

federal register

WEDNESDAY, MAY 16, 1973

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Weekly List of Public Laws

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

S. 50..... Pub. L. 93-29
Older Americans Comprehensive Services Amendments of 1973 (Title IX of act is cited as Older American Community Service Employment Act.) (May 3, 1973; 87 Stat. 30)

S. 1494..... Pub. L. 93-31
Central Intelligence Agency employees, retirement (May 8, 1973; 87 Stat. 65)

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National Historic Preservation Week, designation (May 5, 1973; 87 Stat. 65)

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11718

Designating the International Telecommunications Satellite Organization (INTELSAT) as an International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

The International Telecommunications Satellite Organization (INTELSAT) was established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT), which entered into force February 12, 1973, and the Operating Agreement signed pursuant thereto, TIAS 7532. The United States participates in the Organization pursuant to the authority of the Communications Satellite Act of 1962 (76 Stat. 419; 47 U.S.C. 701-744).

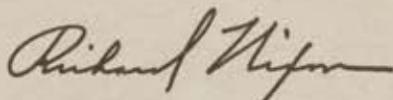
NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), it is ordered as follows:

Section 1. (a) I hereby designate the International Telecommunications Satellite Organization (INTELSAT) as an international organization, as that term is defined in section 4(i) of the International Organizations Immunities Act, entitled to enjoy, on and after February 12, 1973, all of the privileges, exemptions, and immunities provided by section 2 (a) and (d) and section 4 (a), (c), (d), (e), and (f) of that act.

(b) The foregoing designation is not intended to abridge in any respect any privileges, exemptions, or immunities which such organization may have acquired or may hereafter acquire by treaty, Congressional action, or other Executive order.

Sec. 2. The representatives to the Board of Governors of INTELSAT and their alternates shall enjoy the same privileges, exemptions, and immunities that the representatives to the Interim Communications Satellite Committee and their alternates enjoyed pursuant to Executive Order No. 11227 of June 2, 1965.

Sec. 3. Executive Order No. 11227 of June 2, 1965 (except for the purpose referred to in section 2 hereof), and Executive Order No. 11277 of April 30, 1966, are hereby revoked.



THE WHITE HOUSE,
May 14, 1973.

[FR Doc.73-9884 Filed 5-14-73;4:45 pm]

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Jan 28th

Jan 29th

Jan 30th

Jan 31st

Wm. W. [Signature]

MEMORANDUM OF APRIL 26, 1973

[Presidential Determination No. 73-12]

Eligibility To Receive Defense Articles and Services

Memorandum for the Secretary of State

THE WHITE HOUSE

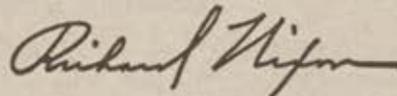
Washington, April 26, 1973.

Subject: Eligibility of the International Commission of Control and Supervision in Vietnam and the International Commission for Supervision and Control in Laos to Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and Under the Foreign Military Sales Act, as Amended.

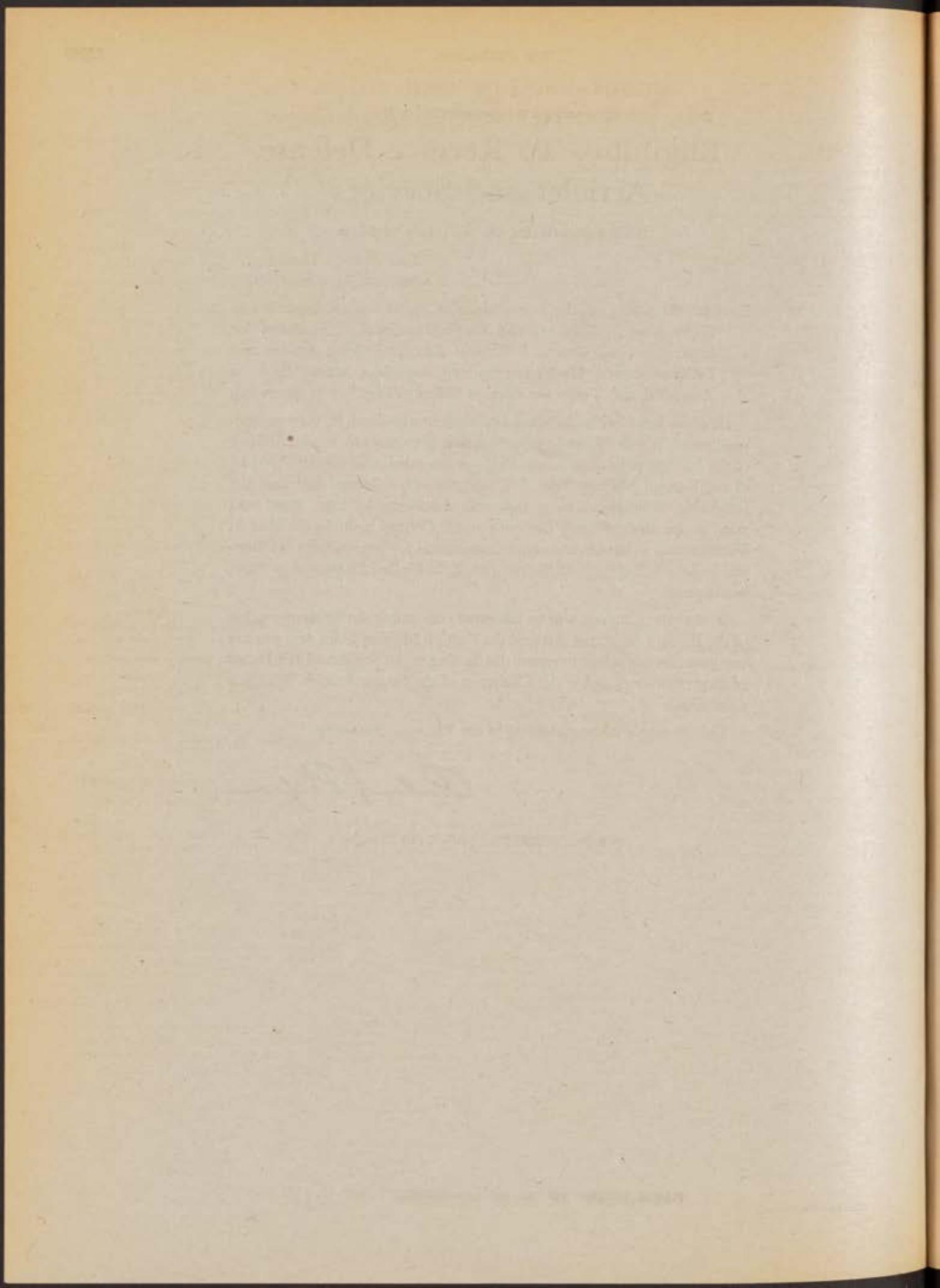
In accordance with the recommendation contained in your memorandum of March 26, and pursuant to the provisions of section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Foreign Military Sales Act, as amended, I hereby find that the furnishing of defense articles and defense services, by loan, grant and sale, to the International Commission of Control and Supervision in Vietnam and to the International Commission for Supervision and Control in Laos will strengthen the security of the United States and promote world peace.

So that the Congress will be informed concerning the implementation of the Foreign Assistance Act and the Foreign Military Sales Act, you are requested on my behalf to report this finding to the Speaker of the House of Representatives and to the Chairman of the Senate Foreign Relations Committee.

This finding shall be published in the FEDERAL REGISTER.



[FR Doc.73-9892 Filed 5-15-73; 10:07 am]



Rules and Regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Director, Congressional Liaison, Special Action Office for Drug Abuse Prevention, is excepted under schedule C.

Effective May 16, 1973, § 213.3303(j) (6) is added as set out below.

§ 213.3303 Executive Office of the President.

(j) *Special Action Office for Drug Abuse Prevention.* * * *

(6) One Director, Congressional Liaison.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 73-9629 Filed 5-15-73; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of confidential assistant to the Director, Bureau of the Census, is excepted under schedule C.

Effective May 16, 1973, § 213.3314(d) (4) is added as set out below.

§ 213.3314 Department of Commerce.

(d) *Bureau of the Census.* * * *
(4) One confidential assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 73-9628 Filed 5-15-73; 8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Released From Quarantine

This amendment releases Harding County in New Mexico from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR part 73, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said part 73 apply to the excluded area.

Pursuant to provisions of the act of May 29, 1884, as amended, the act of February 2, 1903, as amended, the act of March 3, 1905, as amended, and the act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico is amended to read:

§ 73.1a Notice of quarantine.

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

- (1) Chaves County.
- (2) Curry County.
- (3) De Baca County.
- (4) Guadalupe County.
- (5) Lincoln County.
- (6) Roosevelt County.
- (7) Torrance County.
- (8) Quay County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-793, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113,

115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective May 10, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be a maximum benefit to affected persons. It does not appear that public participation in this rule-making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 10th day of May, 1973.

F. J. MULHERN,
*Administrator, Animal and Plant
Health Inspection Service.*

[FR Doc. 73-9647 Filed 5-15-73; 8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-668]

PART 523—MEMBERS OF BANKS

Amendment Relating to Liquidity

MAY 10, 1973.

The Federal Home Loan Bank Board by document No. 73-608 dated May 3, 1973, which was duly published in the FEDERAL REGISTER on May 10, 1973 (38 FR 12202), amended § 523.111 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 7 percent to 6½ percent of its liquidity base and of reducing each member's short-term liquidity requirement from 3 percent to 2½ percent of such base. In order to clarify the short-term liquidity requirement as so amended, the Board considers it desirable to further amend said § 523.11 by deleting the phrase "beginning with

January, 1972", from the second sentence of paragraph (a) thereof. As amended, the 2½ percent short-term liquidity requirement is effective beginning with the first day of May 1973, rather than being retroactive to January 1972. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof to read as follows, effective May 16, 1973:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount of not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

Since the above amendment is for the purpose of clarification, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11, and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorganization plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.73-9707 Filed 5-15-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-8]

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

Alteration of Transition Area

Correction

In FR Doc. 73-8598 appearing on page 10922 in the issue for Thursday, May 3,

1973, in the penultimate line of the amendment to the Indiana, Pa., transition area (§ 71.181), the word "each" should read "east".

CHAPTER II—CIVIL AERONAUTICS BOARD

Subchapter A—Economic Regulations

[Reg. ER-801]

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

Modification of Stay of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of May 1973.

Part 221 of the Board's economic regulations (14 CFR part 221) contains provisions which require certificated air carriers and foreign air carriers availing themselves of limitations on liability to passengers for death or personal injury, and for loss, damage to, or delay in the delivery of passenger baggage, under the Warsaw Convention, to give notice of such limitations in the form of ticket and sign notices.¹ The dollar limitations specified in these notices are intended to reflect the minimum liability requirements of the Convention, which are based on a gold standard. After the dollar was devalued in 1972,² the Board amended the subject provisions to restate the dollar limitations allowable under the Convention in view of the devaluation.³ The amendments became effective December 18, 1972, but in order to permit carriers to use up ticket stocks already on hand, the Board provided that carriers need not reflect the new dollar limitations in their ticket notices until March 15, 1973.

Prior to that date, the President took action directed toward a further devaluation of the dollar. The Board thereupon determined that, since enactment by Congress of this further devaluation would render the dollar limitations specified in ER-779 obsolete, no regulatory purpose would be served by requiring carriers which had not already revised their ticket stock in compliance with that regulation to do so while the further devaluation was pending. Accordingly, the Board stayed, until further notice, the effectiveness of ER-779, insofar as it required carriers to revise their passenger tickets.⁴

A number of carriers have now indicated that they must order new ticket stocks, and they request to be permitted

¹ Sections 221.175 (special notice of limited liability for death or injury under the Warsaw Convention) and 221.176 (notice of limited liability for baggage; alternative consolidated notice of liability limitations).

² The enacted devaluation became effective May 8, 1972. Public Law 92-268, March 31, 1972.

³ ER-779, adopted November 14, 1972, 37 FR 24657.

⁴ ER-790, February 27, 1973, 38 FR 5838. It was also provided that those carriers who had already revised their ticket stocks in the manner permitted by ER-779 would not be considered to be in violation of the applicable regulations, insofar as such revised ticket stock was used, until further notice.

to include therein dollar limitations reflecting the pending devaluation. Although we think it would be inappropriate to amend ER-779 until such time as Congress has acted upon the pending devaluation, we recognize that, as a practical matter, international transactions already reflect the President's action and carriers should be permitted to use ticket stock based thereon. Accordingly, we are hereby modifying ER-790 to provide that, until further notice, carriers will not be considered to be in violation of the applicable notice provisions of §§ 221.175 and 221.176 insofar as the relevant liability limitations are expressed in the following amounts:

Death or personal injury: \$10,000.
Checked baggage: \$9.07 per pound (\$20 per kilo).
Unchecked baggage: \$400.

It should be noted that the modification of ER-790 contained herein is permissive rather than mandatory. Those carriers which continue to give notice of liability consistent with the provisions of ER-790 will not for that reason be held to be in violation of the Board's regulations, until further notice.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9719 Filed 5-15-73; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2370]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Central Industries, Inc., and Midas-International Corp.

Correction

In FR Doc. 73-8446, appearing at page 10707 in the issue of Tuesday, May 1, 1973, in the second line under paragraph XI, "for a" should read "within".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ENDOTHALL

Correction

In FR Doc. 73-8368 appearing on page 10638 in the issue of Monday, April 30, 1973, make the following changes:

1. In the fifth line in the third column, the first word "methylalkylamine" should read "dimethylalkylamine".

2. In the sixth and seventh lines of § 121.1248, the words "N-dimethylalkyl-

amine" and "N-dimethylalkylamine" should read "N-dimethylalkylamine" and "N-dimethylalkylamine".

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

PYROGALLOL AND FERRIC AMMONIUM CITRATE

The Commissioner of Food and Drugs, on the basis of a petition (CAP No. 13) submitted by Davis and Geck Division, American Cyanamid Co., Danbury, Conn. 06813, and other relevant material, finds that pyrogallol and ferric ammonium citrate are safe under the conditions prescribed in this order for use in coloring plain and chromic catgut sutures for use in general and ophthalmic surgery and that certification is not necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402-403; 21 U.S.C. 376(b)(1), (c)(2), (d)) and under authority delegated to the Commissioner (21 CFR 2.120), part 8 is amended by adding to subpart F the following new sections:

§ 8.6017 Pyrogallol.

(a) *Identity.* The color additive pyrogallol is 1,2,3-trihydroxybenzene.

(b) *Specifications.* Pyrogallol shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Melting point, between 130° and 133° C.
Residue on ignition, not more than 0.1 percent.

Lead (as Pb), not more than 20 p/m (parts per million).

Arsenic (as As), not more than 3 p/m.

(c) *Uses and restrictions.* Pyrogallol may be safely used in combination with ferric ammonium citrate (as listed in § 8.6018 (21 CFR 8.6018) of this chapter), for coloring plain and chromic catgut sutures for use in general and ophthalmic surgery, subject to the following restrictions:

(1) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(2) The level of the ferric ammonium citrate-pyrogallol complex shall not exceed 3 percent of the total weight of the suture material.

(3) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

(4) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the act, is in effect for it.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32 (21 CFR 8.32) of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are

exempt from the certification requirements of section 706(c) of the act.

§ 8.6018 Ferric ammonium citrate.

(a) *Identity.* The color additive ferric ammonium citrate consists of complex chelates prepared by the interaction of ferric hydroxide with citric acid in the presence of ammonia. The complex chelates occur in brown and green forms, are deliquescent in air, and are reducible by light.

(b) *Specifications.* Ferric ammonium citrate shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Iron (as Fe), not less than 14.5 percent and not more than 18.5 percent.

Lead (as Pb), not more than 20 p/m.

Arsenic (as As), not more than 3 p/m.

(c) *Uses and restrictions.* Ferric ammonium citrate may be safely used in combination with pyrogallol (as listed in § 8.6017 (21 CFR 8.6017) of this chapter), for coloring plain and chromic catgut sutures for use in general and ophthalmic surgery subject to the following conditions:

(1) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(2) The level of the ferric ammonium citrate-pyrogallol complex shall not exceed 3 percent of the total weight of the suture material.

(3) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

(4) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the act, is in effect for it.

(d) *Labeling.* The labeling of the color additive shall conform to the requirements of § 8.32 (21 CFR 8.32) of this chapter.

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

Any person who will be adversely affected by the foregoing order may at any time on or before June 15, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or

brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 16, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d); 74 Stat. 399, 402-403; 21 U.S.C. 376(b)(1), (c)(2), (d).)

Dated May 10, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-9751 Filed 5-15-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Miscellaneous Amendments

These amendments to the regulations issued pursuant to the Emergency Employment Act, Public Law 92-54, 85 Stat. 146, 42 U.S.C. 4876, are promulgated in order:

1. To broaden the definition of "underemployed persons" to include enrollees in the Neighborhood Youth Corps in-school program regardless of their employing agencies. This will make it possible for in-school enrollees to move into summer employment under PEP without an intervening period of unemployment.

2. To make it clear that the 14-day minimum period of unemployment and the 30-day minimum interval before rehire by the program agent apply to participants hired in programs funded with discretionary funds. Incorporation by reference of § 55.7(e) which would have made this clear was inadvertently omitted from § 55.54(a) when it was last revised.

