Mississippi in connection with the proposed issuance and sale of the New Bonds is to be supplied by amendment. The fees and expenses relating to the issuance of the Sinking Fund Bonds are estimated at $1,400, including $800 for charges of the trustee and counsel fees of $300. It is stated that no State commission and no Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 2, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration 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 declarant 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 declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7042 Filed 4-11-73;8:45 am]

[70-5325]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Proposed Sale of Pollution Control Notes

APRIL 6, 1973.

Notice is hereby given that Ohio Edison Co. (Ohio), 47 North Main Street, Akron, Ohio 44308, a registered holding company, and its electric utility subsidiary company Pennsylvania Power Co. (Pennsylvania), 1 East Washington Street, New Castle, Pa. 16103, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 6, 7, and 12(d) of the Act and rule 44(b)(3) 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 applicants-declarants and three unaffiliated electric utilities (the Cleveland Electric Illuminating Co., Duquesne Light Co., and the Toledo Edison Co., hereinafter referred to as the "CAPCO" companies) are jointly constructing two generation units. Each of the plants has a capacity of 825,000 kW and are denominated as the Bruce Mansfield Plant, units Nos. 1 and 2 respectively, and will be owned by the applicants-declarants and the CAPCO companies as tenants in common. The units are presently scheduled for completion by April 1, 1975, and April 1, 1976, respectively. Ohio and Pennsylvania will own, respectively, 60 percent and 4.2 percent of unit No. 1, and 39.3 percent and 6.8 percent of unit No. 2.

In order to operate the new generation units, the applicants-declarants and the CAPCO companies will be obliged to comply with environmental regulations regarding air quality standards. Compliance with said air quality regulations will require the CAPCO companies and the applicants-declarants to install sulphur oxide scrubber system to remove pollutants from flue gases emitted by the new plants, as well as cooling towers. It is stated that six venturi scrubbers and six absorbers will be installed at each of the plants which are designed to remove fly ash and sulfur dioxide from the emissions of the plants by scrubbing same with lime slurry and water. It is further stated that the scrubber system appears to be capable of meeting air quality standards but that no comparable system has been demonstrated successfully for continuous reliable operation in any commercial application. To further assure that the plants will meet applicable environmental regulations and be permitted to operate, 950-foot chimneys will also be constructed at each plant. It is estimated that the sulphur oxide scrubber system, and the cooling tower chimneys will, in the aggregate, cost $132,500,000.

The applicants-declarants and the CAPCO companies propose to transfer title to the pollution control facilities to the Beaver County Industrial Development Authority (the Authority), a entity organized under the Pennsylvania Industrial and Commercial Development Authority statute, which is authorized to enter into agreements providing for the construction and financing of industrial development projects and the sale thereof to industrial occupants. Under an agreement with the Authority the applicants-declarants and the CAPCO companies, title to the pollution control facilities will be in the Authority until the completion of each portion of the gas flue cleaning facilities, and the cooling towers. To finance the project, Authority will issue and sell, upon the request of each participant in the plants, its pollution control revenue bonds. It is stated that interest payable on the bonds will be exempt from Federal income taxes, and that this feature will reduce interest costs attendant to the development of these facilities. The bonds in respect of each sponsor of the plants will be issued under a separate trust indenture between the Authority and a trustee to be approved by each sponsor company and said bonds may be sold in one or more series at such times in such amounts, at such interest rates and for such prices as may be approved by the company. The proceeds from the sale of the bonds will be deposited by the Authority in a construction fund to be administered by an independent escrow agent.

It is stated that the maximum amount of bonds to be issued and sold in respect of Ohio's and Pennsylvania's respective portions of the pollution control facilities will be $66,158,625 and $7,328,750 respectively. The proceeds from the sale of these bonds, as well as all others sold on behalf of the CAPCO companies, will be placed in separate account and administered by an independent escrow agent and will be disbursed when needed. Concurrently with the disbursement of funds by the escrow agent, the applicants-declarants will execute and deliver pollution control notes payable to the trustee described above and thereby the applicants-declarants will become entitled to their respective portions of the pollution control facilities. It is further stated that amounts due the trustee will be payable whether or not the facilities are completed or perform satisfactorily and whether or not the project is damaged or destroyed. All accounting entries related to the proposed transactions will be executed in conformity with the uniform system of accounts.

The application-declaration states that the fees and expenses incident to the proposed transactions are estimated to be $7,200 for Ohio and $1,800 for Pennsylvania. The proposed transactions must be authorized by the Public Utilities Commission of Ohio, and the Pennsylvania Public Utility Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration 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 filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the division of corporate regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7043 Filed 4-11-73;8:45 am]

[File 500-1]

PELOREX CORP.

Order Suspending Trading

APRIL 6, 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 Pelorex 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 April 6, 1973, through April 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7039 Filed 4-11-73;8:45 am]

[File 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

APRIL 6, 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 April 9, 1973, through April 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-7040 Filed 4-11-73;8:45 am]

TARIFF COMMISSION

[TEA-W-194]

HAWAIIAN FRUIT PACKERS, LTD.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Hawaiian Fruit Packers, Ltd., Kapaa Kauai, Hawaii, a subsidiary of Stokely-Van Camp., Inc., Indianapolis, Ind., the U.S. Tariff Commission, on April 9, 1973, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with canned pineapple and pineapple juice (of the types provided for in items 148.-98, 165.44, and 165.46 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or under employment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 23, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: April 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.7086 Filed 4-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 218]

ASSIGNMENT OF HEARINGS

APRIL 9, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35727, Penn Central Transportation Co. (George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees), v. Delaware and Hudson Railroad Co., et al. now being assigned June 18, 1973 (2 weeks), at Wilkes Barre, Pa., in a hearing room to be later designated.

AB 5 Sub 73, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Nanticoke and Glen Lyon, Luzerne County, Pa., now being assigned June 18, 1973 (2 weeks), at Wilkes Barre, Pa., in a hearing room to be later designated.

MC 136222, Movers Port Service, Inc., now assigned May 14, 1973, will be held in room 2002, Dept. 2, Municipal Courtroom, 220 W. Broadway, San Diego, Calif.

MC 112822 Sub 83, Bray Lines, Inc., now assigned April 30, 1973, MC 109126 sub 12, LaSalle Trucking Co., extension Mexico, now assigned May 3, 1973, and MC 115841 sub 421, Colonial Refrigerated Transportation, Inc., now assigned May 7, 1973, at Los Angeles, Calif., will be held in room 1529, U.S. Courthouse, 312 North Los Angeles Street.

MC 135987 Sub 2, R. A. Carbol Trailway Ltd., now assigned May 14, 1973, at Seattle, Wash., will be held in room 1151, Federal Office Building, 909 First Avenue.

AB 5 Sub 99, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion of Wilkes-Barre Branch between S. Danville and Wilkes-Barre, Northumberland, Montour, Columbia, and Luzerne Counties, Pa., now being assigned June 18, 1973 (2 weeks), at Wilkes-Barre, Pa., in a hearing room to be later designated.

MC-110563 Sub 94, Coldway Food Express, Inc., now assigned May 14, 1973, at Omaha, is postponed to May 17, 1973 (2 days), in room 106, Federal Building, 106 South 15th Street, Omaha, Nebr.

MC 921 Sub 22, Dean Truck Line, Inc., now being assigned continued hearing May 22, 1973 (3 days), at the Natchez Trace Inn, 3400 West Main Street, Tupelo, Miss.

MC-F-11327, National Freight, Inc.—Control—Cross Transportation, Inc., now being assigned for further hearing on April 30, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-128944 Sub 12, Reliable Truck Lines, Inc., is continued to May 22, 1973 (3 days), at the Natchez Trace Inn, 3400 West Main Street, Tupelo, Miss.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-7065 Filed 4-11-73;8:45 am]

[Notice No. 250]

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 May 2, 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-74337. By order of March 27, 1973, the Motor Carrier Board approved the transfer to Transtar Corp., a corporation, South Kearney, N.J., of the operating rights in Certificate No. MC-75368 issued June 9, 1941 to Robert W. Merrel, doing business as Merrell Motor Line, Newark, N.J., authorizing the transportation of general commodities, with exceptions, between points in Union, Essex, and Hudson Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y. A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-74340. By order of March 26, 1973, the Motor Carrier Board approved the transfer to AAA Moving Co., Inc., Jacksonville, N.C., of Certificate of Registration No. MC-99864 (sub-No. 1) issued to AAA Storage Co., Inc., Fayetteville, N.C., evidencing a right to engage in interstate or foreign commerce, transporting personal effects and property, between points solely within the State of North Carolina. Richard G. Singer, attorney, P.O. Box 389, Raleigh, N.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-7064 Filed 4-11-73;8:45 am]

[Notice 28]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 6, 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 on or before May 14, 1973. 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

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 11722 (sub-No. 34), filed February 23, 1973. Applicant: Brader Hauling Service, Inc., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hides, green or salted, from Union Gap, Wash., to Seattle and Tacoma, Wash., and Portland, Oreg., restricted to the transportation of traffic having a subsequent out-of-State movement by water.

NOTE.—Applicant also holds contract carrier authority under MC 124658 and subs, therefore dual operations 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 Portland, Oreg., or Seattle, Wash.

No. MC 25399 (sub-No. 9), filed February 16, 1973. Applicant: A–P–A Transport Corp., 2100 85th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Lancaster, Pa., Allentown, Pa., and New Windsor, N.Y., as an alternate route for operating convenience only in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (sub-No. 454), filed February 20, 1973. Applicant: Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Imported meats, fresh or frozen, from New Orleans, La., and Gulfport, Miss., to points in Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, restricted to shipments having a prior movement by water.

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 Chicago, Ill., or Washington, D.C.

No. MC 30844 (sub-No. 455), filed February 20, 1973. Applicant: Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Imported meats, fresh or frozen, from Miami, Ocala, and Tampa, Fla., to points in the United States in a territory in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, restricted to shipments having a prior movement by water.

NOTE.—Common control was approved by the Commission in Nos. MC–F–8722 and MC–F–9750. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (sub-No. 456), filed March 8, 1973. Applicant: Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods and frozen foods, from (1) the plantsite of Burnette Farms at Keeler, Mich., and (2) the plantsite of M. Steffen Co., Inc., at Coloma, Mich., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

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 Chicago, Ill., or Washington, D.C.

No. MC 42194 (sub-No. 3), filed February 13, 1973. Applicant: Leonard L. Madsen, doing business as Kroeger Transfer, P.O. Box 127, Minden, Iowa 51553. Applicant's representative: Richard A. Porter, 201 First National Bank Building, P.O. Box 457, Council Bluffs, Iowa 51501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value), livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (other than those requiring refrigeration), between Avoca, Iowa, and points within 25 miles thereof, and Omaha, Nebr.

NOTE.—Applicant states that the requested authority and its existing authority would join at Minden, Iowa, and serve the additional towns of Avaco, Hancock and Oakland, Iowa, as to MC 42194 and MC 42194 (sub-No. 1), and as to MC 42194 (sub-No. 2), they would overlap and would add additional commodities to all areas serviced. If a hearing is deemed necessary, applicant requests it be held at Council Bluffs, Iowa or Omaha, Nebr.