Because the first of these amendments is needed promptly in order to benefit students at the end of the school year, and the second corrects an error so that these regulations conform to our present policy, there is good cause not to publish notice of proposed rulemaking with opportunity for comment. As they either waive a restriction or clarify an interpretation which is already in effect, I find it unnecessary to delay the effective date. Accordingly, these regulations will be effective when published.

1. Section 55.1(r)(1) is amended to read as follows:

§ 55.1 Definitions.

(r) "Underemployed person" means—

(1) A person who is seeking full-time employment while working part time in an in-school Neighborhood Youth Corps program, or for an employer other than

the employing agency from which he seeks work; or

2. Section 55.54(a) is amended to read as follows:

§ 55.54 Selection of participants.

(a) Paragraph (a), (b), (c), (e), and (g) of § 55.7 are incorporated herein.

Signed at Washington, D.C., this 11th day of May 1973.

W. H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.73-9738 Filed 5-15-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 73-99R]

PART 110—ANCHORAGE REGULATIONS
Hampton Roads, Va., and Adjacent Waters

The purposes of these amendments to the anchorage regulations are to enlarge an existing anchorage and to establish an additional anchorage for vessels used in the construction of the second Hampton Roads Bridge-Tunnel.

These amendments are based on a notice of proposed rulemaking published in the FEDERAL REGISTER on December 12, 1972 (37 FR 26436), and public notice issued by the Commander, Fifth Coast Guard District on January 17, 1972. No comments were received in response to the public notice or notice of proposed rulemaking.

These amendments to § 110.168(a) enlarge the present anchorage T-1 and establish an additional anchorage. These anchorages are needed to provide anchorages for construction equipment, barges, and a tugboat close to the site of the second Hampton Roads Bridge-Tunnel.

In consideration of the foregoing, part 110 is amended by revising § 110.168(a) (8) and by adding a new § 110.168(a) (12) to read as follows:

§ 110.168 Hampton Roads, Va. and adjacent waters.

(a) * * *

(8) *Anchorage T-1, construction equipment.*—Anchorage T-1 is a five-sided area located between Phoebus Channel and the existing North Island and Trestle of the present Hampton Roads Bridge-Tunnel within the following boundary: A line beginning at a point of latitude 37°00'35" N., longitude 76°19'19" W.; thence to latitude 37°00'43" N., longitude 76°19'07" W.; thence to latitude 37°00'25" N., longitude 76°18'58" W.; thence to latitude 37°00'00" N., longitude 76°19'00" W.; thence to latitude 37°00'15" N., longitude 76°19'10" W.; thence to the point of beginning. This anchorage is for the exclusive use of barges and construction equipment used in the construction of the second Hampton Roads Bridge-Tunnel.

(12) *Temporary anchorage for construction equipment T-5.*—Anchorage T-5 is a four-sided area southwest of the existing North Island of the present Hampton Roads Bridge-Tunnel within the following boundary: A line beginning at a point at latitude 37°00'07" N., longitude 76°19'12" W.; thence to latitude 36°59'58" N., longitude 76°19'04" W.; thence to latitude 36°59'57" N., longitude 76°19'11" W.; thence to latitude 37°00'05" N., longitude 76°19'19" W.; thence to the point of beginning. This anchorage is for the exclusive use of barges and construction equipment used in the construction of the second Hampton Roads Bridge-Tunnel. Any barge mooring in this anchorage must be tended by a boat or boats capable of maneuvering the barge in case of emergency.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1)(A), 80 Stat. 937; (33 U.S.C. 471), (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(c)(1).)

Effective date.—This amendment shall become effective on June 15, 1973.

Dated May 9, 1973.

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

[FR Doc.73-9745 Filed 5-15-73;8:45 am]

CHAPTER II—CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMY

PART 201—GENERAL REGULATIONS

Lights and Day Signals

APRIL 26, 1973.

The Department of the Army has in the past issued regulations for lights and day signals for certain vessels operating on the Great Lakes and their tributary waters, on the Red River of the North, and on Western Rivers and their tributaries which empty into the Gulf of Mexico. The Coast Guard has issued identical regulations for vessels operating in harbors, rivers, and inland waters except the "Great Lakes" and "Western Rivers". The purpose of this revocation is to eliminate this duplication of regulatory effort by the Corps of Engineers and the Coast Guard and to place regulatory responsibility for these activities exclusively with the Coast Guard.

Revocation of these regulations will become effective when the Coast Guard takes appropriate action to promulgate identical regulations in part 90, title 33 of the Code of Federal Regulations.

Since this change is only procedural in nature, the Under Secretary of the Army has found that notice of proposed rulemaking and public procedures thereto are unnecessary and that good cause exists for making this revocation effective upon appropriate action by the Coast Guard to promulgate identical

regulations in the FEDERAL REGISTER. The revocation is set forth below.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA,
Acting Director of Civil Works.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), §§ 201.1 through 201.16, and 201.20 governing lights and day signals for certain vessels operating on the "Great Lakes" and "Western Rivers" as defined in § 201.1 are hereby revoked effective upon promulgation in the FEDERAL REGISTER in title 33 of identical regulations by the U.S. Coast Guard as §§ 90.31 through 90.46 as follows:

§§ 201.1 through 201.16 (inclusive) and § 201.20 [Revoked]

(Regs. April 3, 1973.) (Sec. 7, 40 Stat. 266; 33 U.S.C. 1.)

[FR Doc.73-9624 Filed 5-15-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

PROCURING ACTIVITIES

Miscellaneous Amendments

1. The following sections have been revised to reflect the organizational changes set forth in the AID general notice of August 11, 1972, and delegation of authority No. 99.

PART 7-1—GENERAL

2. Contents of part 7-1 General.

§ 7-1.253 [Amended]

a. Delete § 7-1.253, "Assistant Administrator" and insert "Reserved".

§ 7-1.453-2 [Amended]

b. Delete "Assistant Administrator for Administration" in § 7-1.453-2 and insert "Assistant Administrator for Program and Management Services".

Subpart 7-1.1 Introduction

§§ 7-1.102 and 7-1.104-4 [Amended]

3. Delete "Assistant Administrator for Administration" in §§ 7-1.102 and 7-1.104-4 and insert "Assistant Administrator for Program and Management Services".

§ 7-1.103 [Amended]

4. Delete "Office of Administrative Services, A/AS" in § 7-1.103(b) and insert "Office of Management Operations".

5. Revise § 7-1.104-5 to read:

§ 7-1.104-5 Responsibility.

Responsibility for the development and maintenance of AIDPR is assigned to the Assistant Administrator for Program and Management Services, and under him, to the Director, Office of Contract Management, or such other officer as the Assistant Administrator may designate.

Amendments and revisions will be prepared in coordination with the General Counsel, and such other offices as may be appropriate.

§ 7-1.106 [Amended]

6. In § 7-1.106 delete "Office of Procurement" and insert "Office of Contract Management".

7. Amend § 7-1.107-3 to read as follows:

§ 7-1.107-3 Procedure.

(a) Deviations from FPR or AIDPR affecting one contract or transaction:

(1) Deviations which affect only one contract or procurement will be made only after prior approval by the head of the procuring activity. Deviation requests containing the information listed in paragraph (c) of this section, shall be submitted sufficiently in advance of the effective date of such deviation to allow adequate time for consideration and evaluation by the head of the procuring activity.

(2) Requests for such deviations may be initiated by the responsible AID contracting officer who shall obtain clearance and approvals as may be required by the head of the procuring activity. Prior to submission of the deviation request to the head of the procuring activity for approval, the contracting officer shall obtain written comments from the Office of Contract Management, Support Division. The Support Division shall normally be allowed at least 5 working days prior to the submission of the deviation request to the head of the procuring activity, to review the request and to submit comments. If the exigency of the situation requires more immediate action, the requesting office may arrange with the Support Division for a shorter review period. In addition to a copy of the deviation request, the Support Division shall be furnished any background or historical data which will contribute to a fuller understanding of the deviation. The comments of the Support Division shall be made a part of the deviation request file which is forwarded to the head of the procuring activity.

(3) Coordination with the Office of General Counsel, as appropriate, should also be effected prior to approval of a deviation by the head of the procuring activity.

(b) * * *

(2) Class deviations from the FPR shall be considered jointly by AID and GSA (FPR 1-1.009-2) unless, in the judgment of the head of the procuring activity, after due consideration of the objective of uniformity, circumstances preclude such joint effort. The head of the procuring activity shall certify on the face of the deviation the reason for not obtaining GSA coordination. In such cases, the Office of Contract Management, Support Division, shall be responsible for notifying GSA of the class deviation.

(3) * * *

(1) The request shall be processed in the same manner as paragraph (a) of this section, except that the Office of

Contract Management, Support Division shall be allowed at least 10 working days prior to the submission of the deviation request to the head of the procuring activity, to effect the necessary coordination with GSA and to submit comments. If the exigency of the situation requires more immediate action, the requesting office may arrange with the Support Division for a shorter review and coordination period. The comments of GSA and the Support Division shall be made a part of the deviation request file which is forwarded to the head of the procuring activity.

* * *

(d) Register of deviations.

Separate registers shall be maintained by the procuring activities of the deviations granted from FPR and AIDPR. Each deviation shall be recorded in its appropriate register and shall be assigned a control number as follows: the symbol of the procuring activity, the abbreviation "DEV", the fiscal year, the serial number (issued in consecutive order during each fiscal year) assigned to the particular deviation and the suffix "c" if it is a class deviation, e.g., CM-DEV-73-1, CM-DEV-73-2c. The control number shall be embodied in the document authorizing the deviation and shall be cited in all references to the deviation.

(e) Central record of deviations.

Copies of approved deviations shall be furnished promptly to the Office of Contract Management, Support Division, who shall be responsible for maintaining a central record of all deviations that are granted.

(f) Semiannual report of class deviations.

(1) AID contracting officers shall submit a semiannual report to the Office of Contract Management, Support Division of all contract actions effected under class deviations to FPR and AIDPR which have been approved pursuant to paragraph (b) of this section.

* * *

Subpart 7-1.2 Definition of Terms

8. Revise § 7-1.204 as follows:

§ 7-1.204 Head of the agency.

"Head of the agency" means, for AID, the Administrator, the Deputy Administrator and the Assistant Administrator for Program and Management Services.

9. Revise § 7-1.205 as follows:

§ 7-1.205 Procuring activity.

The procuring activities within AID are: (1) The AID/Washington procuring activities, which are the Office of Contract Management, Office of Management Operations, Office of Public Safety, and the Office of International Training; and (2) the overseas field activities (including missions) which have been delegated procurement authority.

10. Revise § 7-1.206 as follows:

§ 7-1.206 Head of the procuring activity.

The heads of the procuring activities within AID are: (1) The Assistant Ad-

ministrator for Program and Management Services, (2) the Director, Office of Contract Management, and (3) the Mission Directors or other officers in charge of overseas field activities who have been delegated procurement authority.

§ 7-1.253 [Reserved]

11. Delete § 7-1.253 "Assistant Administrator" in its entirety and insert "Reserved".

Subpart 7-1.3 General Policies

12. Revise § 7-1.305-3 as follows:

§ 7-1.305-3 Deviations from Federal specifications.

Deviations from Federal specifications will be handled as provided in AIDPR 7-1.107. The head of the procuring activity is responsible for assuring compliance with the policies stated in the Federal procurement regulations. The Director, Office of Contract Management, will coordinate AID efforts and activities in this regard and will provide a central liaison with the General Services Administration. Except as the head of the procuring activity directs otherwise, the procedures in FPR 1-1.305-3 is not to be followed for cases which fall within the exceptions described in AIDPR 7-1.305-2 as well as in FPR 1-1.305-2.

§§ 7-1.310-7 and 7-1.310-10 [Amended]

13. Delete "Office of Small Business" in §§ 7-1.310-7 and 7-1.310-10 and insert "Small Business Office".

Subpart 7-1.4 Procurement Responsibility and Authority

§ 7-1.451-2 [Amended]

14. Delete "Assistant Administrator for Administration" in § 7-1.451-2 and insert "Director, Office of Contract Management".

15. Revise § 7-1.451-3 as follows:

§ 7-1.451-3 AID/Washington procuring activities.

The procuring activities located in Washington are the Offices of Contract Management, Office of Management Operations, Office of International Training, and Office of Public Safety. Subject to delegations of authority, the procuring activities are responsible for procurement related to programs and activities for their areas. The Office of Management Operations, which reports to the Assistant Administrator for Program and Management Services, is responsible for administrative and program support procurements. The Offices of International Training and Public Safety have limited authority for the procurement of training for participants. The Office of Contract Management, which also reports to the Assistant Administrator for Program and Management Services, is responsible for procurement which do not fall within the responsibility of other procuring activities or which are otherwise assigned to it. General delegations to AID/Washington procuring activities are published in the Fed-

ERAL REGISTER and in chapter 100 of the AID Manual.

16. Revise § 7-1.451-4 as follows:

§ 7-1.451-4 Overseas field procuring activities.

Mission Directors (as defined in § 7-1.258) and specified subordinate individuals may be redelegated procurement authority by the Assistant Administrator for Program and Management Services or his designee based on the recommendation, and with the concurrence, of the regional bureau involved. Mission Directors request a redelegation of authority through the appropriate regional bureau, AID/W. The request should contain the amount desired and justification for this amount. The individual, if other than the Mission Director, who will actually exercise this authority must be named, along with his qualifications (see FPR 1-1.404-1). When such designated individual leaves the post, the designation of a replacement as a contracting officer will require concurrence by AID/W in accordance with the above.

§ 7-1.453-1 [Amended]

17. Delete "Assistant Administrators who are responsible for operations" in § 7-1.453-1 and insert "heads of the procuring activities".

§ 7-1.453-2 [Amended]

18. Delete "Assistant Administrator for Administration" in the title and text of § 7-1.453-2 and insert "Assistant Administrator for Program and Management Services".

§ 7-1.602 [Amended]

19. Delete "Office of Small Business" in § 7-1.602 and insert "Small Business Office".

§§ 7-1.604, 7-1.605-3, 7-1.605-4, and 7-1.606 [Amended]

20. Delete "Assistant Administrator for Administration" in §§ 7-1.604, 7-1.605-3, 7-1.605-4, and 7-1.606 and insert "Assistant Administrator for Program and Management Services".

Subpart 7-1.7 Small Business Concerns

§§ 7-1.702, 7-1.704-3, 7-1.704, 7-1.704-5, 7-1.704-6, and 7-1.704-7 [Amended]

21. Delete "Small Business Advisor", "Special Assistant for Small Business", and "Office of Small Business"; and insert "Small Business Office" wherever they appear in §§ 7-1.702 (d), (e), (f), (g) (2), (h), (k), 7-1.704-3 (g), (i), (l), (m), 7-1.704-4 (a), (b), 7-1.704-5(a), 7-1.704-6 (a), (b) (1), (3), (c), (e) (1), (2), (d) (1), (2), (3), (e) (1), (2), (3), 7-1.704-7 (a), (a) (1), (b), and (c).

22. Amend § 7-1.704-2 to read as follows:

§ 7-1.704-2 The AID Small Business Office.

(a) The Small Business Office is responsible for administering, implement-

ing, and coordinating the Agency's small business (including minority business enterprises) program.

(b) The AID Small Business Office, which is headed by the Special Assistant for Small Business, who also serves as the Minority Business Procurement Policy Manager, shall be specifically responsible for:

(12) On proposed noncompetitive procurements, recommending to the contracting officer that the procurement be made competitive when, in the opinion of the Office of Small Business, there are small businesses or minority business enterprises believed competent to furnish the required goods or services, and supplying the contracting officer a list of such firms;

§ 7-1.702 [Amended]

23. Delete "Office of Administrative Services" and "(AS/CP)" in § 7-1.702(k) and insert "Office of Management Operations" in both places.

Subpart 7-1.10—Publicizing Procurement Actions

§ 7-1.1001 [Amended]

24. Delete "Office of Small Business" in § 7-1.1001(b) and insert in lieu thereof "Small Business Office".

PART 7-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 7-2.4 Opening of Bids and Award of Contract

§§ 7-2.406-3, and 7-2.406-4 [Amended]

25. Delete "Assistant Administrator for Administration" in §§ 7-2.406-3 and 7-2.406-4 and insert, in lieu thereof, "Assistant Administrator for Program and Management Services".

PART 7-3—PROCUREMENT BY NEGOTIATION

Subpart 7-3.1 Use of Negotiation

§ 7-3.101-50 [Amended]

26. Delete "head of the procuring activity" from paragraph (d) (4) of § 7-3.101-50 and insert "Assistant Administrator having primary responsibility for the program".

Subpart 7-3.2 Circumstances Permitting Negotiation

§§ 7-3.211, 7-3.212, and 7-3.213 [Amended]

27. Delete "including any Assistant Administrator" from §§ 7-3.211, 7-3.212, and 7-3.213.

Subpart 7-3.6 Small Purchases

§ 7-3.604-5 [Amended]

28. Delete "Office of Administrative Services" in § 7-3.604-5 and insert "Office of Management Operations".

Subpart 7-3.8 Price Negotiation Policies and Techniques

§ 7-3.807-3 [Amended]

29. Revise the last sentence of § 7-3.807-3 to read: "The head of the Agency includes those officials specified in AIDPR 7-1.204."