No. MC 51146 (sub-No. 302), filed February 20, 1973. Applicant: Schneider Transport, Inc., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cellulose materials and products, paper and paper products, and materials, equipment, and supplies (except commodities in bulk), between Paxinos, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, North Carolina, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority. Requested authority could be tacked with various subs of MC 51146 and applicant will tack with it MC 51146 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52932 (sub-No. 27), filed February 26, 1973. Applicant: North Penn Transfer, Inc., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Pottery, clay, earthenware products, peat moss and plastic flower pots and saucers (except firebrick, and commodities in bulk, in tank vehicles), from North Wales, Pa., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, and West Virginia, with no transportation for compensation on return except as otherwise authorized; (2) Articles used in the manufacture of the commodities in (1) above, in bulk (except commodities in bulk, in tank vehicles), from points in Florida, South Carolina, and West Virginia, to North Wales, Pa., with no transportation for compensation on return except as otherwise authorized; and (3) Pottery, clay, and earthenware products, plastic and peat moss pots and saucers (except firebrick), in containers, from North Wales, Pa., to points in Maine, New Hampshire, Massachusetts, Vermont, and Rhode Island.

NOTE.—Applicant states it presently holds the requested authority in No. MC–52932 (sub-Nos. 14 and 19) from the named origin to the territory involved in this application. The purpose of this application is to eliminate a gateway. Applicant further states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 59367 (sub-No. 85), filed February 26, 1973. Applicant: Decker Truck Line, Inc., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building,

Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen meats, and inedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the facilities of the Terminal Ice & Cold Storage Co. at or near Bettendorf, Iowa, and destined to the named destination States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59957 (sub-No. 40), filed February 26, 1973. Applicant: Motor Freight Express, a corporation, Arsenal Road and Toronita Street, York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between Reisterstown and Emmitsburg, Md.: From Reisterstown over U.S. Highway 140 to Westminster, Md., thence over Maryland Highway 97 to Emmitsburg, and return over the same route, serving all intermediate points and the off-route point of Thurmont, Md.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63417 (sub-No. 48) (correction), filed February 8, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and republished, as corrected, this issue. Applicant: Blue Ridge Transfer Co., Inc., 1814 Hollins Road, NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, D.C. 20005.

NOTE.—The purpose of this partial republication is to add the destination State of Tennessee which was erroneously omitted from the original publication. The rest of the notice remains as previously published.

No. MC 65697 (sub-No. 50), filed February 20, 1973. Applicant: Theatres Service Co., a corporation, 830 Willoughby Way NE., P.O. Box 1695, Atlanta, Ga. 30301. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Printed matter, between the R. R. Donnelley & Sons Co. plantsite, at or near Glasgow, Ky., and points in Alabama, Georgia, South Carolina, and that part of Tennessee east of U.S. Highway 31, restricted against the transportation of traffic from R. R. Donnelley & Sons Co. plantsite, at or near Glasgow, Ky., to Nashville, Tenn., and Savannah, Ga.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, so as to permit service between those points it is now authorized to serve in North Carolina and Tompkinsville, Ky., on the one hand, and, on the other, all points in the territory sought. If a hearing is deemed necessary, applicant requests it be held at Frankfort or Glasgow, Ky.

No. MC 84428 (sub-No. 18), filed February 26, 1973. Applicant: Chester Jackson Co., 470 Schuyler Avenue, P.O. Box 82, Kearny, N.J. 07032. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulfuric acid, in compartmented tank vehicles, from Grasselli, N.J., to Owego, Endicott, and Binghamton, N.Y.

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 Newark, N.J., or New York, N.Y.

No. MC 93980 (sub-No. 58), filed February 26, 1973. Applicant: Vance Trucking Co., Inc., P.O. Box 1119 (Raleigh Road), Henderson, N.C. 27536. Applicant's representative: Henry M. Strause (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden fences, wooden gates, fence material, and juniper lumber, (1) from Nansemond City, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia; and (2) from points in Gates County, N.C., to points in Florida and New Hampshire.

NOTE.—Applicant holds contract carrier authority under MC 116962, therefore dual operations 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., Norfolk, Va., or Raleigh, N.C.

No. MC 103993 (sub-No. 760), filed February 20, 1973. Applicant: Morgan Drive-Away, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, and buildings and sections of buildings, on undercarriages, from ponts in Mesa County, Colo., to points in the United States (except Alaska and Hawaii).

No. MC 103993 (sub-No. 762), filed March 12, 1973. Applicant: Morgan Drive-Away, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, from points in Pontotoc County, Miss., to points in the United States (except 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 Columbus, Miss.

No. MC 104004 (sub-No. 190), filed January 18, 1973. Applicant: Associated Transport, Inc., 380 Madison Avenue, New York, N.Y. Applicant's representative: John P. Tynan, 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities, requiring special equipment), serving the plantsite of Ford Motor Co., located at or near Romeo (Macomb County), Mich., serving as an off-route points in connection with applicant's presently authorized regular route authority.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 104004 (sub-No. 191), filed November 1, 1972. Applicant: Associated Transport, Inc., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Olin Corp., located approximately 5½ miles northwest of Peru, Ind., and approximately 3 miles west of U.S. Highway 31 serving as an off-route point in connection with applicant's regular route authority between Toledo, Ohio, and Chicago, Ill., and other operations from and to Peru, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (sub-No. 841), filed February 26, 1973. Applicant: Refrigerated Transport Co., Inc., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Danieli, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration from the plantsite and warehouse facilities utilized by Jeno's Inc., at Duluth, Minn., to points in Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, North Carolina, South

Carolina, Florida, Virginia, and West Virginia. Restriction: Restricted to traffic originating at and destined to the points named.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Further, applicant is presently authorized to transport frozen foods from and to the points named, however, it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108835 (sub-No. 24), filed February 23, 1973. Applicant: Hyman Freightways, Inc., 3030 Harbor Lane, Plymouth (Minneapolis), Minn. 55427. Applicant's representative: Frank A. Dvorak, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Building, roofing, and insulation materials (except iron and steel and commodities in bulk), and materials used in the manufacture, installation, and distribution thereof, between the plantsites and warehouse facilities of Certain-teed Products Corp., in Scott County, Minn., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109612 (sub-No. 34), filed February 23, 1973. Applicant: Lee Motor Lines, Inc., 4319 South Madison, Muncie, Ind. 47305. 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: Glass containers and closures therefor, from Terre Haute, Ind., to St. Louis, Mo., Cincinnati, Ohio, and points in Tennessee and Kentucky.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 111401 (sub-No. 379), filed February 16, 1973. Applicant: Groendyke Transport, Inc., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Synthetic plastic (polyvinyl chloride) powder, granules, or pellets, in bulk, in tank vehicles, from Oklahoma City, Okla., to Lubbock, Tex.; (2) chemicals, in bulk, in tank vehicles, from Midland, Mich., to those ports of entry on the international boundary line between the United States and Mexico, located in Texas, in foreign commerce only; and (3) neutral paraffin wax, in bulk, in tank vehicles, from Claymont, Del., to those ports of entry on the international boundary line between the United States and Mexico, located in Texas, in foreign commerce only.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 111636 (sub-No. 7), filed February 23, 1973. Applicant: Jeff Motor Lines, Inc., Greenbush Road, Orangeburg, N.Y. 10962. Applicant's representative: Julius Braun, room 21, Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Conduit and pipe (other than steel), and accessories, parts, fittings, and attachments therefor, from Rootstown Township (Portage County), Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with The Flintkote Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 111729 (sub-No. 378), filed February 26, 1973. Applicant: Purolator Courier Corp., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), business papers, records, and audit and accounting media of all kinds moving therewith, between Springfield, Mass., and Flushing, N.Y.; and (2) business papers, records, audit and accounting media of all kinds, and advertising material moving therewith, between Springfield, Mass., and New Canaan and New Milford, Conn.

NOTE.—Common control may be involved. Applicant presently holds a motor contract carrier permit in No. MC-112750 and subs thereunder, and dual operations were the subject of a decision of the Commission in 102 MCC 411, dated July 6, 1966. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intentions 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 New York, N.Y.

No. MC 112822 (sub-No. 265), filed March 5, 1973. Applicant: Bray Lines Inc., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Particleboard, from Domingo, N. Mex., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Oklahoma, Texas, Utah, and Wyoming.

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 Phoenix, Ariz., or Albuquerque, N. Mex.

No. MC 115162 (sub-No. 265), filed February 26, 1973. Applicant: Poole Truck Line, Inc., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plastic pipe, fittings, and accessories therefor, from the plantsite of Central Foundry Co., Division of Gable Industries, located at or near Holt, Ala., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) materials and supplies used in the manufacture of plastic pipe and fittings, from points in the United States, in and east of North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, and Texas, to the plantsite of Central Foundry Co., Division of Gable Industries, located at or near Holt, Ala.

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 Birmingham, Ala.

No. MC 115331 (sub-No. 342), filed February 23, 1973. Applicant: Truck Transport, Inc., 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, from Jacksonville, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 115594 (sub-No. 15), filed February 26, 1973. Applicant: Holloway Motor Express, Inc., P.O. Box 2337, East Gadsden, Ala. 35903. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grain, grain products,

grain byproducts, animal and poultry feeds and ingredients thereof (except shipments in bulk, in tank vehicles), from Buhler and Inman, Kans., to points in Logan County, Ky.; and Faulkner and Pulaski Counties, Ark.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Memphis, Tenn.

No. MC 115826 (sub-No. 248), filed November 8, 1972. Applicant: W. J. Digby, Inc., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles Kimball, room 2310, Colorado State Bank, 1600 Broadway, Denver, Colo. 80217. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Potato products, frozen and nonfrozen, from the plantsite and storage facilities of Pine Bluff Industries, Inc., located at or near Pine Bluffs, Wyo., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Tennessee, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Texas, West Virginia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Vermont, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Wisconsin.

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 Denver, Colo.

No. MC 115841 (sub-No. 453), filed February 21, 1973. Applicant: Colonial Refrigerated Transportation, Inc., 1215 Bankhead Highway West, P.O. Box 168, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Syringes (with or without needles), and other accessories, from North Canaan, Conn., to Dallas, Tex.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 117153 (sub-No. 9), filed February 20, 1973. Applicant: H. G. Snyder, Trucking, Inc., 1111 Pittfield Boulevard, St. Laurent, Quebec, Canada 384. Applicant's representative: Julius Braun, room 21, Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Spring water, in bottles, in cases, and cartons, in vehicles equipped with mechanical refrigeration, from the port of entry on the international boundary line between the United States and Canada at Champlain, N.Y., to Jacksonville, Miami, and Tampa Fla., under contract with Twincraft, Ltd.; and (2) paper labels and dog food ingredients, from points in Connecticut, Ohio, New Jersey, and Pennsylvania to the international boundary line between the United States and Canada at or near Champlain, N.Y., under contract with J. Demers, Inc.

NOTE.—Applicant holds contract carrier authority under MC 117153 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, or Plattsburgh, N.Y.

No. MC 117815 (sub-No. 205), filed February 26, 1973. Applicant: Pulley Freight Lines, Inc., 405 Southeast 20th Street, Des Moines, Iowa, 50317. Applicant's representative: Larry D. Knox, Ninth Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen meats, and inedible foods, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in South Dakota, North Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Kentucky, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage located at or near Bettendorf, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Davenport, Iowa.

No. MC 117344 (sub-No. 223), filed February 20, 1973. Applicant: The Maxwell Co., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, in bulk, from the sites of Bulk Distribution Centers, Inc., located in Campbell and Kenton Counties, Ky., and Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, restricted to shipments having a prior movement by rail.

NOTE.—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 Cincinnati, Ohio, Louisville, Ky., or Washington, D.C.

No. MC 118989 (sub-No. 94), filed February 22, 1973. Applicant: Container Transit, Inc., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic containers and parts related thereto, from the plantsite of Continental Can Co., Inc., at Burlington, Wis., to Rockford, Ill.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119160 (sub-No. 7), filed February 20, 1973. Applicant: H. E. Span & Co., Inc., P.O. Box 1111, Mount Pleasant, Tex. 75455. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ferro alloys, in bulk, in dump trucks or trailers with dump bodies, from inland ports located on navigable rivers in Louisiana and Arkansas, to points in Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with the existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Texas.