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.2 Architect-Engineer Services

§ 7-4.202 [Amended]

30. Delete "Office of Small Business" in § 7-4.202 and insert "Small Business Office".

31. Revise § 7-4.203-1(b) to read:

§ 7-4.203-1 Selection panel.

(b) Offices which have an interest will be invited to observe and participate in the deliberations of the panel, if they desire, through a nonvoting representative.

§ 7-4.203-2 [Amended]

32. Delete "Director, Office of Procurement" in § 7-4.203-2(b) and insert "Office of Contract Management".

Subpart 7-4.53 Procurement Under the AID Research and Analysis Program

§ 7-4.5300 [Amended]

33. Delete "Office of Procurement, Contract Services Division" in § 7-4.5300 (b) and insert "Office of Contract Management, Central Operations Division" and revise the last sentence of § 7-4.5300 (c) to read: "The procuring activity to which these programs are assigned is the Office of Contract Management, Regional Operations Division."

34. Revise § 7-4.5301(d) to read as follows:

§ 7-4.5301 Unsolicited research and analysis proposals.

(d) * * *

(1) For research and analysis into the fields of education, economics, political, social, and institutional development, and planning and administration: Bureau for Program and Policy Coordination.

(2) For research and analysis into the field of housing: Office of Housing.

(3) For research and analysis into the field of population; Bureau for Population and Humanitarian Assistance.

(4) For research and analysis concerned with only one geographic region (as applicable):

- (i) Bureau for Asia;
- (ii) Bureau for Africa;
- (iii) Bureau for Latin America; and
- (iv) Bureau for Supporting Assistance.

(5) For research and analysis into the fields of international training: Office of International Training.

(6) For research and analysis into fields other than those cited in paragraphs (d) (1) through (5) of this section, e.g., agriculture, health, nutrition,

and food from the sea: Bureau for Technical Assistance.

PART 7-7—CONTRACT CLAUSES

Subpart 7-7.1 Fixed-Price Supply Contracts

35. § 7-7.101-1(a) is revised as follows:
 § 7-7.101-1 **Definition.**

(a) The term "head of the agency", "Secretary", or "Administrator", as used herein means the Administrator, Deputy Administrator, or Assistant Administrator for Program and Management Services of the Agency for International Development; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the head of the agency.

Subpart 7-7.50 Clauses for Cost Reimbursement Type Contracts

§ 7-7.5001-16 [Amended]

36. Delete "(PPC/PTIS/ARC)" from § 7-7.5001-16(d).

§§ 7-7.5001-20, and 7-7.5002-5 [Amended]

37. Delete "Office of Small Business" from §§ 7-7.5001-20 and 7-7.5002-5 wherever it appears and insert "Small Business Office".

Subpart 7-7.51 Clauses for Basic Ordering Agreement for Engineering Services

§ 7-7.5101-2 [Amended]

38. Delete "(PPC/PTIS/ARC)" from § 7-7.5101-27(d).

PART 7-8—TERMINATION OF CONTRACTS

Subpart 7-8.2 General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price and Cost-Reimbursement Type Contracts

§§ 7-8.211-1 and 7-8.211-2 [Amended]

39. Delete "Assistant Administrator for Administration" wherever it appears in §§ 7-8.211-1 and 7-8.211-2(b) and insert "Assistant Administrator for Program and Management Services". Delete "Office of Procurement, A/PROC" in § 7-8.211-2(c) and insert "Office of Contract Management".

PART 7-10—BONDS AND INSURANCE

Subpart 7-10.1 Bonds

§ 7-10.106 [Amended]

40. Delete "PROC/CSD" at the end of § 7-10.106(b), and insert "Office of Contract Management".

Subpart 7-10.3 Insurance—General

§ 7-10.302 [Amended]

41. Delete "Office of Procurement" at the end of § 7-10.302, and insert "Office of Contract Management".

PART 7-12—LABOR

Subpart 7-12.8 Equal Opportunity in Employment

§§ 7-12.805-1 and 7-12.805-5 [Amended]

42. Delete "Office of Procurement" in §§ 7-12.805-1 and 7-12.805-5 and insert "Office of Contract Management".

PART 7-16—PROCUREMENT FORMS

Subpart 7-16.9 Illustrations of Forms

§§ 7-16.954-1, 7-16.954-2, and 7-16.956-1 [Amended]

43. Delete "Office of Procurement, Contract Services Division" from the "Authorized Ordering Activity" blocks in §§ 7-16.954-1, 7-16.954-2, and 7-16.956-1 and insert "Office of Contract Management, Central Operations Division".

§ 7-16.960 [Amended]

44. Delete "Small Business Advisor" whenever it appears in the form in § 7-16.960 and insert "Small Business Office".

Filing.—This notice should be filed in front of the main text of the Agency for International Development Procurement Regulations.

Authority.—This AIDPR Notice No. 73-2 is an interim procurement instruction and is issued pursuant to AIDPR 7-1.104-4.

Effective date.—This notice is effective on May 11, 1973. It will be canceled and superseded upon publication of its contents in an amendment to the AIDPR.

Dated May 1, 1973.

JAMES F. CAMPBELL,
 Assistant Administrator for
 Program and Management Services.

[FR Doc. 73-9693 Filed 5-15-73; 8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS

[Docket No. HM-57; Amdt. Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

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

Classification of Corrosive Hazards; Postponement of Mandatory Effective Date

On March 23, 1972, April 26, 1972, and on September 16, 1972, the Hazardous

Materials Regulations Board published docket No. HM-57; amendment Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21 (37 FR 5946, 8383, 18918) prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. Compliance with the amendments has been authorized as of April 21, 1972. However, the mandatory effective date is specified as June 30, 1973. Also, on February 12, 1973, the Board published Notice 73-1 (38 FR 4270) under this docket. The comment period closed on April 10, 1973. However, the Board has not completed its study of the comments and therefore has yet to publish an amendment relative to this notice.

The Hazardous Materials Regulations Board has been developing what it considers final resolutions in several areas relating to such matters as open-head fiber drums, materials corrosive only to metals, viscosity of certain corrosive liquids, bottom unloading of cargo tanks, and handling of corrosives in the distribution systems that are not packed, marked, and identified as would be required by HM-57.

The Board is of the opinion that to make HM-57 effective June 30, 1973, with most of these matters unresolved would cause much confusion and administrative difficulties and an undue burden on carriers and shippers. The matters mentioned above, and others should be fully resolved within the next 90 days. The Board, therefore, considers it reasonable and necessary to delay the mandatory effective date. Accordingly, the Board hereby gives notice that the mandatory effective date for amendment Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21 is changed from June 30, 1973, to December 31, 1973. Voluntary compliance continues to be authorized. Note that because of the wording in docket HM-8; amendment No. 173-70 (38 FR 5292) paragraph 173.404(h), the previously authorized corrosive labels will thereby be authorized until January 1, 1975.

The Board also requests additional information as follows from those persons concerned about the omission of a provision for open-head fiber drums in corrosive liquid service.

1. Specific identification of these liquids by maximum and minimum percentages of corrosive ingredient in their formulations;

2. Identification of what criterion indicates these materials to be corrosive in the percentages identified, that is, skin corrosive, or metal corrosive only, and to what metal.

3. Identification of the minimum and maximum viscosity, in centipoises measured at 20° C., for the formulations proposed to be shipped in these drums.

The Board cannot finalize its action in this area without this information. The Board requests that this information be submitted before June 30, 1973, to

the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590.

Issued in Washington, D.C., on May 11, 1973.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73-9747 Filed 5-15-73;8:45 am]

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

[Docket No. 72-20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lightweight Motor Vehicles

This notice amends the Federal Motor Vehicle Safety Standards, 49 CFR part 571, by removing the general provision excepting motor vehicles of 1,000 pounds or less curb weight other than trailers and motorcycles (hereafter referred to as "lightweight vehicles") from the applicability of the safety standards.

The NHTSA published a notice of proposed rulemaking on August 16, 1972 (37 FR 16553) proposing that the motor vehicle safety standards apply to all vehicles regardless of weight. Comments generally favored the proposal. Those who opposed the proposal expressed concern that standards compliance would hinder development of small urban vehicles. It was recommended that different performance requirements be adopted for lightweight passenger cars in some areas of the standards, such as those related to structural crashworthiness. One commenter requested that exemption not be discontinued, but he be made available for vehicles with a curb weight of up to 1,500 pounds.

The NHTSA has determined that the general exception of lightweight vehicles from conformity with the standards can no longer be justified, and is hereby amending 49 CFR § 571.7(a) to remove it. In so doing, it is mindful of the potential effect of this action upon the development of small, economical vehicles. As it observed in the notice:

It remains true that vehicles in this weight class have inherent disadvantages in meeting standards requiring, for example, structural strength or considerable crush distance. Many other important standards, on the other hand, such as those on lighting, braking, and glazing, should be attainable by lightweight vehicles virtually as easily as by heavier ones. It thus appears in the public interest to consider the needs and problems of lightweight vehicles on a standard-by-standard basis (as is presently done in the case of heavy vehicles, which receive differential treatment in several standards), rather than by an across-the-board exception.

A manufacturer has the option of petitioning for amendment of any standard it feels is impracticable or inappropriate for lightweight vehicles. Alternatively, it may be eligible to petition for temporary exemption from one or more standards upon one of the bases provided in section

123 of the National Traffic and Motor Vehicle Safety Act (Public Law 92-548).

An additional comment concerned the inequity in treatment between three- and four-wheeled vehicles, the former categorized as "motorcycles" for purposes of the standards and required to comply with fewer standards. By a separate notice published today (38 FR 12818) the NHTSA is seeking to correct this inequity by proposing a redefinition of "motorcycle" which would exclude most three-wheeled vehicles.

In consideration of the foregoing, 49 CFR 571.7(a) is revised to read as follows:

§ 571.7 Applicability.

(a) *General.*—Except as provided in paragraphs (c) and (d) of this section, each standard set forth in subpart B of this part applies according to its terms to all motor vehicles or items of motor vehicle equipment the manufacture of which is completed on or after the effective date of the standard.

Effective date.—January 1, 1974.

(Sec. 103, 119, Public Law 80-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 38 FR 12147.)

Issued on May 10, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-9744 Filed 5-15-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1133]

PART 1033—CAR SERVICE

Central Iowa Railway and Development Co.

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

It appearing, that the Chicago, Rock Island, and Pacific Railroad Co. (RI), in docket FD 26445 has abandoned its line between Hills, Iowa, and Montezuma, Iowa; that the Central Iowa Railway and Development Co. (CIRC), in finance docket No. 27367, has requested permanent authority to acquire and operate this line; that the RI has given its consent to the operation of this line and over certain of its other tracks by the CIRC pending conclusion of certain transactions between the RI and the CIRC; that operation over this line by the CIRC is necessary to provide uninterrupted railroad service to shippers served by this line 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:

§ 1033.1133 Service Order No. 1133.

(a) *Central Iowa Railway and Development Company authorized to operate over tracks abandoned by Chicago, Rock Island, and Pacific Railroad Company and to operate over tracks of Chicago, Rock Island, and Pacific Railroad Company.* The Central Iowa Railway and Development Co. (CIRC), be, and it is hereby, authorized to operate over tracks abandoned by the Chicago, Rock Island, and Pacific Railroad Co. (RI), between Hills, Iowa, and Montezuma, Iowa.

(b) *The CIRC be, and it is hereby, authorized to operate over tracks of the RI between Iowa City, Iowa, and Hills, Iowa, a distance of approximately 7.73 miles.*

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

(d) *Nothing herein shall be considered as a prejudgment of the application of the CIRC in finance docket No. 27367 seeking permanent authority to acquire and operate this line.*

(e) *Effective date.*—This order shall become effective at 11:59 p.m., May 10, 1973.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9726 Filed 5-15-73;8:45 am]

[S.O. 1135]

PART 1033—CAR SERVICE

Illinois Central Gulf Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of May 1973.

It appearing, that the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (PC), is unable to operate over its line between Hillsboro, Ill., and Litchfield, Ill., because of track damage

[S.O. 1136]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

resulting from high water and flooding; that the Illinois Central Gulf Railroad Co. (ICG) has agreed to serve shippers located on PC tracks at Litchfield, Ill.; that the PC has consented to such use of its tracks by the ICG; that operation by the ICG over tracks of the PC at Litchfield, Ill., 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:

§ 1033.1135 Service Order No. 1135.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees.* The Illinois Central Gulf Railroad Co. (ICG), be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (PC) at Litchfield, Ill.

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

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

(d) *Effective date.*—This order shall become effective at 11:59 p.m., May 10, 1973.

(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 Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9724 Filed 5-15-73;8:45 am]

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of May 1973.

It appearing, that the Chicago and North Western Transportation Co. (CNW), is unable to operate over its line between Wisconsin Rapids, Wis., and Nekoosa, Wis., a distance of approximately 6.7 miles, because of track conditions; that CNW operations can be accomplished by use of tracks of the Soo Line Railroad Co. (SOO) between Wisconsin Rapids, Wis., and Nekoosa, Wis.; that the SOO has consented to the use of such tracks by the CNW; that the operation by the CNW over the aforementioned tracks of the SOO 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:

§ 1033.1136 Service Order No. 1136.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Soo Line Railroad Co.* The Chicago and North Western Transportation Co. (CNW), be, and it is hereby, authorized to operate over tracks of the Soo Line Railroad Co. (SOO), between Wisconsin Rapids, Wis., and Nekoosa, Wis., a distance of approximately 6.7 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 CNW over tracks of the Soo is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the Soo 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., May 9, 1973.

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., June 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that

agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9725 Filed 5-15-73;8:45 am]

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

DIRECTOR, OFFICE OF BUDGET AND FINANCE

Section 2.75(a), Title 7, Code of Federal Regulations, is amended to authorize the Director, Office of Budget and Finance to provide management support services for the National Finance Center at New Orleans, La., and by agreement with agency heads concerned to also provide these services to other USDA tenants housed in the same facility.

Section 2.75(a) is amended to read as follows:

§ 2.75 Director, Office of Budget and Finance.

(a) * * *

(7) Provide management support services for the National Finance Center and by agreement with agency heads concerned to provide such services to other USDA tenants housed in the same facility. As used herein, the term management support services shall include:

(i) Personnel, organization, and related service, with authority to take actions required by law or regulations to perform personnel management functions including employment, classification, organization, employee security, and related matters.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform administrative services functions, but excluding contracting authority and excluding authority to establish a management support directives system, which have been delegated to the Director, Office of Management Services.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary
for Administration.

MAY 10, 1973.

[FR Doc.73-9645 Filed 5-15-73;8:45 am]

RULES AND REGULATIONS

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

DIRECTOR, OFFICE OF MANAGEMENT SERVICES

Section 2.77(a), Title 7, Code of Federal Regulations, is amended to empower the Director, Office of Management Services, to authorize agency heads to provide on-site management support services for the various computer centers of USDA.

Section 2.77(a) is amended to read as follows:

§ 2.77 Director, Office of Management Services.

(a) * * *

(3) By agreement with agency heads of organizations located at USDA computer centers, authorize such agency heads to provide on-site management support services for such computer centers. As used herein, management support services include the services listed under subdivisions (i), (ii), and (iii) of paragraph (a)(2) of this section.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary
for Administration.

MAY 10, 1973.

[FR Doc.73-9646 Filed 5-15-73;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1974 crop year.

ARIZONA

Maricopa Yuma
Pinal

COLORADO

Kit Carson

KANSAS

Allen Grant
Anderson Gray
Atchison Greenwood
Barton Harvey
Bourbon Haskell
Brown Jackson
Butler Jefferson
Chase Jewell
Clay Johnson
Cloud Kearny
Coffey Kingman
Cowley Labette
Crawford Lincoln
Dickinson Linn
Doniphan Lyon
Douglas Marion
Elk Marshall
Ellis McPherson
Ellsworth Meade
Finney Miami
Franklin Mitchell
Geary Montgomery

KANSAS—Continued

Morris
Nemaha
Neosho
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Reno
Republic
Rice
Riley
Rooks
Rush

Atchison
Bates

Adams
Boone
Butler
Cass
Clay
Colfax
Dodge
Fillmore
Franklin
Gage
Hall
Hamilton
Jefferson
Johnson
Kearney
Lancaster

Curry

Alfalfa
Blaine
Caddo
Canadian
Craig
Delaware
Garfield
Grady
Grant

Bon Homme
Charles Mix
Davison
Douglas

Bailey
Bell
Bosque
Briscoe
Calhoun
Carson
Castro
Collin
Crosby
Dallam
Deaf Smith
Denton
Ellis
Falls
Floyd
Fort Bend
Grayson
Guadalupe
Hale
Hansford
Hartley
Hill
Hunt

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] D. W. McELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.

[FR Doc.73-9651 Filed 5-15-73;8:45 am]

Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Smith
Stafford
Stanton
Stevens
Sumner
Wabaunsee
Washington
Wichita
Wilson
Woodson

MISSOURI

Henry
Vernon

NEBRASKA

Madison
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Platte
Polk
Richardson
Saline
Saunders
Seward
Thayer
Webster
York

NEW MEXICO

Lea

OKLAHOMA

Jackson
Kay
Klowa
Mayes
Nowata
Ottawa
Texas
Tillman
Washita

SOUTH DAKOTA

Hanson
Hutchinson
Sanborn

TEXAS

Hutchinson
Lamb
Lubbock
McLennan
Matagorda
Milam
Moore
Navarro
Nueces
Ochiltree
Oldham
Parmer
Randall
Refugio
San Patricio
Sherman
Swisher
Travis
Victoria
Wharton
Wilbarger
Williamson

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1974 crop year.