No. MC 119493 (sub-No. 100), filed February 23, 1973. Applicant: Monkem Co., Inc., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry feed, feed ingredients, supplements and additives used in the manufacture of animal and poultry feed; and sanitation and health commodities used in the raising of animals and poultry, when transported in the truck with such animal and poultry feed and/or ingredients, between points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, South Dakota, 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 Kansas City, Mo.

No. MC 119557 (sub-No. 7), filed February 20, 1973. Applicant: Howard Kaylor and Kenneth L. Stuart, a partnership, doing business as K & S Tankline, P.O. Drawer R, Copperhill, Tenn. 37317. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulfur dioxide, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Georgia, Alabama, South Carolina, Mississippi, Florida, and Missouri (except points in the St. Louis, Mo., commercial zone).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120184 (sub-No. 8), filed February 26, 1973. Applicant: Pep Lines Trucking Co., a corporation, 15120 Third Avenue, Highland Park, Mich. 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are sold by retail stores, between points in the District of Columbia, on the one hand, and, on the other, points in Faquier, Loudoun, Prince William, and Stafford Counties, Va., and Calvert and Frederick Counties, Md.

NOTE.—Applicant holds contract carrier authority under MC 135280 and subs thereto, therefore dual operations and common control may be involved. Applicant further 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 124078 (sub-No. 540), filed February 23, 1973. Applicant: Schwerman Trucking Co., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Sand, from points in Benton County, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin; (2) industrial sand, from Hanover, Wis., to points in Indiana, Kentucky, and Michigan; and (3) (a) nitrogen fertilizer solutions or other liquid fertilizer solutions, in tank vehicles, (b) fertilizer, dry, in bags or bulk, from Tyner, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant holds pending contract carrier authority under MC 113832 sub 67TA and sub 68, therefore common control and dual operations may be involved. Applicant further states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124511 (sub-No. 13), filed February 20, 1973. Applicant: John F. Oliver, East Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 411 North Seventh Street, suite 1301, 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 which because of size and weight require the use of special equipment), from the plantsite and storage facilities of Continental Steel Corp., at or near Kokomo, Ind., to points in Iowa and Missouri and Kansas City, Kans.

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., or Chicago, Ill.

No. MC 124658 (sub-No. 6), filed February 23, 1973. Applicant: Brader Hauling Service, Inc., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Carbonated beverages, in bottles and cans, from Yakima, Wash., to points in Oregon and Idaho, and empty bottles and cans, from points in Oregon and Idaho to Yakima, Wash., under contract with Noel Canning Corp. of Yakima, Wash.

NOTE.—Applicant also holds common carrier authority under MC 11722 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 124783 (sub-No. 15), filed February 16, 1973. Applicant: Kato Express, Inc., P.O. Box 291, Elizabethtown, Ky. 42701. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Berry Field at Nashville, Tenn., and Ohio, Grayson, Muhlenberg, Hopkins, Caldwell, Christian, Trigg, Todd, Logan, and Allen Counties, Ky.; and (2) between Standiford Field at Louisville, Ky., and points in Ohio, Grayson, Breckinridge, Green, and Muhlenberg Counties, Ky., restricted in (1) and (2) above to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in MC-124783 and subs thereunder but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 125162 (sub-No. 4), filed February 26, 1973. Applicant: Crown Truck Line, Inc., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bricks, blocks, tile and masonry products, and materials and supplies used in the manufacture and installation thereof, between the plantsites and warehouse facilities of Certain-Teed Products Corp., near Lithonia (De Kalb County), Ga., and near Lake Park (Lowndes County), Ga., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-Teed Products Corp., and to movement in vehicles equipped with mechanical unloaders.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125358 (sub-No. 10), filed February 20, 1973. Applicant: Mid-West Truck Lines, Ltd., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Internal combustion engines, from Columbus, Ind., to the port of entry on the international boundary line between the United States and Canada located at Pembina, N. Dak., under a continuing contract, or contracts, with Versatile Manufacturing Ltd., of Winnipeg, Manitoba, Canada.

NOTE.—Applicant holds a motor common carrier certificate in No. MC-134638, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 125433 (sub-No. 40), filed March 2, 1973. Applicant: F-B Truck Line Co., a corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between points in Washington and Oregon, on the one hand, and, on the other, points in Utah.

NOTE.—Applicant presently has pending before the Commission a section 5 application in No. MC-F-11376. 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 Salt Lake City, Utah, and Portland, Oreg., or Salt Lake City, Utah, or Seattle, Wash.

No. MC 125708 (sub-No. 130), filed March 1, 1973. Applicant: Thunderbird Motor Freight Lines, Inc., Highway 32 East, Crawfordsville, Ind. 47933. 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: Electric welded steel tubing, from the warehouse facilities of Leavitt Tube, located at or near Houston, Tex., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Mississippi, Missouri, and Oklahoma. Restriction: Restricted to traffic having a prior movement by rail or water.

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., or Chicago, Ill.

No. MC 125708 (sub-No. 131), filed March 1, 1973. Applicant: Thunderbird Motor Freight Lines, Inc., Highway 32 East, Crawfordsville, Ind. 47933. 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: Refractories, from Mexico, Mo., to points in Alabama, Delaware, Georgia, Louisiana,

Maryland, Minnesota, Mississippi, New Jersey, North Carolina, South Carolina, Tennessee, Wisconsin, Arkansas, 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 St. Louis, Mo.

No. MC 125777 (sub-No. 141), filed February 20, 1973. Applicant: Jack Gray Transport, Inc., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt and calcium chloride, in bulk, in dump vehicles, from the plantsite and storage facilities of Michigan Chemical Corp., at or near St. Louis, Mich., to points in Illinois, Indiana, and 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 Chicago, Ill.

No. MC 125820 (sub-No. 7) (amendment), filed February 13, 1973, published in the FEDERAL REGISTER issue of March 29, 1973, and republished, as amended, this issue. Applicant: Elk Valley Freight Line, Inc., 526 Hagan Street, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. 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), including the transportation of freight in containers and empty containers, (1) between the Tennessee-Alabama State line and Mobile, Ala., from the Tennessee-Alabama State line over U.S. Highway 431 to Anniston, Ala., thence over Alabama Highway 21 to Talladega, thence over U.S. Alternate Highway 231 to Sylacauga, thence over U.S. Highway 231 to Montgomery, thence over Interstate Highway 65 to Mobile, Ala., and return over the same route, serving all intermediate points (except those between Montgomery and Mobile, Ala.); (2) between Gadsden and Talladega, Ala., from Gadsden over Interstate Highway 59 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Alabama Highway 77 and Interstate Highway 20 for joinder only, as an alternate route for operating convenience only; (3) between Anniston and Talladega, Ala., from Anniston, over Alabama Highway 21 to the junction of Interstate Highway 20, thence over Interstate Highway 20 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Interstate Highway 20 and Alabama Highway 77 for joinder only, as an alternate route for operating convenience only; and (4) between the junction of Interstate Highway 65 and Alabama Highway 59 near Stockton and Mobile, Ala., from the junction of Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to the junction of U.S. Highway 31, thence over U.S. Highway 31 to Mobile, Ala., and return over the same route, serving no intermediate points, but serving the junction of Interstate Highway 65 and Alabama Highway 59 for joinder only, as an alternate route for operating convenience only.

NOTE.—The purpose of this republication is to reflect the addition to the commodity description of the transportation of freight in containers and empty containers, and also the addition of item (4) as stated above, to the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128273 (sub-No. 137), filed February 26, 1973. Applicant: Midwestern Express, Inc., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Materials, equipment, and supplies used in production and/or distribution of paper and paper products, from points in Georgia, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, Ohio, Indiana, Illinois, Missouri and Wisconsin, to Cloquet and Brainerd, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128497 (sub-No. 15), filed February 26, 1973. Applicant: Jack Link Truck Line, Inc., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Hygrade Food Products Co., at or near Postville, Iowa, to points in Illinois and Wisconsin, restricted to the transportation of traffic originating at the above-named origin point and destined to the named destinations.

NOTE.—Applicant holds a motor contract carrier permit in No. MC-124807, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 134308 (sub-No. 6), filed January 15, 1973. Applicant: Caddo Express, Inc., 1257 East Reno, Oklahoma City, Okla. 73125. Applicant's representative: Tom Hieronymus, 1002 Ninth Street, Woodward, Okla. 73801. 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, commodities in bulk and commodities requiring special equipment), (1) between Woodward and Fargo, Okla., serving the off-route points of the Woodward Manufacturing Co. and the Woodward Airport, located at or near Woodward, Okla.; from Woodward, Okla., over Oklahoma State Highway 15 to Fargo, Okla., and return over the same route; (2) between Woodward and Forgan, Okla., serving the off-route points of Rosston, Gate, and Knowles, Okla.; from Woodward, Okla., over Oklahoma State Highway 3 to its intersection with U.S. Highway 183, northwest of Fort Supply, Okla., thence over U.S. Highway 183 to Buffalo, Okla., thence over U.S. Highway 64 to Forgan and return to Woodward via U.S. Highway 270; and (3) between Woodward and Sharon, Okla.; from Woodward, over U.S. Highway 270 to its intersection with Oklahoma State Highway 34, thence over Oklahoma Highway 34 to Sharon and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 134599 (sub-No. 71), filed February 23, 1973. Applicant: Interstate Contract Carrier Corp., P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rubber, rubber products, and equipment, materials, and supplies used in the manufacture and production thereof, between Marysville, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Uniroyal, Inc., its divisions and subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (sub-No. 72), filed February 26, 1973. Applicant: Interstate Contract Carrier Corp., P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rubber, rubber products, hose, footwear, chemicals, tires, auto accessories, coated fabric, belting, and materials, supplies and equipment used in the manufacture and production thereof (except commodities in bulk, and those which because of size or weight require special handling or special equipment), between Santa Ana and Los Angeles, Calif., on the one hand, and, on the other, points in that part of the United States located on and east of U.S. Highway 85, under a continuing contract, or contracts, with Uniroyal, Inc., its divisions and subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134922 (sub-No. 45), filed February 20, 1973. Applicant: B. J. McAdams, Inc., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mushroom products, from Kennett Square, Pa., to points in Arizona, California, New Mexico, Oregon, 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 Wilmington, Del., or Little Rock, Ark.

No. MC 134958 (sub-No. 3), filed March 6, 1973. Applicant: Hams Express, Inc., 3499 South Third Street, Philadelphia, Pa. 19148. Applicant's representative: David M. Schwartz, 1025 Connecticut Avenue, suite 502, Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and meat byproducts, articles distributed by meat packinghouses and commodities used by packinghouses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers as described in sections A, C, and D of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except commodities in bulk and hides and skins), (1) from the plantsite, warehouses, and storage facilities utilized by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in California; and (2) from cold storage warehouses (a) at Cleveland, Ohio, to points in Ohio, Michigan, Illinois, and New York; (b) at Chicago, Ill., to points in Illinois, Ohio, Michigan, Missouri, Wisconsin, Colorado, Oklahoma, Arkansas, Kentucky, Nebraska, Indiana, and New York; and (c) at Milwaukee, Wis., to points in Illinois, Wisconsin, and Ohio, under a continuing contract, or contracts, in (1) and (2) above with Blue Bird Food Products Co., of Philadelphia, Pa.