ALABAMA

Barbour
Blount
Cherokee
Chilton
Coffee
Colbert
Conecuh
Covington
Crenshaw
Cullman
Dale
Dallas
De Kalb
Escambia
Etowah
Geneva

Hale
Henry
Houston
Jackson
Lauderdale
Lawrence
Limestone
Madison
Marshall
Morgan
Pickens
Pike
Shelby
Talladega
Tuscaloosa

ARIZONA

Maricopa Yuma
Pinal

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence

Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
Saint Francis
Woodruff

CALIFORNIA

Fresno
Imperial
Kern
Kings

Madera
Merced
Riverside
Tulare

FLORIDA

Jackson

GEORGIA

Baker
Ben Hill
Brooks
Bulloch
Calhoun
Chandler
Clay
Coffee
Colquitt
Cook
Crisp
Decatur
Dooly
Early

Irwin
Lee
Miller
Mitchell
Randolph
Sumter
Tattnall
Terrell
Thomas
Tift
Toombs
Turner
Worth

KENTUCKY

Fulton

LOUISIANA

Acadia
Avoyelles
Bossier
Caddo
Caldwell
Catahoula
Concordia
East Carroll
Evangeline
Franklin

Madison
Morehouse
Natchitoches
Pointe Coupee
Rapides
Red River
Richland
Saint Landry
Tensas
West Carroll

MISSISSIPPI

Alcorn
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Jefferson Davis
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

MISSOURI

Butler
Dunklin
Mississippi
New Madrid
Pemiscot
Scott
Stoddard

NEW MEXICO

Chaves
Dona Ana
Eddy
Lea

NORTH CAROLINA

Anson
Bertie
Chowan
Cleveland
Cumberland
Edgecombe
Franklin
Greene
Halifax
Harnett
Hertford
Hoke
Iredell
Johnston
Lincoln
Montgomery
Moore
Nash
Northampton
Pitt
Richmond
Robeson
Rowan
Rutherford
Sampson
Scotland
Union
Warren
Wayne
Wilson

OKLAHOMA

Beckham
Caddo
Grady
Harmon
Jackson
Kiowa
Tillman
Washita

SOUTH CAROLINA

Aiken
Allendale
Anderson
Bamberg
Barnwell
Calhoun
Chester
Chesterfield
Clarendon
Darlington
Dillon
Dorchester
Edgefield
Florence
Greenville
Hampton
Kershaw
Laurens
Lee
Lexington
Marion
Marlboro
Orangeburg
Saluda
Spartanburg
Sumter
Williamsburg
York

TENNESSEE

Carroll
Chester
Crockett
Dyer
Fayette
Franklin
Gibson
Giles
Hardeman
Haywood
Henderson
Lake
Lauderdale
Lawrence
Lincoln
McNairy
Madison
Obion
Shelby
Tipton
Weakley

TEXAS

Austin
Bailey
Bell
Bosque
Brazos
Briscoe
Burleson
Calhoun
Castro
Cochran
Collin
Crosby
Culberson
Dawson
Deaf Smith
Denton

TEXAS—Continued

Ellis
El Paso
Falls
Fannin
Floyd
Fort Bend
Garza
Grayson
Hale
Haskell
Hill
Hockley
Hudspeth
Hunt
Knox
Lamar
Lamb
Limestone
Lubbock
Lynn
Matagorda
McLennan
Milam
Navarro
Nueces
Parmer
Pecos
Presidio
Reeves
Refugio
Robertson
San Patricio
Swisher
Terry
Travis
Victoria
Wharton
Wilbarger
Williamson

VIRGINIA

Greensville
Southampton
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] D. W. McELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.
[FR Doc.73-9655 Filed 5-15-73;8:45 am]

PART 401—FEDERAL CROP INSURANCE
Subpart—Regulations for the 1969 and
Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR
WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published January 18, 1973 (38 FR 1726), which were designated for wheat crop insurance for the 1974 crop year.

ARIZONA

Mariopoa
Pinal
Yuma

CALIFORNIA

Imperial
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] D. W. McELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.
[FR Doc.73-9653 Filed 5-15-73;8:45 am]

PART 401—FEDERAL CROP INSURANCE
Subpart—Regulations for the 1969 and
Succeeding Crop Years

APPENDIX—PARISHES DESIGNATED FOR
SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1974 crop year.

LOUISIANA

Ascension
Assumption
Eberia
Iberville
Lafourche
Pointe Coupee
St. James
St. John the Baptist
St. Martin
St. Mary
Terrebonne
West Baton Rouge

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] D. W. McELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.
[FR Doc.73-9654 Filed 5-15-73;8:45 am]

PART 411—GRAPE CROP INSURANCE
Subpart—Regulations for the 1967 and
Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR
GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1974 crop year.

NEW YORK

Chautauqua
Niagara
Ontario
Schuyler
Seneca
Steuben
Yates

PENNSYLVANIA

Erie
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] D. W. McELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.
[FR Doc.73-9652 Filed 5-15-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKET-
ING SERVICE (MARKETING AGREE-
MENTS AND ORDERS; FRUITS, VEGETABLES,
NUTS), DEPARTMENT OF
AGRICULTURE

[Nectarine Regulation 4]

PART 916—NECTARINES GROWN IN
CALIFORNIA

Limitation of Shipments

This regulation requires that all California nectarines grade at least U.S. No. 1 Grade. It also provides additional tolerances for: Fairly light colored smooth scars; form not considered serious; and fairly smooth or smooth russeting for two specified varieties. Minimum sizes are established for certain specified nectarine varieties.

Findings.—(1) Pursuant to the amended marketing agreement and Order No. 916 (7 CFR pt. 916), regulating the handling of nectarines grown in the State 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 of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Nectarine Administrative Committee reflect its appraisal of the nectarine crop and current and prospective market condi-

tions. Shipments of California nectarines are expected to begin on or about May 17, 1973. This regulation would terminate the existing grade regulation (effective June 3, 1972, through May 31, 1973). The grade requirements specified herein for all varieties will prevent the handling from May 17, 1973, through June 16, 1973, of any nectarines of a lower grade than is hereinafter specified. Shipments of nectarine varieties being regulated by size are expected to begin on or about the effective date of this regulation. The size requirements provided herein will prevent the handling, from May 17, 1973, through June 16, 1973, of any nectarines smaller in size than is hereinafter specified, for the named varieties. Furthermore, the grade and size requirements provided herein are necessary so as to assure consumers of an appropriate supply of quality fruit during the 1973 season and is in keeping with the objective of maintaining grower returns at a level consistent with the public interest.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines, which are currently regulated pursuant to Nectarine Regulation 3 (37 FR 8862, 10716), must await the development of the crop thereof, adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; 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; shipments of the current crop of such nectarines are expected to begin on or about the effective date of this regulation; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been

disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such Committee meeting was held on April 24, 1973.

§ 916.346 Nectarine Regulation 4.

(a) *Order.*—(1) Nectarine Regulation 1 (37 FR 8862, 10716) is hereby terminated as of the effective date hereof.

(2) During the period May 17, 1973, through June 16, 1973, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That nectarines 2 inches in diameter or smaller, or 4 by 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle three-eighths inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 by 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle one-half inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further*, That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russetting.

(3) During the period May 17, 1973, through June 16, 1973, no handler may handle any package or container of May Red variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of a standard pack, not more than 130 nectarines in the lug box;

(ii) Such nectarines when packed in a standard basket, are of a size not smaller than a size that will pack 4 by 5 standard pack; or

(iii) Such nectarines when packed in any container other than the containers specified in paragraphs (a)(3)(i) and (ii) of this section, measure not less than 1¾ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of nectarines in any container may fail to meet such diameter requirement.

(4) During the period May 17, 1973, through June 16, 1973, no handler shall handle any package or container of Arm King, Crimson Gold, Grand River, Mayfair, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box; or

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 by 4 by 5 standard pack;

(iii) Such nectarines, when packed in any container other than the containers

specified in paragraphs (a)(4)(i) and (ii) of this section, measure not less than 1¾ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(5) During the period May 17, 1973, through June 16, 1973, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Sunbright, Sun King, or Sunrise variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirement of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 by 4 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in paragraphs (a)(5)(i) and (ii) of this section, measure not less than 2 inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(6) During the period May 17, 1973, through June 16, 1973, no handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Sun Grand, or Rose variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2½ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(7) During the period May 17, 1973, through June 16, 1973, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines, unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirement of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2¼ inches diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the nectarines

in any container may fail to meet such diameter requirement.

(8) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (7 CFR 51.3145-51.3160); "standard basket" shall mean the standard Agricultural Code of California; "No. 22 standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same

meaning as when used in the marketing basket set forth in section 43592 of the agreement and order.

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

Dated May 14, 1973.

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

[FR Doc.73-9879 Filed 5-15-73;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 Marketing Service

[7 CFR Part 26]

WHEAT

Clarification of Standards

The U.S. Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for voluntary use by producers, merchandisers, and consumers in the domestic marketing of grain and for mandatory use in the export marketing of grain. Official grading service is provided under the act upon request of the applicant and payment of a fee to cover the cost of the service.

Statement of considerations.—Section 26.314 of the U.S. Standards for Wheat reads as follows:

§ 26.314 Basis of determination.

Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

In administration of this section, determinations of the presence of crotalaria seeds, large stones, castor beans, broken glass, animal filth, unknown foreign substances, and commonly recognized harmful or toxic substances have been and are being made, with trade concurrence, on the basis of the wheat as a whole (i.e., before the dockage has been removed) in view of the fact that the presence of such materials is analogous to the conditions which result in wheat being considered to be otherwise of distinctly low quality within the requirements of the wheat standards.

To conform the wording in § 26.314 with this policy and thereby provide for its continuation, and pursuant to section 4 of the U.S. Grain Standards Act (7 U.S.C. 76), notice is hereby given according to the administrative procedure provisions of 5 U.S.C., section 553, that the U.S. Department of Agriculture has under consideration a proposed amendment to clarify § 26.314 of the U.S. Standards for Wheat (7 CFR 26.314) to read as follows:

§ 26.314 Basis of determination.

Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, crotalaria seeds, large stones, castor beans, broken glass, animal filth, an unknown foreign substance, a commonly recognized harmful or toxic

substance, and otherwise distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

Public hearings on the proposed amendment will not be held but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than July 15, 1973. Any persons who desire to submit their views orally in an informal manner should so advise the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Md. 20782 [telephone 301-436-8776] so that arrangements may be made for such submission by said date. A summary of such views will be made and furnished for verification to the person making the submission and if approved by him will be filed in the Office of the Hearing Clerk. All comments so filed will be available for public inspection at said office during official hours of business (7 CFR 1.27(b)). Consideration will be given to all comments filed with the Hearing Clerk, and to all other information available to the U.S. Department of Agriculture, in arriving at a decision on the proposed amendment of the wheat standards.

Copies of the current wheat standards may be obtained from the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Md. 20782, or from any field office of the Grain Division. Field office locations can be found in the telephone directory.

Done at Washington, D.C., on May 10, 1973.

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

[FR Doc.73-9740 Filed 5-15-73; 8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Liquidated Damages and Adjustments of Allocations of Reserve Tonnage Raisins

Notice is hereby given of a proposal to amend subpart—Administrative rules and regulations (7 CFR 989.101-989.176; 37 FR 7148) to increase the liquidated

damages prescribed in § 989.159(g)(2) (iii) on unauthorized disposition of certain off-grade raisins from \$200 per ton to \$400 per ton, and to increase the maximum amount prescribed in § 989.166(f) by which the committee may adjust a handler's share of an offer of reserve raisins from 2 tons to 10 tons.

The subpart is operative pursuant to the marketing agreement, as amended, and order No. 989, as amended (7 CFR part 989; 37 FR 19621, 20022), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order, hereinafter referred to collectively as the "order," are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Raisin Administrative Committee, hereinafter referred to as the "Committee," established under the order.

Section 989.59(f) of the order provides, in part, that the committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over off-grade raisins, other falling raisins, and raisin residual material. Pursuant to that authority, § 989.159(f)(2) provides, in part, that any handler may ship, transfer, or otherwise dispose of off-grade raisins, other falling raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible nonnormal outlets only after filing with the committee a written application to make such shipment, transfer or other disposition and receiving its written approval thereof. Section 989.159(g)(2)(iii) provides that such application shall include a provision for liquidated damages wherein the handler in consideration of the committee approving his application agrees that in the event any raisins or raisin residual material covered by the approved application should be shipped to points outside of the continental United States or to Alaska, or disposed of in other than eligible nonnormal outlets that he shall pay to the committee the sum of \$200 as liquidated damages for each ton so shipped or disposed of. The committee concluded that the sum of \$200 per ton is not reflective of the value of raisins in recent years and has therefore recommended that such sum be increased to \$400 per ton.

Section 989.67(d)(5) provides that the committee may adjust a handler's share or allocation of reserve tonnage by a minor quantity to avoid the cost of physical transfer of such tonnage. Said

section provides that the maximum quantity by which a handler's share or allocation may be adjusted shall be prescribed in rules and procedures established by the committee with the approval of the Secretary. Section 989.166 (f) provides, in part, that a handler's share of an offer of reserve tonnage may be adjusted by not more than 2 tons so as to avoid the cost involved in the physical transfer of raisins.

The recent amendment of the order provided for reoffers of reserve tonnage remaining unsold from regular offers and provided that the committee could sell additional reserve tonnage raisins to a handler whose regular allocation of such tonnage would provide insufficient tonnage to fill a containerized shipping container. These changes may cause greater imbalances between a handler's share of a reserve offer and his physical inventory of reserve tonnage raisins than have occurred in the past. Furthermore, increased operating expenses, including the cost of labor and transportation, have made the cost of transporting small quantities of raisins prohibitive. Based upon these reasons, the committee concluded that the 2-ton limit on such adjustments is unnecessarily restrictive and recommended the maximum adjustment be increased to 10 tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the hearing clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than May 25, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend subpart—administrative rules and regulations (7 CFR 989.101-989.176; 37 FR 7148) as follows:

1. Amend subdivision (iii) of § 989.159 (g) (2) by increasing the amount of "\$200" prescribed therein to "\$400."
2. Amend the second sentence of § 989.166 (f) by increasing the quantity "2 tons" prescribed therein to "10 tons."

Dated May 10, 1973.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 73-9644 Filed 5-15-73; 8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FEA Instruction 444.8]

RURAL HOUSING LOANS AND GRANTS

Notice of Proposed Rulemaking

Notice is hereby given that the Farmers Home Administration has under consideration proposed amendments to subpart G of part 1822, title 7, Code of

Federal Regulations. This subpart G prescribes the policies, procedures, and authorizations for making and processing rural housing site (RHS) loans with the following major revisions:

1. Section 1822.263(d) is revised and § 1822.271(a)(4) deleted to clarify that applicants applying for RHS loans do not have to be unable to get credit elsewhere.

2. Section 1822.264(a)(1) is revised to clarify the types of nonprofit organizations that may be eligible for assistance and to eliminate the requirement that organizations should have local community leaders as members.

3. Section 1822.265(a) is revised to provide additional guidelines for financing offsite facilities.

4. Section 1822.265(b) is revised to require the State director to determine that engineering and legal fees, and closing costs, to be paid with loan funds, are reasonable and typical for the area.

5. Section 1822.266 is revised for clarity and to permit loans up to \$150,000 to be approved without authorization from the national office.

6. Section 1822.266(d)(2) is revised to permit State directors to approve of the purchase of land from a member of the applicant-organization.

7. Section 1822.266(g) is revised to limit payment of obligations incurred by the applicant before the loan is closed to those involved with the purchase of land.

8. Section 1822.267(e) is revised to require development work to be awarded on a competitive bid basis unless an exception is made by the State director.

9. Section 1822.269 is revised to require that a first mortgage be obtained on the property purchased or improved with an RHS loan.

10. The former § 1822.271(b)(3)(iv) concerning the review and evaluation by the county supervisor has been deleted.

11. The former § 1822.271(d)(2) is deleted to eliminate the requirement that the FHA county committee act on applications for RHS loans.

12. Section 1822.271(a) concerning eligibility has been deleted for clarity. All eligibility requirements are now contained in § 1822.264.

13. The former § 1822.276(d) is now § 1822.276(c) and has been revised to provide additional guidance on the information to be obtained as evidence on the need for sites for self-help housing.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, south building, Washington, D.C. 20250, on or before June 18, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.—4:45 p.m.).

As proposed, the revised subpart G will read as follows:

Sec.	
1822.261	General.
1822.262	Objectives.
1822.263	Definitions.
1822.264	Eligibility requirements.
1822.265	Loan purposes.
1822.266	Limitations.
1822.267	Special conditions.
1822.268	Rates, terms, and source of funds.
1822.269	Security.
1822.270	Technical, legal, and other services.
1822.271	Processing applications.
1822.272	Loan closing.
1822.273	Actions after sites are developed.
1822.274	Subsequent RHS loans.
1822.275	Complaints regarding discrimination in opportunity to buy developed sites.
1822.276	Special requirements for RHS section 523 loans (loans to organizations providing sites for self-help housing).