NOTE.—Applicant states that the requested authority in (2) above be limited to traffic having a prior motor carrier movement to the named cold storage warehouses from the facilities utilized by Blue Bird Food Products Co., at or near Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 135877 (sub-No. 11), filed February 26, 1973. Applicant: Ronald R. Brader, doing business as Specialized Trucking Service, 1508 Southwest Fourth Avenue, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) Glass bottles and jars, covers, stoppers, and tops; and fiberboard boxes, knocked down flat or folded flat, when moving in mixed shipments with glass bottles, from points in California to points east of the Cascade Crest in Oreg., and (b) empty containers and pallets on return; (2) plastic bottles, in mixed shipments with glass bottles and jars, covers stoppers and/or fiberboard boxes, from points in California, to points in Washington and Oregon; and (3) return shipments of glass bottles and jars, covers, stoppers, and tops and fiberboard boxes, knocked down flat or folded flat, and plastic bottles, (a) from points in Oregon and Washington, to points in California; and (b) from points in California, to Portland, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136807 (sub-No. 1), filed March 5, 1973. Applicant: International Cartage, Inc., 1020 18th Street, Detroit, Mich. 48126. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, suite 1700, Detroit, Mich. 48226. 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), serving the plantside and facilities of Ford Motor Co. at Romeo, Mich., as an off-route point in connection with carrier's presently authorized regular route operations to and from Detroit, Mich.

NOTE.—Applicant is presently operating pursuant to its section 5 application in No. MC-F-10537. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 138035 (sub-No. 1), filed February 26, 1973. Applicant: Arthur J. and Walter A. Schuh, a partnership, doing business as Schuh Bros. Trucking, Kelliher, Minn. 56650. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden products, including shingles, fencing, posts, and wallboard, from the plantsite of Minnesota Cedar Products near Northome, Minn., to points in Texas.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Fargo, N. Dak.

No. MC 138136 (sub-No. 1), filed February 26, 1973. Applicant: Merlin L. Black, doing business as Tab Trucking Co., North 9515 Wall, Spokane, Wash. 99208. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Welded and woven wire fencing and steel fence posts, from Georgetown, Conn., and Blue Island, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Wyoming, New Mexico, and Washington, under contract with Gilbert & Bennett Mfg. Co.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Spokane or Seattle, Wash., or Portland, Oreg.

No. MC 138282 (sub-No. 1), filed February 20, 1973. Applicant: Henry D. Maas, Box 264, Arlee, Mont. 59821. Applicant's representative: Craig S. Sternberg, 400 Hoge Building, Seattle, Wash. 98104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Junk automotive and farm machinery bodies and parts and scrap iron, from points in Idaho and Montana, to Spokane, Wash., under contract with American Recycling Corp.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Seattle, Wash., Spokane, Wash., or Helena, Mont.

No. MC 138328 (sub-No. 2), filed February 20, 1973. Applicant: Clarence L. Werner, doing business as Werner Enterprises, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Upholstered furniture between Council Bluffs, Iowa, and points in the United States (except Alaska and Hawaii); and (2) materials, equipment, and supplies used in the manufacture of upholstered furniture from points in the United States (except Alaska and Hawaii) to Council Bluffs, Iowa.

NOTE.—Applicant holds contract carrier authority under MC 133233 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138368 (sub-No. 1), filed February 19, 1973. Applicant: Glass Transport, Inc., Cherry Lane, Route No. 2, P.O. Box 197, Oswego, Ill. 60543. Applicant's representative: Craig B. Sherman, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and cardboard boxes, from Plainfield, Ill., to points in Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138415 (sub-No. 1), filed February 20, 1973. Applicant: Trailer Express, Inc., P.O. Box 321, Topeka, Ind. 46571. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Boats, (a) from Syracuse, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota,

Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and Suisun City and San Leandro, Calif.; (b) from Suisun City and San Leandro, Calif., to points in Washington, Oregon, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and Syracuse, Ind.; (2) boats, incomplete; boats, incomplete, and boat parts when shipped in conjunction therewith; boats parts and/or accessories and parts for assembly of boats, (a) from Syracuse, Ind., to Suisun City and San Leandro, Calif.; and (b) from Suisun City and San Leandro, Calif., to Syracuse, Ind.; and (3) rejected and damaged boats, (a) from points in Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and Suisun City and San Leandro, Calif., to Syracuse, Ind., and (b) from points in Washington, Oregon, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, and Colorado, to Suisun City and San Leandro, Calif.

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 Chicago, Ill., or Washington, D.C.

No. MC 138479, filed February 20, 1973. Applicant: C & C Cartage, Inc., 740 West Ireland Road, South Bend, Ind. 46114. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Vinyl, asphalt, aluminum, and steel siding and vinyl skirting, from the plantsite and warehouse facilities of Mastic Corp., at South Bend, Ind., and Chicago, Ill., to points in Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Michigan, Wisconsin, Georgia, Florida, South Carolina, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, and (2) materials and supplies used in the manufacture and distribution of the foregoing commodities on return, under contract with Mastic Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 138482 filed February 20, 1973. Applicant: Spacemaster Trucking Corp., Interstate 26 and Montague Overpass, Charleston Heights, S.C. 29405. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60693. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Store display equipment and fixtures; library equipment and fixtures; office landscaping equipment and office landscaping furniture; and shelving stack; (a) from the plantsites and warehouse of Reflector Hardware Corp., located at or near Melrose Park, Ill., to points east of New Mexico, Colorado, Wyoming, and Montana, and to Gardena, Calif.; (b) from the plantsites and warehouses of Goer Manufacturing Co., located at or near Charleston Heights, S.C., to points in Texas, Kansas, Nebraska, Minnesota, Wisconsin, Iowa, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, Delaware, Connecticut, New York, New Jersey, the District of Columbia, and to Gardena, Calif.; (c) from the plantsites and warehouse of the Garcy Corp., located at or near Chicago, Ill., to the destinations set forth in 1(a) above; (d) from the plantsites and warehouses of Midland Industries, located at or near Wichita, Kans., to the destinations set forth in 1(a) above; and (e) from the plantsites and warehouses of the Goer Manufacturing Co., the Garcy Corp., and Reflector Hardware Corp., located at or near Gardena, Calif., to points in Oregon, Washington, Nevada, Utah, Wyoming, Montana, Arizona, Colorado, and New Mexico; (2) decor items, such as cornices, light coverings, graphics, graphic fixtures, signs and letters, from the plantsites and warehouses of Concepts, Inc., located at or near Minneapolis, Minn., to points as set forth in 1(a) above; (3) shelving stacks, from Encino, Calif., to plantsites and warehouses of Reflector Hardware Corp., located at or near Melrose Park, Ill., and Midland Industries, at Wichita, Kans.; and (4) materials and supplies (except commodities in bulk) used in the manufacture of the commodities described in (1) and (2) above, from points in Indiana, Ohio, Minnesota, New York, Pennsylvania, West Virginia, Virginia, Maryland, Tennessee, North Carolina, Mississippi, South Carolina, Michigan, and Wisconsin, to the plantsites and warehouses of Reflector Hardware Corp., located at or near Melrose Park, Ill., the Garcy Corp., at Chicago, Ill., the Goer Manufacturing Co., at Charleston Heights, S.C., and Midland Industries at Wichita, Kans., under contract Reflector Hardware Corp., and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138498 (sub-No. 2), filed February 26, 1973. Applicant: Asi, Inc., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Baggage, having a prior or subsequent movement by air, from points in Florida to points in Florida and Georgia.