AUTHORITY.—Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

§ 1822.261 General.

This subpart sets forth the policies and procedures and delegates authority for making rural housing site (RHS) loans under sections 523 and 524 of the Housing Act of 1949. Section 523 loans are direct loans for the purchase and development of building sites for housing to be built by the self-help method; they have additional requirements which are contained in § 1822.276.

§ 1822.262 Objectives.

The basic objective of RHS loans is to assist public or private nonprofit organizations interested in providing sites for housing, to acquire and develop land in rural areas. This land will be subdivided into adequate building sites and sold on a nonprofit basis to families eligible for low- and moderate-income section 502 rural housing (RH) loans, including self-help housing; cooperative rural cooperative housing (RCH) applicants; and broadly based nonprofit rural rental housing (RRH) applicants; and applicants eligible for housing and urban development (HUD) sections 235 and 236 insured mortgages.

§ 1822.263 Definitions.

As used in this subpart:

(a) A private nonprofit organization is a corporation which is owned and controlled by private persons, is organized and operated for purposes other than making gains or profits for the corporation or members, and is legally precluded from distributing to its members any gains or profits.

(b) A public nonprofit organization is a nonprofit corporation other than a private nonprofit corporation, including a municipal corporation or other corporate agency of a State or local government.

(c) Rural areas means open country or an incorporated or unincorporated town, village, or other place which has

a population not over 10,000 according to the latest figures, and is not a part of or closely associated with an urban area, and is rural in character.

(d) Development cost means the cost of purchasing and developing the sites including engineering and legal fees, streets, roads, utilities, minimum essential administrative costs, necessary equipment, and estimated interest.

(e) RHS section 523 loan means a loan to an organization which will provide sites for housing to be built by the self-help method.

(f) RHS section 524 loan means a loan to an organization which will provide sites for housing to be built with no limitation as to the method of construction that will be used.

§ 1822.264 Eligibility requirements.

(a) *Eligibility of applicant.*—To be eligible for an RHS loan, the applicant must be a private or public nonprofit organization as defined in § 1822.263 (a) or (b) which is authorized to provide housing sites on a nonprofit basis.

(1) If it is a private nonprofit organization as defined in § 1822.263(a), it should also:

(i) Have at least three members who reside in the community or surrounding area where the sites will be located. The membership may include local businessmen, developers, contractors, and others who are interested in helping develop sites on a nonprofit basis. Public notice must be given that the sites are available to any qualified purchaser and that the buyers may select any qualified builder.

(ii) If a new organization, plan to adopt articles of incorporation and bylaws that generally conform to sample guidelines provided by the Farmers Home Administration (FHA), with changes appropriate to the purposes and powers of an eligible applicant under this subpart. The proposed articles and bylaws should be reviewed by the Office of the General Counsel (OGC) and adapted for use in the respective States.

(b) *Authorized representatives of applicant.*—The FHA will deal only with the applicant or a bona fide representative of the applicant or the representative's technical advisors. An authorized representative of the applicant must have no pecuniary interest in the award of the engineering, architectural, or construction contracts, necessary equipment or the purchase or development of the land.

§ 1822.265 Loan purposes.

RHS loans may be made to qualified applicants:

(a) For the purchase and development of adequate sites, including the construction of essential access roads, streets, utility lines, and necessary equipment which will become a permanent part of the development. If public water and waste disposal facilities are not available and cannot reasonably be provided on a community basis with other financing, including FHA Water and Waste Disposal Association loans, funds may be in-

cluded for this purpose. If any such facilities are located off the site, the following requirements must be met:

(1) The applicant will hold the title to the facility or have legally assured right to use of the facility for at least the life of the mortgage and such title or right shall be transferable to subsequent owners of any of the sites.

(2) The facilities are provided for the exclusive use of the project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. Also, a provision must be made for application of extra payments on the rural housing site loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained without a mortgage based on the offsite facilities.

(b) For the payment of necessary engineering fees, legal fees, and closing costs. When RHS funds are to be used for such purposes, the State director shall determine that the amounts to be paid are reasonable and typical in the area for the services performed.

(c) For the payment of actual cash cost of incidental administrative expenses such as postage, telephone, advertising, and temporary secretarial help, if funds to pay these expenses are not otherwise available. The estimated cost of these items should be identified and shown in the budget.

(d) To provide for needed landscaping, planting, seeding, or sodding, or other necessary facilities related to buildings such as walks, parking areas, and driveways.

§ 1822.266 Limitations.

(a) *Loan limits.*—No loan will exceed the lesser of the development cost as defined in § 1822.263(d) or the value of the property as improved with the loan unless the excess amount will be recovered through assured refunds before the maturity of the loan, from sources such as utility companies for facilities financed with the RHS loan.

(b) *Prior consent.*—The prior authorization of the national office is required for the approval of loans resulting in an FHA principal indebtedness in excess of \$150,000.

(c) *Limits on controlling interest.*—The prior consent requirement in paragraph (b) of this section also applies to two or more organizations in which the same persons hold a majority of the membership interests or constitute a majority of the directors.

(d) *Limitations of use of loan funds.*—Loans will not be made for:

(1) The purchase of land in excess of the immediate and identified needs in the locality.

(2) The purchase of land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without prior consent of the State director.

(3) Refinancing of debts, except in accordance with paragraph (g) of this section.

(4) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant of solicitation of a loan.

(5) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member or agent of an applicant, except as provided in § 1822.265(b). No contract or agreement for services to be paid for with loan funds should be executed by the applicant without prior approval of the State director.

(e) *Sale of developed sites.*—The developed sites may be sold only to:

(1) Families having a low- or moderate-income who qualify for a section 502 RH loan or a section 235 HUD insured mortgage.

(2) Nonprofit organizations eligible for an RRH or RCH loan or a HUD section 236 insured mortgage.

(f) *Suitability of sites.*—Sites will meet the requirements of the planned use; for example, individual housing or multiple housing or any combination thereof. Building sites must be well located and designed to provide a desirable living environment. Generally, a loan will not be made for the development of less than 10 units, but they need not be contiguous.

(g) *Obligations incurred before loan closing.*—When an applicant files an application for a loan, the county supervisor will advise the applicant that development work must not be started and obligations for work, materials, or land purchase must not be incurred before the loan is closed. If, however, the applicant must incur obligations on the purchase of land such as exercising an option which would expire before the loan is closed, the State director may authorize the use of loan funds to pay such obligations only when he finds that all the following conditions exist:

(1) The obligations were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such obligations from its own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The obligations were incurred for authorized loan purposes and the land purchased meets FHA standards and requirements.

(4) Payment of the obligations will remove any liens which have attached to the property on account of the land purchase.

§ 1822.267 Special conditions.

(a) *Evidence of need.*—Loans will be made on the basis of the applicant providing firm information as to the number of sites to be developed and evidence of a need for the proposed building sites in the locality.

(b) *Nondiscrimination.*—The borrower will be required to agree not to discriminate or permit discrimination, in accordance with FHA requirements.

(c) *Supervisory assistance.*—Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government. County supervisors will counsel applicants in selecting locations that will provide essential services and facilities and will result in the development of desirable residential communities.

(d) *Loan resolution.*—A loan resolution will be adopted by the applicant's board of directors or similar governing body. Guidelines are available in all FHA offices. If any provisions are not appropriate to a particular case, proposed substitute language should be submitted to the national office with the recommendations of the State director.

(e) *Development policies.*—Development will be planned and performed in accordance with subparts A and D of part 1804, except that all contracts for development work should be awarded on a competitive bid basis unless an exception is made by the State director. In considering whether an exception should be made, the State director shall determine that the proposed development costs are competitive with similar type of construction in the area.

(f) *Water and waste disposal facilities.*—If public water and waste disposal facilities are not available and these facilities will be provided on a community basis with funds included in the RHS loan or with other financing, provision should be made to form an organization with members who will provide continuing maintenance and management of facilities. The cost of the facilities should be considered as a cost of developing the sites and included in the price charged for the lots when they are sold.

(g) *Compliance with local codes and regulations.*—Planning and development of sites will be for housing that will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(h) *Optioning of land.*—If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the county supervisor will have form FHA 440-35, Form Letter—Acceptance of Option, or other appropriate form of acceptance, completed, signed by the applicant, and mailed to the seller.

(i) *Use of and accountability for loan funds.*—Supervised bank accounts will not be used except when they are required or authorized by the State director for cases where adequate bonding is not available. If a supervised bank account is used, collateral for deposits of funds will be pledged in accordance with § 1803.4 of this chapter. All loan funds and funds from other sources to be used to pay the development costs of the site, as well as proceeds from the sale of any sites, will be deposited in a bank which is a member of the Federal Deposit In-

urance Corporation. The county supervisor will see that funds for land purchase are paid to the seller simultaneously with loan closing. After the loan is closed, monthly reports will be provided to FHA of all disbursements made and income received by the borrower. Reports for each month will be submitted to the FHA county office during the first 10 days of the next month. No expenditures will be made without prior FHA consent for items which are not included in the FHA approved development cost estimate or for amounts greater than those set forth in such estimate.

(j) *Insurance.*—The State director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Suitable workman's compensation insurance will be carried by the applicant for all its employees.

(2) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate, to obtain liability insurance.

(k) *Bonding.*—(1) The provisions of § 1804.4(d)(2) of this chapter pertaining to surety bonds are applicable to RHS loans.

(2) The applicant will provide fidelity bond coverage for its officers and employees entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily saleable personal property. The amount of the bond will be at least equal to the maximum amount of such funds including funds in bank accounts, and property that the applicant will have in its possession or control at any one time. If permitted by State law, the United States will be named coobligee in the bond. Form FHA 440-24, Position Fidelity Schedule Bond, may be used if permitted by State law.

§ 1822.268 Rates, terms, and source of funds.

(a) *Interest.*—The interest rate will be specified in subpart A of part 1810 of this chapter.

(b) *Repayment period.*—Final payment will be due 2 years after the date of the loan. When necessary to carry out the loan purposes, the national office may authorize extension of maturity dates. As lots are sold before the final due date of the note, the proceeds of the sales will be applied on the account or, with the prior approval of the national office, used in a manner consistent with the purposes of the loan and the security interest of the Government.

§ 1822.269 Security.

Each loan will be secured by a first mortgage on the property purchased or improved with the loan, and a security interest in the funds held by the corporation in trust for the Government, in accordance with the provisions of the loan resolution.

§ 1822.270 Technical, legal, and other services.

(a) *Appraisals.*—The property will be appraised by an FHA employee authorized to make real estate appraisals.

(b) *Title clearance and legal services.*—The applicant will be encouraged to have the same designated attorney, where practicable, perform the title clearance work in connection with the purchase of land and the sale of the individual sites.

(c) *Contracts for legal services.*—On projects requiring more legal services than are customarily required for title clearance alone, the applicant will be required to have a written contract when loan funds will be used for legal services. All such contracts will be subject to review and approval by the State director and, therefore, should be submitted to him before execution by the applicant. Contracts will provide for the types of service to be performed and the amount of fees to be paid, either in lump sum on the completion of all services or in installments as services are performed.

(d) *Engineering services.*—On projects requiring engineering services, a written contract will be required between the engineer and the borrower. All such contracts will be subject to review and approval by the State director and therefore should be submitted to him before execution by the applicant. The form of contract must conform with standard professional practices and describe the types of services to be performed and fees to be paid.

§ 1822.271 Processing applications.

(a) *Application.*—The application will be in the form of a letter to the county supervisor with the following information included in or attached to the letter:

(1) Name and address of applicant.
(2) A copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's articles of incorporation, bylaws, and other authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if another organization is a member of the applicant-organization its name, address, and principal business.

(3) A current, dated, and signed financial statement showing assets, and liabilities, together with information on the repayment schedule and status of each debt.

(4) General description of the project.
(i) Location and size of tract or tracts to be bought and/or developed.

(ii) Number and size of individual sites planned together with a detailed plot plan.

(iii) Preliminary engineering plans, if available.

(5) Estimated cost and amount of loan needed.

(6) Explanation of applicant's financial contribution to the project.

(7) A map showing the location of and other supporting information on neighborhood and existing facilities such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply available or planned, and access to essential services such as doctors, dentists, and hospitals.

(8) If facilities such as water and sewage systems, paved streets, and utilities are not currently available, information on when and how they will be provided.

(9) Evidence of the need for the proposed sites in the locality by low- and moderate-income families and other qualified applicants that are likely to be able to obtain financing for a home.

(b) *Completion of the docket.*—If the county supervisor determines that the applicant is eligible and the loan will be sound and proper, he should request the applicant to make any needed revisions. In addition to the items required in the application, the docket must include:

(1) A plot plan and detailed preliminary plans and specifications for development of the building sites.

(2) A detailed cost breakdown of the project for such items as land and rights-of-way, utility installations or connections, on-site improvements, engineering and legal services, and estimated interest.

(3) If water and sanitary facilities are not publicly owned, a complete statement as to how they will be provided and details about their ownership and operation.

(4) Satisfactory evidence of review and approval of the proposed development by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(c) *State office action.*—The State office will approve or disapprove the loan, or suggest that the loan docket be revised, or require additional information.

§ 1822.272 Loan closing.

Loans will be closed in accordance with applicable provisions of part 1807 of this chapter, any provisions set forth by the State director and instructions from the Office of the General Counsel. The forms to be used will be provided by FHA.

§ 1822.273 Actions after sites are developed.

The building sites will be sold on a nonprofit basis to eligible families or organizations as described in § 1822.266(c).

(a) An option, form FHA 440-34, Option to Purchase Real Property, will be executed. The site will be clearly identified by a land survey.

(b) The sale price of each individual site will be based on its appraised value and will not be more than an amount sufficient to pay a proportionate part of the RHS loan and other actual costs of buying, developing, and selling the building site.

(c) The proceeds from sale of the building sites will be applied on the RHS loan or, with the prior approval of the national office, used in a manner consistent with the purposes of the loan and security interest of the Government. The sites will be released from the mortgage in accordance with § 1872.3 of this chapter or otherwise in accordance with prior approval of the national office.

§ 1822.274 Subsequent RHS loans.

A subsequent RHS loan is an RHS loan to an applicant indebted for an initial RHS loan. Subsequent RHS loans will be made on the same basis as initial RHS loans.

§ 1822.275 Complaints regarding discrimination in opportunity to buy developed sites.

Any applicant wishing to purchase a site financed by an RHS loan who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the county supervisor or State director. Any such complaint will be handled in accordance with § 1822.97.

§ 1822.276 Special requirements for RHS Section 523 loans (loans to organizations providing sites for self-help housing).

Loans to organizations which will provide sites for self-help housing (RHS sec. 523 loans) will be made under the provisions of this subpart with the following exceptions:

(a) *Source of funds.*—These will be direct loans made from the self-help fund.

(b) *Evidence of need.*—Loans to newly formed organizations will be made on the basis of the applicant's providing firm information as to the number of sites to be developed and the names of eligible bona fide prospective purchasers who are willing and able to build homes by the self-help method and are assured of available financing. Loans to organizations currently involved or experienced in mutual self-help housing projects may be made without the submission of a list of the names of prospective site purchasers. In any case, however, there must be definite evidence that enough families are available who are eligible and willing to buy the sites when they are developed.

Dated May 8, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc. 73-9648 Filed 5-15-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-SW-20]

JOINT-USE RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

Correction

In FR Doc. 73-7842, appearing on page 10117, in the issue of Tuesday, April 24, 1973, in the third line of the third column, change longitude "106°00'00" to read "106°06'00".

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-29]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73-8615 appearing at page 10957 in the issue of Thursday, May 3,

1973, in the description of the Roanoke, Va., transition area (§ 71.181), in the seventh line the word "bearing" should be inserted between "296" and "from".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-12; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS Motorcycles and Three-Wheeled Vehicles

The purpose of this notice is to propose an amendment of 49 CFR 571.3(b), definitions, of the Federal motor vehicle safety standards, to revise the definition of "motorcycle."

Currently a "motorcycle" is defined as "a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground." Thus, any powered three-wheeled vehicle is a motorcycle under this definition, even if it has an enclosed passenger compartment and all the other usual characteristics of a passenger car except the fourth wheel. The safety standards applicable to passenger cars are far more extensive than those for motorcycles, covering more vehicle systems and extending to passenger protection as well. It is possible, therefore, that the present definitional dividing line between three and four wheels would create a major incentive for manufacturers of small vehicles, such as those that may be developed in the future for personal urban transportation, to choose a three-wheeled design and thereby escape the necessity to conform to many safety standards. It does not appear that this would be in the public interest. Whatever the requirements for lightweight vehicles may be in the future, there is no evidence before the NHTSA at this time that a dividing line based on whether they have three or four wheels is rational.

Any standards that apply to motorcycles are necessarily constrained by certain normal characteristics of powered two-wheeled vehicles; e.g., their lack of an occupant enclosure, or of static lateral stability, and their use of handlebars for steering. The only type of three-wheeled vehicle that appears inherently to belong to this category is a motorized tricycle, such as those used in police traffic control work, which from the saddle forward resembles a standard two-wheeled motorcycle in all respects. The NHTSA recognizes that there are other three-wheeled vehicles that have their own unique characteristics, and that may have difficulty meeting some of the safety standards for passenger cars or trucks. Where they contain some structure that approaches a vehicle body shielding the occupants, however, their differences from a two-wheeled motorcycle appear to become more significant than their similarities. It is the tentative judgment of this agency that motorcycle standards should not be applied to such vehicles.

The definition that is hereby proposed would limit the motorcycle category to powered two-wheeled vehicles, plus three-wheeled vehicles without a full or partial passenger enclosure. For purposes of the definition, the presence of a wind-screen alone generally would not constitute an occupant enclosure. The NHTSA intends by this definition to exclude all three-wheeled vehicles except the motorized tricycles mentioned above, which are similar to conventional motorcycles in most respects.

In consideration of the foregoing, it is proposed that the definition of "motorcycle" in 49 CFR 571.3(b) be amended to read:

"Motorcycle" means a two-wheeled motor vehicle with motive power, or a three-wheeled motor vehicle with motive power and without a full or partial passenger enclosure.

Because of the removal of the exemption for vehicles with a curb weight less than 1,000 pounds, published today (38 FR 12818) the effect of the redefinition would be to bring three-wheeled vehicles within the applicability of Federal motor vehicle safety standards for specific vehicle types.

Interested persons are invited to submit written data, views, and arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted. All comments received on or before the closing date indicated below will be considered, and will be available in room 5221 for examination both before and after the closing date. To the extent possible comments filed after the closing date will be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The National Highway Traffic Safety Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Manufacturers of vehicles that would no longer be motorcycles if the proposed redefinition is adopted should consider the options that the rulemaking action on lightweight vehicles affords before commenting on this proposal.

Comments closing date: July 16, 1973.
Proposed effective date: six months from date of publication of final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 501.8.)

Issued on April 30, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 73-9743 Filed 5-15-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Notice of Opportunity for Public Comment on Proposed Transportation and/or Land-Use Control Strategies

Correction

In FR Doc. 73-7926 appearing at page 10119 of the issue of Tuesday, April 24, 1973, in the fourth paragraph, in the third line from the end the figure "(E)" should read "(H)".

[40 CFR Part 180]

VIABLE SPORES OF MICRO-ORGANISM "BACILLUS THURINGIENSIS BERLINER"

Proposed Specification

Correction

In FR Doc. 73-8370 appearing on page 10643 in the issue of Monday, April 30, 1973, make the following changes in § 180.1011(a) (4):

1. In the 13th line, the word "sport" should read "spore".
2. In the last line, "procedur" should read "procedure".

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-377]

EXEMPTION OF CERTAIN TRANSPORT AND/OR SALES OF LIQUEFIED NATURAL GAS

Order Terminating Proposed Rulemaking Proceeding

MAY 4, 1973.

By notice of proposed rulemaking issued January 15, 1970 (35 FR 2076, Feb. 17, 1970), the Commission proposed to amend its regulations under section 7(c) of the Natural Gas Act by adding a new regulation to exempt from the requirements of said section certain motor carrier, barge, and rail transport and/or sale for resale of liquefied natural gas in interstate commerce.

The proposed regulations sought to accomplish three specific goals: (1) To exempt the transportation of LNG by motor carrier, barge, or rail in interstate commerce from certification under section 7(c) of the Natural Gas Act; (2) to exempt from certification under section 7(c) of the Natural Gas Act, incidental and limited sales for resale of LNG in interstate commerce by motor carrier, barge, or rail when the total sales in interstate commerce made by a supplier did not exceed 625,000 gal of LNG in any one calendar year; (3) to require prompt notification and annual reporting to the Commission when such transportation and/or sale occurred.

In response to the notice, 22 parties filed comments on the proposed regulation and a conference was held on November 17, 1970. Several of the respondents questioned whether the Commission had jurisdiction over LNG under

the Natural Gas Act. Some also noted that, in any case, it was doubtful that the Act was intended to cover the transportation of LNG by motor carrier, barge, and/or rail.

Subsequent to the filing of these responses, the Commission held in District (Opinions Nos. 613, 613-A) that LNG is a natural gas as defined in section 2(5) of the Natural Gas Act and that the Commission has jurisdiction over the sale and transportation of LNG in interstate commerce to the same extent that it does over other natural gas. In Columbia LNG (Opinions Nos. 622, 622-A), the Commission held it had jurisdiction over the importation of LNG. In both instances, the Commission reserved the question over the transportation of LNG in interstate commerce by motor carrier, barge, and rail. The Commission hereby determines that it does not have jurisdiction over the transportation of LNG by means other than pipeline and terminates section a and, where applicable, section c of the rulemaking.

The Natural Gas Act was a remedial statute enacted to eliminate abuses revealed by the investigations of the Federal Trade Commission.¹ Prior to its enactment, State regulatory commissions were able to regulate the rates charged by pipeline companies after the natural gas reached the distribution companies within the States; however the State commissions were unable to review the largest factor making up the cost to the consumer, i.e., the cost of gas in interstate commerce. The goal of the proposed legislation was precisely stated during the debates:

It gives the Federal Power Commission power to fix the cost of transportation of natural gas shipped in interstate commerce and the wholesale price which may be charged for it at the consuming centers. The State commissions will continue to have authority to regulate the retail distribution of the gas after the enactment of this legislation the same as they now have.²

Congress also recognized that pipelines were then the only method of transportation of gas. In 1937, Mr. Grosser in the House and Mr. Brown in the Senate introduced a predecessor to the bill finally enacted.³ Their bill was equivalent in almost all respects with that finally enacted and its declaration of purpose spelled out the reasons which moved Congress to pass the Natural Gas Act. In it they stated:

DECLARATION OF POLICY AND PURPOSE

SEC. 2
(b) * * *

Most natural gas is produced at long distances from the consuming markets where it is distributed by public utilities in response to a general demand. It is necessary in order to reach such markets that the natural gas be moved in interstate commerce through pipelines.

¹ S. Doc. No. 92, pt. 84-A, 70th Cong., 1st sess. (1936).

² Congressional Record, vol. 81, pt. 6, p. 6726.

³ H.R. 5711 and S. 1919, 75th Cong., 1st sess. (1937).

(c) The exercise of Federal jurisdiction is declared necessary in the public interest to regulate the part of said natural gas and natural-gas pipeline industry which is not subject to regulation by the several States, and to aid the States in the proper conservation and orderly production of this valuable natural resource.⁴

We interpret the legislative history of the act as indicating that the Congress was addressing itself to regulation of pipelines in order to eliminate demonstrated abuses rather than to the regulation of all modes of transportation of gas in interstate commerce. Congress never foresaw the transportation of natural gas (liquefied natural gas) by any means other than pipeline. In *Western Union Tel. Co. v. Lenroot*, 323 U.S. 490, 508 (1945), Mr. Justice Jackson commented on a problem not foreseen by the Congress:

Ascertainment of the intention of Congress in this situation is impossible. It is to indulge in a fiction to say that it had a specific intention on a point which never occurred to it. Had the omission of direct prohibition of this employment been called to its attention, it might well have supplied it, for any reason we can see. Congress of course has the right to be indirect where it could be direct and to be obscure and confusing where it could be clear and simple. But had it determined to reach this employment, we do not think it would have done so by artifice in preference to plain terms. It is admitted that it is beyond the judicial power of innovation to supply a direct prohibition by construction. We think we should not try to reach the same result by a series of interpretations so farfetched and forced as to bring into question the candor of Congress as well as the integrity of the interpretative process.

It is a general rule in the construction of terms of a statute to take into consideration the meaning naturally attaching to them from the context. *United States v. Raynor*, 302 U.S. 540 (1937). The Court should then adopt the sense of the words which best harmonizes with the context. *United States v. Hartwell*, 6 Wall. 385 (1867). Indeed, it is improper, in construing a statute, to take a few words from its context, and, with them thus isolated, attempt to determine their meaning. *U.S. v. American Trucking Assn.*, 310 U.S. 534 (1939).

When the word "transportation," as used in the Natural Gas Act, is taken out of context, it is broad enough to include the transportation in interstate commerce of liquefied natural gas by rail, truck, and barge, but when taken in the context of the other terms used in the act, the word takes on an entirely different meaning; i.e., the transportation of natural gas in interstate commerce by pipeline. Under section 7(a), the Commission may direct a natural gas company to "extend" its transportation facilities and to establish "physical connection" of its transportation facilities to the facilities of others. Section 7(b) requires a natural gas company to seek the permission and approval of the Commission in order to "abandon" any

portion of its facilities. Section 7(c) provides that no natural gas company shall "construct" or "extend" any facilities unless there is in force a certificate of public convenience and necessity issued by the Commission. Section 7(h) specifically gives holders of certificates of public convenience and necessity the power of eminent domain in the district courts of the United States in order to obtain right-of-way for pipelines and equipment attendant to the operation thereof. These terms conceivably could be applied to railroads, but all railroads are common carriers and subject to ICC jurisdiction. It is impossible, however, to realistically apply these terms to trucks and barges.

Twice the Supreme Court has held that areas of activity not specifically delineated by statute were within the regulatory jurisdiction of the Interstate Commerce Commission. In *American Trucking Association Inc. v. United States*, 344 U.S. 298 (1953) petitioners, operators of leased trucking equipment, claimed their operations were not within the jurisdiction of the Interstate Commerce Commission. The Court held otherwise, although nowhere in the act was there an express or inferred delegation of power to control, regulate, or affect leasing practices. In *Cornell Steamboat v. United States*, 321 U.S. 634 (1944), a towing company claimed that its operations did not fit under part III of the Interstate Commerce Act. In rejecting this argument, the Court expounded the notion that an agency may assert jurisdiction over any activity which clearly affects its ability to regulate activities which are plainly within its statutory authority.

The *American Trucking* and *Cornell* cases are distinguishable, since they merely fill small regulatory gaps in accordance with the expressed intention of Congress, whereas a judicial construction giving the Commission jurisdiction over interstate rail, motor carrier, and barge shipments would not be interstitial, but would establish without congressional legislation a vast new area of regulation. Consequently, since Commission jurisdiction cannot be found on the fact, of the statute, assertion thereof would be improper.

The Interstate Commerce Commission exercises economic regulatory authority over railroads, oil pipelines, motor vehicles, and inland, coastal, and intercoastal shipping. This authority is, in general, limited to common carriers (by railroad, water, oil pipeline, and motor vehicle) and contract carriers (by water and motor vehicle) as defined in parts I, II, and III of the Interstate Commerce Act. Common carriers by water engaged either in foreign or in offshore domestic commerce are regulated by the Federal Maritime Commission. The economic controls administered by the Interstate Commerce Commission relate to rates, certificates, and financing. Those administered by the Federal Maritime Commission relate principally to rates. Part III of the Interstate Commerce Act, the

Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, exempt tanker transport of LNG from Federal economic regulation.

It is apparent that, absent assertion of FPC regulatory authority under the Natural Gas Act, a portion of LNG transported in interstate and foreign commerce will remain exempt from comprehensive economic regulation, because some LNG is transported by private carrier and because as liquid bulk cargo in tanker vessels it is expressly exempt from regulation by the Interstate Commerce Commission and the Federal Maritime Commission. We do not believe however, that the Commission has authority under the Natural Gas Act to fill these regulatory gaps. It is our opinion that legislative action is necessary if Congress wishes to regulate this type of activity.

The Commission finds

(1) The termination of the proposed rulemaking in docket No. R-377 is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) Compliance with the effective date provisions of section 553 of title 5 of the United States Code is unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7(c) and 16 thereof (52 Stat. 825, as amended, 56 Stat. 83, 84, 52 Stat. 830; 15 U.S.C. (§ 717 F(c), and 717 (e)), orders:

(A) Effective upon issuance of this order, proposed rulemaking in docket No. R-377 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9661 Filed 5-15-73; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 20)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS; LIMITATIONS OF LIABILITY

Notice of Proposed Investigation and Order

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of May, 1973.

The many complaints filed with the Commission with respect to the transportation of household goods in interstate commerce and the handling of freight claims following such transportation, have revealed a serious problem with respect to the efforts of many carriers to limit their liability by methods which appear to be in violation of sections 20(11) and 219 of the Interstate Commerce Act. As applied to motor common carriers by section 219 of the

⁴Id. at pp. 2 and 3.

act, section 20(11) basically provides that common carriers

... receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it [or a carrier to which the property has been delivered on a through bill of lading], and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such common carrier ... from the liability hereby imposed.

The section further provides that such liability shall be for the full actual loss, damage, or injury caused by it or a carrier to which the property has been delivered on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made is hereby declared to be unlawful and void. The section does contain several provisos, only one of which is pertinent. That proviso allows express authorization by the Interstate Commerce Commission, by order, for the establishment and maintenance of rates depending upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released. Thus, released rates, allowed by a specific order of the Commission, are the only exception to the general rule set forth in section 20 (11) of the act.

Our investigations indicate that most motor common carriers of household goods maintain tariff provisions (generally set forth in the contract terms and conditions of their bills of lading) which state that they will not be liable for physical loss of or damage to documents, currency, money, jewelry, watches, precious stones or articles of extraordinary value from external causes while being carried or held in storage in transit, when those items are not specifically listed on the bill of lading; or for loss or damage caused by or resulting from breakage of china, glassware, bric-a-brac or similar articles of a brittle or fragile nature unless packed by the carrier or unless such breakage results from negligence of the carrier when the shipper has released the value of each article in the shipment to a value not exceeding 60 cents per pound per article.

A practice which has been used by several large household goods carriers, which we have discovered in our investigations, is to take the position, under

the tariff provision questioned above, that items of high value which are lost or damaged were or are items of extraordinary value and were not declared as such by the shipper at the time the bill of lading was executed. This practice is often employed when the lost or damaged articles are such things as antiques or are musical instruments of unusual quality. The end result often is that the carrier escapes all or a portion of its liability and the shipper either accepts the limited settlement offered or must resort to often expensive and extended legal procedures.

The Supreme Court has repeatedly interpreted section 20(11) to prohibit carriers from publishing any rule, regulation, or other limitation whatsoever, purporting to limit their liability. See e.g., *Missouri Pacific R.R. v. Elmore & Stahl*, 377 U.S. 134, 137-138 (1964); *Secretary of Agriculture v. United States*, 350 U.S. 162, 167-170 (1956); and *Adams Express Co. v. Darden*, 265 U.S. 265, 268 (1924). The court, in *Missouri Pacific, supra*, at 142, also noted: "Nothing can be added to or subtracted from the law by limitations or definitions stated in tariffs." As previously stated, the only exception authorizing a limitation on such liability is contained in the proviso to section 20(11) permitting released rates.

In this Commission's pertinent Released Rates Order, No. MC-505, of June 7, 1966 (102 M.C.C. 277), released rates for carriers of household goods as defined in 49 CFR 1056.1(a) were approved. Paragraph (b) of that order stated that "the released values provided herein may not be decreased," and paragraph (e) recites that "This section does not constitute authority for establishment of released rates or charges on any description of traffic other than herein specifically indicated." Nowhere in that order is there even the implied authority to exempt any household goods article from all liability whether or not such article is expressly identified by the shipper. As was recently held in *Thomas Electronics, Inc. v. H. W. Taynton Co.*, 277 F. Supp. 639, 642 (M.D. Pa. 1967), "Shippers have no legal duty to state the value of their goods on the bill of lading and their failure to do so will not destroy the protection afforded them by section 20(11) of the Interstate Commerce Act." Accordingly, the tariff rules, as set forth in the household goods carriers' bills of lading, which purport to limit liability as described above appear to constitute an improper attempt by the household goods carriers to disclaim their liability by, among other things, requiring notice from the shipper of the nature of the goods being shipped.

We believe that these practices, in addition to appearing to be in violation of the law, are indicative of methods employed by the household goods moving industry which tend to mislead the uninformed consumer. In Ex Parte No. 263, rules, regulations, and practices of regulated carriers with respect to the processing of loss and damage claims, 340 I.C.C. 515 (1972), we considered various motor

common carrier practices which had the effect of limiting the amount of damages recoverable by shippers and receivers of freight and concluded that many of such practices were violative of the law, and particularly section 20(11) of the act. We intend to make a similar investigation here with respect to household goods carrier practices. We also intend to consider any regulations necessary to eliminate those limitation of liability provisions which are found to be in violation of the Interstate Commerce Act. It is for the purpose of investigating household goods carrier liability limitation practices that the instant investigation proceeding is instituted.

This proceeding does not appear to be a major Federal action significantly affecting the quality of the human environment.

It is ordered, That based upon the foregoing explanation, and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), including more specifically sections 204(a) (1), 204 (a) (6), 208(a), 216, 217, 219, 220, 222, and 223, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), (1) to investigate the practices of motor common carriers of household goods, in interstate or foreign commerce, which are aimed at limitation of liability in violation of sections 20(11) and 219 of the Interstate Commerce Act, (2) to determine whether the facts and circumstances require or warrant the adoption of any regulation prohibiting certain limitation of liability provisions contained in the tariffs and bills of lading of such motor common carriers of household goods, and (3) for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding. All such motor common carrier respondents shall submit as part of their representations in this proceeding statements considering the following matters: (1) A list and description of presently utilized tariff provisions which limit liability, (2) a list and description of presently utilized bill of lading provisions which limit liability, (3) the bases for the belief that the above provisions are lawful, and (4) the desirability of this Commission designing and adopting a uniform bill of lading and other uniform shipping documents for use by all motor common carriers of household goods.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That the President's Office of Consumer Affairs be, and it is hereby, requested to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony unless a need therefor should later appear, but anyone interested in making representations as to the matters referred to above is hereby invited to do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments, shall be filed with the Commission on or before June 25, 1973. All such statements will be considered as evidence and as a part of the record in this proceeding.