NOTE.—Applicant also has a temporary contract carrier authority application pending under MC 138429 (sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138504, filed February 20, 1973. Applicant: Hatfield Recon Center, Inc., 425 West Main Street, Lansdale, Pa. 18232. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automotive vehicles and other self-propelled motor vehicles, in truckaway and driveaway service, between Hatfield Township, Montgomery County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138505, filed February 23, 1973. Applicant: Metropolitan Contract Services, Inc., 710 North Post Oak Road, suite 100, Houston, Tex. 77024. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as contract carrier, by motor vehicle, over irregular routes, transporting: Retail store merchandise, fixtures, and equipment, from the plantsite of Montgomery Ward & Co., Inc., located on U.S. Highway 69 and/or U.S. Highway 287, in Beaumont, Tex., to points in Louisiana, under a continuing contract with Montgomery Ward & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Dallas, Tex., or Baton Rouge, La.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (sub-No. 256), filed February 21, 1973. Applicant: Erickson Transport Corp., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Vinegar and vinegar stock, from Chicago, Ill., to Nixa and Springfield, Mo.; (2) liquid soap, cleaning commodities and ingredients, from Denver, Colo., to points in Louisiana and Texas (except liquid soap from Denver, Colo., to Metairie and New Orleans, La.); (3) liquid soap, cleaning commodities and ingredients, from points in Louisiana and Texas, to Denver, Colo. (except chemicals from Lake Charles, Luling, Taft, and Geisner, La.; and points within 15 miles thereof, acids and chemicals, from North Sea Drift and Texas City, Tex., and points in Brazoria, Harris, and Jefferson Counties, Tex., dry chemicals, from points within 50 miles thereof to Denver, Colo.); and (4) liquid soap products, cleaning commodities and ingredients,

from Denver, Colo., to points in St. Charles, St. Louis, and Jefferson Counties, Mo., and Madison, St. Clair, and Monroe Counties, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 117255 (sub-No. 3), filed February 20, 1973. Applicant: Iowa Refrigerated Express, Inc., P.O. Box 3244, Des Moines, Iowa 50316. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from the facilities of Kitchens of Sara Lee at New Hampton, Iowa, to points in Illinois, Indiana, Michigan, and Wisconsin, restricted to the transportation of shipments originating at the above-named origin and destined to the named destination States.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138281 (sub-No. 2), filed February 26, 1973. Applicant: Mill Trucking Corp., 941 Meetinghouse Road, Rydal, Pa. 19046. Applicant's representative: Rodman Kober, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Paperboard, from Philadelphia, Pa., to Bridgeport, East Hampton, Hartford, New Haven, and Norwich, Conn., Clayton, Del., Nashua, N.H., Albany and Rochester, N.Y., Ranson, W. Va., and points in Massachusetts and Rhode Island; and (2) scrap paper and skids, from the destinations in (1) above to Philadelphia, Pa., under a continuing contract in (1) and (2) above with Newman & Co., Inc., at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6969 Filed 4-11-73;8:45 am]

PIPELINE ADVISORY COMMITTEE ON VALUATION

Notice of Certification and Establishment

The Interstate Commerce Commission in compliance with the Federal Advisory Committee Act (Public Law 92-463) has created an advisory committee to be known as the Pipeline Advisory Committee on Valuation. Creation of this advisory committee is in the public's interest since it will afford all interested parties with the opportunity to submit data and information appropriate to the determination of annual price/cost indices for pipeline facilities and equipment. Furthermore, it will provide all interested parties with an opportunity to attend, appear before, or file statements at any future scheduled meetings of this committee.

NATURE AND PURPOSE OF COMMITTEE

The committee will provide the Bureau of Accounts with data and information needed by the Commission to determine annual price/cost indices for pipeline facilities and equipment. These indices are vital to the Commission in determining:

(1) Original (basic) valuations of all oil pipelines as required by section 19a of the Interstate Commerce Act.

(2) Annual valuations for each pipeline which the Commission must do to comply with the requirement of section 19a that on completion of such original valuations it shall keep itself informed of all new construction, extensions, and improvements in each such pipeline and all changes in the investment and the valuation.

In certain cases valuations have been the basis upon which the Commission has determined the reasonableness of pipeline rates, and these valuations are certified by the Commission to the Department of Justice for its use in determining compliance by the pipelines with the oil pipeline consent decree.

These valuations are also used by State and local authorities in the regulation of pipeline rates and in the taxation of pipeline properties.

The committee will serve in an advisory capacity only; completely independent and final calculation of data and information submitted by the committee will be made by the Commission's Bureau of Accounts.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-7063 Filed 4-11-73;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.

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