And it is further ordered, That notice of the institution of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE.—Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue, Washington, D.C., during regular business hours.

[FR Doc.73-9727 Filed 5-15-73;8:45 am]

[49 CFR Ch. X]

[Ex Parte No. MC-87]

PASSENGER BROKERS

Interpretation of Operating Authorities

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2d day of May, 1973.

It appearing, that in No. MC-C-6759, *Trails West, Inc. v. Continental Trailways, Inc.*, 115 M.C.C. 269 (1972), appellate division 1 concluded that in order effectively to execute a tour contract the passenger broker must sell and arrange for transportation only at the point which it is authorized to serve and the parties must mutually sign the contract at that point;

It further appearing, that many passenger brokers may have significantly developed their operations upon the premise that contracts need only be approved at an authorized point of service; and that now to require existing passenger brokers to adjust their operations to the standards enunciated by appellate division 1 in No. MC-C-6759, may have a substantial damaging impact on the operations of such brokers;

It further appearing, that for the reasons noted in the preceding paragraph, it would be in the public interest to institute a rulemaking proceeding (1) to explore the lawfulness of the conclusions reached in the report of appellate division 1 in No. MC-C-6759, and all alternative thereto and consequences thereof; (2) to determine the effects such con-

clusions would have upon the operations of passenger brokers and all proper means of alleviating any such effects as may be found not to be in the public interest; and good cause appearing therefor:

It is ordered, That, based on the foregoing explanation, a general investigation and rulemaking proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to develop information concerning (1) the lawfulness of conclusions reached by appellate division 1 in *Trails West, Inc. v. Continental Trailways, Inc.*, supra, and all alternatives thereto and consequences thereof; (2) the effects such conclusions would have upon the operations of passenger brokers and all proper means of alleviating any such effects as may be found not to be in the public interest; (3) the formulation of any legislation that may be needed in the public interest; and (4) the taking of such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all licensed passenger brokers operating in interstate or foreign commerce within the United States be, and they are hereby, made parties to this proceeding.

It is further ordered, That the Department of Transportation and the President's Office of Consumer Affairs be, and they are hereby, requested to become parties to this proceeding and to present such information during the course of this proceeding as may be useful in aiding this Commission to resolve the above-mentioned issues.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that parties or any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person, including the parties named above, intending to participate in the formal pleadings stage in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before June 1, 1973, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed, and that initial statements and reply statements must be filed on or before July 30, 1973, and August 29, 1973, respectively.

And it is further ordered, That a copy of this order be served upon all the parties; that written material or suggestions submitted will be available for

public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9736 Filed 5-15-73;8:45 am]

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 9)]

MOTOR CARRIER LAWYERS ASSOCIATION

Petition for Institution of Rulemaking Proceeding

MAY 11, 1973.

Petitioner's representatives: Alvin J. Melklejohn and V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109.

By petition filed April 27, 1973, petitioner seeks the amendment of rule 51 (49 CFR 1100.51) of the Commission's general rules of practice which at present, allows an applicant or complainant whose application or complaint is being processed under the Commission's modified procedure, 10 days after the filing of protestants' or defendants' statements to file a reply thereto. Petitioner seeks an amendment of this rule to permit 20 days within which the complainant or applicant may file its reply. Petitioner contends that it is the experience of its members that (with but few exceptions) the present 10-day rule does not permit sufficient time to prepare and submit a meaningful reply statement. It asserts that the major reason for its request for an additional 10 days to file replies is the deterioration of the U.S. Postal Service to the point where it cannot be relied upon unless time is of no importance. It represents that protestants' and defendants' statements usually must be mailed to shippers for their comments and that this additional use of the mail service results in further delays which compound the problem of filing within the presently prescribed 10-day period. Petitioner states that while the rule allows 10 days in which to file a reply statement, an applicant or complainant often has as little as 1 day to prepare its statement and mail it to the Commission. Petitioner concedes that the Commission is lenient in granting extensions of time to file reply statements, but states that the obtaining of additional time is costly and time consuming both to the representative of the carrier and the Commission's overburdened staff.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or

arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before July 23, 1973. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9737 Filed 5-15-73;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.

FEDERAL POWER COMMISSION

[Docket No. E-8156]

ARKANSAS-MISSOURI POWER CO.

Notice of Proposed Changes in Rates and Charges

MAY 8, 1973.

Take notice that on April 25, 1973, Arkansas-Missouri Power Co. (Ark-Mo) tendered for filing a letter of agreement dated April 23, 1973, between Ark-Mo and Arkansas Electric Cooperative Corp. (Arkco) which relates to Ark-Mo's FPC rate schedule No. 31. Ark-Mo states that this agreement provides for the sale by Ark-Mo of short-term firm power for the period June 1, 1973, through May 31, 1974. Ark-Mo estimates that the revenue from the sale will be about \$1,277,600 for the 12-month period. Ark-Mo requests that the agreement be accepted for filing to become effective on June 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9662 Filed 5-15-73;8:45 am]

[Dockets Nos. E-8137, E-8138, E-8139,
E-8140]

BOSTON EDISON CO.

Notice of Initial Service and Rate Schedules

MAY 8, 1973.

Take notice that on April 17, 1973, Boston Edison Co. (Applicant), filed with the Federal Power Commission four separate agreements and supporting data, pursuant to § 35.12 of the Commission's regulations, for the purchase by various companies of capacity and related energy from Applicant's operation of its new nuclear generating unit, designated Pilgrim unit No. 1.

(1) The Agreement filed in docket No. E-8137 constitutes an initial rate schedule providing for the purchase from Applicant of capacity and related energy by Fitchburg Gas and Electric Co. (FG&E)

commencing December 9, 1972 and continuing through September 30, 1981. During the term of this agreement Applicant will make available to FG&E 40 MW of capacity and corresponding energy. The payment provision of the agreement is designed to reimburse Applicant for fixed and operating costs incurred by Applicant as a result of supplying the contracted capacity and energy.

(2) The agreement filed in docket No. E-8138 constitutes an initial rate schedule providing for the purchase by New Bedford Gas and Edison Light Co. (New Bedford) of 11 percent of the capacity from Applicant's Pilgrim unit No. 1 and corresponding energy. The term of this agreement commenced on December 9, 1972, and will continue through December 9, 2000. The payment provision of the agreement is designed to reimburse Applicant for 11 percent of the fixed and operating costs incurred by Applicant as a result of the installation and operation of said unit. Deliveries under said agreement are to be made at the 345 kV bus of the Canal Station, Sandwich, Mass.

(3) The agreement filed in docket No. E-8139 constitutes an initial rate schedule providing for the purchase by Public Service Co. of New Hampshire (Public Service) of capacity and related energy from Applicant's system. This agreement commenced on December 9, 1972, and will continue through April 30, 1974, with Applicant providing capacity of 100 MW from December 9, 1972 through April 30, 1973, and 40 MW from April 30, 1973 through April 30, 1974. The payment provision of the agreement is designed to reimburse Applicant for fixed and operating costs incurred as a result of supplying the contracted capacity and energy.

(4) The agreement in docket No. E-8140 constitutes an initial rate schedule providing for the purchase by Montaup Electric Co. (Montaup) of 11 percent of capacity from Applicant's nuclear generating unit and the energy corresponding thereto. This agreement commenced on December 9, 1972, and will continue through December 9, 2000. The payment provision of the agreement is designed to reimburse Applicant for 11 percent of the fixed and operating costs associated with the installation and operation of said unit. Deliveries under this contract are to be made at the 345 kV bus of the Canal Station, Sandwich, Mass.

With regard to the agreements filed in docket No. E-8137, and docket No. E-8139, the application states that New England Power Co. plans to file with the Commission transmission contracts providing for delivery of the power purchased under the subject agreements in

these dockets. With regard to the agreements in all the above dockets, Applicant, pursuant to § 35.11 of the Commission's regulations, requests that the agreements filed herewith be permitted an effective date by their terms of December 9, 1972.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. These applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9663 Filed 5-15-73;8:45 am]

[Docket No. RP73-106]

CITIES SERVICE GAS CO.

Order Suspending Proposed Service Agreement, Establishing Procedures, and Setting Date for Hearing

MAY 8, 1973.

On April 9, 1973, Cities Service Gas Co. (Cities) filed a service agreement to increase its daily maximum obligation to Union Gas System, Inc. (Union) under rate schedule P from 36,000 to 39,000 M ft³.

In support of its filing, Cities states that the reason for the change is decreasing availability of gas from Union's own production and from local production in the areas of Union's pipeline system. Outstanding certificate authorization does not contain volumetric limitations on sales to Union or to Cities' other customers. Cities proposes that the agreement become effective April 23, 1973.

The Commission finds

(1) The proposed service agreement has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

Gas Act that the proposed service agreement be suspended and the use thereof deferred as herein provided.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Pending hearing and decision on issues relating thereto, the service agreement filed April 9, 1973, by Cities is suspended and the use thereof deferred until September 23, 1973, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing on the issues presented in the application will be held commencing June 19, 1973, at 10:10 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426. An administrative law judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(C) On or before May 30, 1973, Cities shall prepare and serve its direct testimony and exhibits in support of its application.

(D) Any intervenors shall prepare and serve their prepared testimony and exhibits, if any, in support of their positions and in response to the submittals made in compliance with ordering paragraph (C) above on all parties to this proceeding, on or before June 12, 1973. All evidence shall be filed with the Commission and served on all parties and the Commission staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9664 Filed 5-15-73; 8:45 am]

[Docket No. RP73-72]

CONSOLIDATED GAS SUPPLY CORP.

Notice Deferring Procedural Dates

MAY 7, 1973.

On April 27, 1973, Commission Staff Council filed a motion for an indefinite postponement of procedural dates pending the disposition of the motion to terminate the proceedings filed by Consolidated Gas Supply Corp. The motion states that Consolidated has no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9665 Filed 5-15-73; 8:45 am]

[Docket No. CP73-292]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 8, 1973.

Take notice that on April 30, 1973, El Paso Natural Gas Co. (Applicant) P.O. Box 1492, El Paso, Tex. 79978 filed in docket No. CP73-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas tap facilities on its Southern Division System and the sale for resale and delivery of natural gas to certain existing distributors for resale to certain of Applicant's right-of-way grantors on said system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in the course of obtaining right-of-way easements for its Southern Division System facilities, certain grantors reserved the right to receive gas service as partial consideration for granting the easement to Applicant. Applicant proposes to install four taps, one each in Dona Ana County, N. Mex., Pecos County, Tex., Lamb County, Tex., and Pinal County, Ariz., in order to accommodate gas requests from right-of-way grantors—Dolores C. Wright, J. Frank Pollard, Kenneth P. Hamilton and Rodney Kleck. Applicant proposes to deliver and sell natural gas to Southern Union Gas Co. for resale to Dolores C. Wright, to Pioneer Natural Gas Co. for resale to J. Frank Pollard and Kenneth P. Hamilton and to Southern Gas Corp. for resale to Rodney Kleck as a result of the right-of-way easements granted to Applicant. Applicant estimates that during the third full year of operation of the proposed facilities the total annual requirements of the four right-of-way grantors will be 2,182 M ft³ and the maximum daily requirements will be 26 M ft³ during the 1975-76 heating season. Applicant asserts that the deliveries of gas to the aforesaid distributors will be rendered consistent with the priorities of service and curtailment provisions as prescribed by the Commission in the proceeding in docket No. RP 72-6.

Applicant proposes to charge the rates contained in rate schedules of its FPC Gas Tariff, original volume No. 1, or superseding tariff for the subject sales and deliveries.

Applicant estimates the cost of the proposed facilities at \$2,940, which it proposes to finance from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matters finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9666 Filed 5-15-73; 8:45 am]

[Docket No. RI73-275]

FIRST NATIONAL BANK IN DALLAS, ET AL.

Notice of Petition for Special Relief

MAY 8, 1973.

Take notice that on April 11, 1973, First National Bank in Dallas, trustee (Operator) et al. (Petitioner), P.O. Box 6031, Dallas, Tex. 75222, filed in docket No. RI73-275 pursuant to section 4 of the Natural Gas Act and § 1.7(b) of the Commission's rules of practice and procedure, a petition for special relief.¹ Petitioner requests the Commission to issue an order, as permitted by § 154.107(f), for a waiver of the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in opinion No. 595, area rate proceeding et al. (Texas gulf coast area), dockets Nos. AR64-2 et al., 45 FPC 674.

Petitioner's gas rate schedule No. 2, as amended, by and between First National Bank in Dallas, Trustee, et al. as seller, and South Texas Natural Gas Gathering Co., as buyer, covers the sale and purchase of gas from the Northeast Thompsonville Field, Jim Hogg County, Tex. The proposed increase to a 24 cent base rate has been agreed to by the purchaser, South Texas.

The proposed increase would make it possible for Petitioner to justify the expenditure of \$176,000 to install compression facilities which would increase the deliverability of the well and increase

¹ Order No. 481, Docket No. R-458, promulgating section 2.76 was issued April 12, 1973, 1 day after this petition was filed. However, the provisions of order No. 481 clearly apply.

the ultimate gas recoveries from 36.5 to 42.5 (billion cubic feet); thus making available to the interstate market an additional 6 billion cubic feet of gas which could not otherwise be recovered from this well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9658 Filed 5-15-73; 8:45 am]

[Docket No. E-7879]

FLORIDA POWER CORP.

Notice of Change in Location of Hearing

MAY 8, 1973.

Notice is given that the hearing scheduled to convene in a hearing room of the Federal Power Commission in the above-entitled matter on May 17, 1973, will convene in a room at the new Federal Power Commission location on the second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20426, at the time heretofore prescribed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9667 Filed 5-15-73; 8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Notice of Proposed Changes in Rates and Charges

MAY 8, 1973.

Take notice that on April 30, 1973, Georgia Power Co. (Georgia) tendered for filing the following proposed changes in its FPC electric tariff, original volume No. 1 for wholesale electric service to municipal electric systems and rural cooperatives:

Cover sheet,
First revised sheet 1,
Second revised sheet 23,
Second revised sheet 24,
First revised sheet 26,
First revised sheet 27,
First revised sheet 28,
First revised sheet 29,
First revised sheet 30,
First revised sheet 31,
First revised sheet 32,
First revised sheet 33,
Third revised sheet 35.

Georgia states that proposed changes replace the present WR-6 rate with an

increased rate, WR-7, and provide modifications to update the terms and conditions for wholesale electric service to those customers. According to Georgia, the proposed changes would increase revenues from wholesale customers by approximately \$17.5 million, if all wholesale delivery points were subject to the FPC electric tariff based upon usage for the calendar year 1972.

Georgia alleges that the company's cost of providing wholesale electric service have escalated steadily since the filing of its WR-6 rate which was based upon a 1969 test year and that the increased rates are necessary in order to provide the company with adequate rates to permit it to earn a fair return upon its property devoted to such service. Georgia states that the present wholesale rate actually produced a return of only 5.85 percent based upon 1971 operations and 5.96 percent based upon adjusted 1972 operations.

The proposed effective date of the tariff changes is June 30, 1973. In addition, Georgia states that copies of the revised tariff pages and billing comparisons have been mailed to all affected customers and the Georgia Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9668 Filed 5-15-73; 8:45 am]

[Docket No. RI73-44]

GETTY OIL CO.

Notice of Postponement of Prehearing Conference

MAY 8, 1973.

On April 9, 1973, a notice was issued extending the time for the prehearing conference in the above-designated matter, until May 10, 1973, at 10 a.m., e.d.t. On May 1, 1973, Getty Oil Co. filed a motion for issuance of certificate to supplement rate schedule and to terminate proceeding in docket No. RI73-44.

Upon consideration, notice is hereby given that the prehearing conference is postponed without date pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9669 Filed 5-15-73; 8:45 am]

[Docket No. CI73-143]

GREAT PLAINS LAND CO.

Notice of Filing of Settlement Agreement

MAY 8, 1973.

Take notice that on April 24, 1973, Great Plains Land Co. (Great Plains) filed with the Commission a proposed settlement agreement in docket No. CI73-143. The agreement essentially establishes a new sales price to Tennessee Gas Pipeline Co. by Great Plains of \$0.30 per M ft³ of gas delivered from the Seven Sisters Field of Duval County, Tex. Such increased sales price is said to be a reflection of the costs of reworking the wells and adding a new compression unit which was necessitated by declining volumes of gas in the field which caused the well pressure to become so low as to make these wells nonoperational without further investment.

Copies of this settlement agreement were served on all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 21, 1973, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene, protests or notices of intervention in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9670 Filed 5-15-73; 8:45 am]

[Docket No. CI73-717]

GREAT SOUTHERN OIL & GAS CO., INC.

Notice of Application

MAY 7, 1973.

Take notice that on April 27, 1973, Great Southern Oil & Gas Co., Inc. (Applicant), 604 Johnson Building, Shreveport, La. 71101, filed in docket No. CI73-717 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corp. from the Mowata Field, Acadia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 4,000 M ft³ of gas per month for 1 year from initial delivery at 35c/M ft³ at 15.025 lb/in² within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to

prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9671 Filed 5-15-73;8:45 am]

[Docket No. CI73-716]

GULF OIL CORP.
Notice of Application

MAY 7, 1973.

Take notice that on April 26, 1973, Gulf Oil Corp. (Applicant), P.O. Box 1589, Tulsa, Okla. 74102, filed in docket No. CI73-716 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from Applicant's interest in the Burton Flats Well Nos. 1, 2, and 3, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for 22 months from the end of the 60-day emergency period within the contemplation

of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 300,000 M ft³ of gas per month at 52 cents per million Btu the first 10 months and 54 cents per million Btu during the last 12 months, plus reimbursement of seven-eighths of taxes after February 6, 1973.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9672 Filed 5-15-73;8:45 am]

[Docket No. E-8101]

ILLINOIS POWER CO.

Notice of Filing of Interconnection
Agreement

MAY 8, 1973.

Take notice that on April 2, 1973, Illinois Power Co. (Applicant) filed an interchange agreement, dated March 15, 1973, with Iowa-Illinois Gas & Electric Co., which provides for the exchange of various classes of power under service schedules initially made a part of the agreement and containing negotiated rates or rates to be negotiated for specific transactions. The rate schedule, which would supersede Illinois Power Co.'s rate schedule FPC No. 5, as supple-

mented, is proposed to become effective 30 days after filing, pursuant to rule. Iowa-Illinois Gas & Electric Co. has concurred in the filing by Illinois Power.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. These applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9675 Filed 5-15-73;8:45 am]

[Docket No. ID-1599 et al.]

**JAMES F. SMITH AND OTHER APPLICANT
LISTED HEREIN**

Notice of Applications

MAY 8, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

ID-1599	James F. Smith.	2-26-73	Fitchburg Gas & Electric Light Co.
ID-1602	John W. Vaughan.	2-22-73	Appalachian Power Co. Kanawha Valley Power Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9682 Filed 5-15-73;8:45 am]

[Docket No. E-8151]

KANSAS GAS & ELECTRIC CO.**Notice of Proposed Changes in Rates and Charges**

MAY 8, 1973.

Take notice that on April 23, 1973, Kansas Gas & Electric Co. (Kansas) tendered for filing a letter agreement dated March 29, 1973, supplementing the electric interconnection contract dated June 28, 1960, with Western Power Division of Central Telephone & Utilities Corp. (Western) designated rate schedule FPC No. 101. The proposed effective date of this letter agreement is July 1, 1973. Kansas states that this letter agreement provides for the sale by Kansas of 30 MW of capacity from its La Cygne No. 1 unit for the 12-month period beginning July 1, 1973. According to Kansas, the rate to be paid to it for the capacity purchased will be \$1.50 per kilowatt per month, payable regardless of the specific unit's availability and the associated energy shall be paid for at a rate of 3.50 mills/kWh. Kansas states further that copies of this letter agreement have been furnished to Western and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.73-9673 Filed 5-15-73;8:45 am]

[Docket No. RP73-103]

McCULLOCH INTERSTATE GAS CORP.**Notice of Proposed Changes in Rates and Charges**

MAY 8, 1973.

Take notice that on April 30, 1973, McCulloch Interstate Gas Corp. (McCulloch) tendered for filing third revised sheet No. 11 to its FPC gas tariff, original volume No. 1. The proposed effective date of such revised tariff sheet is June 1, 1973. McCulloch proposes to increase its presently effective rate schedule PL-1 rates by 9.56¢/M ft³ (14.65 psc) in order to provide an annual estimated

increase in revenues of approximately \$1,340,862. McCulloch states that this proposed change in rates is made to cover increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Co., and to insure a reasonable rate of return. McCulloch states further that this rate request will be applicable to sales of gas in Montana-Wyoming area. According to McCulloch, its total revenue for 1972 was \$6,071,537.

McCulloch requests that the monthly detail requirement be waived with respect to this filing and that if waiver is not granted, McCulloch requests an extension through June 1, 1973, to furnish the monthly detail supporting schedule A through M, and appropriate certificates where such detail and certificates are applicable.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.73-9676 Filed 5-15-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES AND TASK FORCES**Order Designating Additional Members**

MAY 7, 1973.

The Federal Power Commission, by orders issued September 28, 1972, November 2, 1972, and December 7, 1972, established certain technical advisory committees and task forces.

2. *Membership.*—Additional members of the technical advisory committees and task forces, as selected by the Chairman of the Commission, with approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON FINANCE

Robert R. Fortune, member, senior vice president and treasurer, Pennsylvania Power & Light Co.

TECHNICAL ADVISORY COMMITTEE ON FUELS

Stephen A. Wakefield, member, assistant secretary, Energy and Minerals, Department of the Interior.

Mr. Wakefield replaces former Assistant Secretary Hollis M. Dole.

TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE—ADMINISTRATIVE

Stephen A. Wakefield, member, assistant secretary, Energy and Minerals, Department of the Interior.

TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE—ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Robert Catlin, member, Director, Division of Environmental Affairs, Atomic Energy Commission.

Frank A. Collins, member, Operations Research Analyst, Environmental Protection Agency.

Harry Johnson, member, Assistant to the Assistant Director—Energy, U.S. Bureau of Mines.

Joseph P. McCluskey, member, director, environmental affairs, Commonwealth Edison Co.

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Arthur McZier, member, Assistant Administrator for Minority Enterprise, Small Business Administration.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY CONSERVATION RESEARCH

Belmonte P. Cucolo, member, supervising engineer, Power Authority of the State of New York.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY SYSTEMS RESEARCH

Dr. Roger Carlsmith, member, energy program staff, Oak Ridge National Laboratory.

Dr. Eric Hirst, member, energy program staff, Oak Ridge National Laboratory.

Dr. M. H. Mickle, member, professor of electrical engineering, Carnegie-Mellon University.

Dr. W. G. Vogt, member, professor of electrical engineering, Carnegie-Mellon University.

Frank E. Montmeat, member, forecast engineer, Public Service Electric & Gas Co., New Jersey.

Dr. Phillip Palmedo, member, professional staff, Brookhaven National Laboratory.

By the Commission.

[SEAL] KENNETH F. PLUMS,
Secretary.

[FR Doc.73-9659 Filed 5-15-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE**Order Designating Additional Members**

MAY 7, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.*—Additional members to the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

Hon. James T. Lynn, member, Secretary, Housing and Urban Development.

Mr. Timothy L. Jenkins, member, attorney, and chairman, board of directors, Washington, D.C., Neighborhood Consumer Information Center.

By the Commission.

[SEAL] KENNETH F. PLUMS,
Secretary.

[FR Doc.73-9660 Filed 5-15-73;8:45 am]

[Docket No. E-7737]

ORANGE & ROCKLAND UTILITIES**Notice of Motion for Approval of Proposed Settlement**

MAY 8, 1973.

Take notice that on April 17, 1973, Orange and Rockland Utilities, Inc. (O. & R.) tendered for filing a motion of Orange and Rockland Utilities Inc. for approval of proposed settlement in docket No. E-7737. O. & R. also files service agreements between it and its subsidiaries as proposed settlement rate schedule. O. & R. states that the executed agreements between O. & R. and its subsidiaries which are appended to this motion incorporate the additional modifications which O. & R. now proposes. According to O. & R. these additional modifications are (1) a clause which will permit a more proper determination and billing of Federal income tax expense associated with the service being supplied, (2) a provision to reflect working capital and (3) changes in language throughout the service agreements so as to describe the determination of all of the cost of service elements in greater detail. O. & R. states further that the service agreements also reflect the changes which were authorized by the Commission's order of April 6, 1973, in this docket. O. & R. requests that the Commission waive the notice requirements of its regulations so as to permit these service agreements to become effective as of April 6, 1973.

In addition O. & R. states that the provisions of this proposed settlement are not intended to be separable and if a final order of the Commission approving this settlement is appealed, O. & R. reserves the right to withdraw the proposed settlement rate schedule within 30 days of the receipt of the notice of appeal.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9677 Filed 5-15-73;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.**Notice of Proposed Changes in Rates and Charges**

MAY 8, 1973.

Take notice that on April 30, 1973, Pennsylvania Power Co. (Penn) tendered

for filing new Penn rate schedules for its municipal wholesale customers. The proposed effective date of these rate schedules is July 1, 1973.

Penn states that the affected municipalities and the FPC numbers of the rate schedules in effect for each are as follows:

	Rate schedule No.
New Wilmington-----	14
Wampum-----	15
Zellenople-----	16
Ellwood City-----	17
Grove City-----	19

Penn states further that the schedules provide for the following changes in schedules now on file with the Commission for Penn's municipal wholesale service customers:

1. An increase in rates;
2. Addition of a fuel cost adjustment clause; and
3. Addition of a load shedding clause.

According to Penn, the reason for the increase in rates is that Penn's return on plant and property devoted to the service of its municipal wholesale customers has been declining and is no longer just and reasonable. The reason for the addition of a fuel cost adjustment clause is to smooth out the significant effects on return occasioned by increases in the cost of fossil fuel to Penn and which may also be occasioned by a decline in such prices, although no decline is foreseen in the near future. The reason for the provision on load shedding is to give to the municipalities a commensurate share of the burden Penn has undertaken in agreement with other interconnected systems to shed load in underfrequency system conditions in order to enhance reliability of the coordinated systems network by reducing the impact of widespread system operating problems.

In addition, Penn states that copies of this letter and the appropriate rate schedules have been sent this day to the mayors of each of the municipalities that are wholesale customers of Penn.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9678 Filed 5-15-73;8:45 am]

[Dockets Nos. CP73-87 and CP73-277]

SEA ROBIN PIPELINE CO.**Notice of Application and Amendment to Application**

MAY 7, 1973.

Take notice that on April 13, 1973, Sea Robin Pipeline Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La. 71158, filed an amendment to its application pending in docket No. CP73-87 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in offshore Louisiana to take into its pipeline system additional supplies of natural gas. Take further notice that on April 13, 1973, Applicant filed in docket No. CP73-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the increase of compressor horsepower at its facility in block 149, Vermilion area, offshore Louisiana. The proposals are more fully set forth in the application and amendment which are on file with the Commission and open to public inspection.

In its application in docket No. CP73-87, among other things, Applicant proposes to construct 4.1 miles of 26-inch pipeline, looping the existing 24-inch and 26-inch pipelines from block 205, Eugene Island area to block 149 Vermilion area, offshore Louisiana. Applicant states that it will require greater capacity pipeline than originally planned due to an increasing supply; and, therefore seeks, by way of the instant amendment, authorization to loop the existing pipeline with 30-inch pipe, instead of the proposed 26-inch pipe. According to Applicant, these requested facilities will enable it to deliver 1.185 million thousand cubic feet of natural gas daily. Applicant estimates that the cost of the facilities will be \$18,700,800 to be financed with cash on hand.

Applicant indicates that the proposal in the application in docket No. CP73-277 for authorization to increase the compressor horsepower at its facility in block 149, Vermilion area, to 37,050 horsepower will be accomplished by uprating a 10,500-hp unit authorized in docket No. CP72-115 to 12,350 hp, and by uprating two 7,000-hp units, for which a temporary certificate is requested in docket No. CP73-87, to 12,350 hp each. Applicant alleges that the uprating is necessary due to a gas supply exceeding authorized and pending facilities' capacity by 170,000 M ft³ (thousand cubic feet) per day. The cost of uprating the aforementioned facilities to 37,050 compressor horsepower is \$673,000 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said applications, as amended, should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10)

and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMBS,
Secretary.

[FR Doc. 73-9679 Filed 5-15-73; 8:45 am]

[Dockets Nos. E-7706, E-7750, and E-8092]

SIERRA PACIFIC POWER CO.

Order Providing for Hearing, Accepting Revised Tariff Sheets and Consolidating Proceedings

MAY 4, 1973.

Sierra Pacific Power Co. (Sierra) on March 15, 1973, tendered for filing in docket No. E-8092 increased rates and charges contained in revised tariff sheets in its FPC Electric Tariff, original volume No. 1, proposed to become effective on April 28, 1973. The proposed rates would increase jurisdictional revenues by approximately \$40,507 annually.¹

Sierra states that the proposed tariff sheets are submitted pursuant to paragraph 2 of article I of the "Stipulation of Facts and Statement of Reserved Issues for Briefing and Decision" (Stipulation), placed into the hearing record in dockets Nos. E-7706 and E-7750, which authorizes Sierra " . . . to concurrently reflect the increase in its purchased power costs resulting from application of the increased rates filed by P.G. & E. in docket No. E-7777, subject to rate reduction and refund by further order of the Commission." Sierra requests that the rate increase be permitted to become effective on April 28, 1973, in order to reflect the

¹ Fourth revised sheet No. 4 and third revised sheet No. 6.

increase in the cost of power purchased from its supplier, Pacific Gas & Electric Co. (P.G. & E.) to become effective on such date in docket No. E-7777 and that, in any event its tariff sheets become effective simultaneously with P.G. & E.'s increase.

The Commission issued a public notice of the proposed rate increase on March 29, 1973, which was published in the FEDERAL REGISTER on April 6, 1973 (38 FR 8770). One of Sierra's four existing customers, Truckee-Donner Public Utility District (Truckee), by letter filed March 30, 1973, states that it did not join in the above mentioned stipulation and that Sierra's proposed rate increase in docket No. E-8092 does not change the position Truckee has maintained in docket No. E-7706, et al., now before an administrative law judge for initial decision; i.e., that its rate is not contractually subject to a unilateral rate increase, and, alternately, that the cost of service to Truckee does not justify a rate increase.² Mount Wheeler Power, Inc. (Mount Wheeler), by letter filed March 21, 1973, objects to the March 15 filing,³ stating that it had not entered into the stipulation and that the P.G. & E. rate increase was not applicable to Mount Wheeler, but is an issue pending initial decision. Mount Wheeler accordingly requests that no action be taken by the Commission on the March 15 rate filing until the determination of the pending issues in docket No. E-7706 et al.

Sierra, on April 6, 1973, filed a motion for waiver of the requirements of § 35.13 of the Commission's regulations under the Federal Power Act and requested: (i) Permission to supplement its March 15 rate filing with the cost and revenue data attached to its motion; (ii) the consolidation of docket No. E-8092 with docket No. E-7706 et al.; (iii) permission to make the proposed increased rates filed March 15, effective on April 28, 1973, subject to refund pending the outcome of Sierra's proceedings in docket No. E-7706 et al., and P.G. & E.'s proceedings in docket No. E-7777.

In support of its request for waiver of the cost of service and other data requirements of the Commission's regulations, Sierra states, inter alia, that the proposed increase is not a general increase but involves only a pass-on of an actual increase in one component of cost, that of purchased power resulting from P.G. & E.'s increase in docket No. E-7777 and that it has made a complete filing in compliance with § 35.13 of the regulations in dockets Nos. E-7706 and E-7750.

Truckee and city of Fallon filed objections to Sierra's April 6 motion. Truckee requests that Sierra's request for waiver be denied and that the pro-

² By order issued May 26, 1972, the Commission denied Truckee's motion for reconsideration of our order of Mar. 28, 1972, which, inter alia, denied Truckee's motion to reject the proposed increased rates.

³ Mount Wheeler is a new wholesale customer under Sierra's FPC rate schedule No. 11, which is subject to investigation and hearing in docket No. E-7750.

posed increased rates be suspended for a long enough period to allow sufficient information to be furnished to determine appropriate rates. City of Fallon urges that Sierra be required to file rates which will raise no more revenues than required to recover the cost of service contained in the Stipulation plus the P.G. & E. rate increase, and that the proposed rates be suspended.

Sierra is unquestionably entitled to include in its cost of service the increased cost of purchased power. The exact amount of that cost can be determined only after rates are approved for P.G. & E. in docket No. E-7777. The rights of all parties will be preserved by consolidating this docket with docket No. E-7706 et al.

It is not our intent in consolidating these dockets to place in issue the propriety of including the increased cost of purchased power in Sierra's cost of service. It is also unnecessary for us to suspend the effectiveness of the proposed rates since they are filed in purported compliance with the settlement. Sierra under that settlement may pass through to its customers the increased cost of purchased power from P.G. & E. and nothing more. To the extent that the proposed rates include any increment over and above what will ultimately be determined to be just and reasonable rates to P.G. & E. must be refunded by Sierra and its rates reduced accordingly.

The Commission orders

(A) Docket No. E-8092 is consolidated with docket No. E-7706 et al., for the purposes herein set forth.

(B) Upon determination of just and reasonable rates for P.G. & E. in docket No. E-7777, Sierra shall pass through to its customers any refunds including interest thereon received from P.G. & E. and shall file revised rates to reflect the effects of lower rates, if any, charged by P.G. & E. Such refund and filing, if necessary, shall be made within 60 days from the date the Commission issues a final order in docket No. E-7777.

(C) Sierra's requests for waiver of § 35.13 and for an effective date of April 28, 1973, are granted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMBS,
Secretary.

[FR Doc. 73-9680 Filed 5-15-73; 8:45 am]

[Rate Schedule No. 128, et al.]

SKELLY OIL CO., ET AL.

Notice of Rate Change

MAY 8, 1973.

Take notice that the producers listed in the appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintage concepts set forth by the Commission in its opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and pro-

cedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

(Texas Eastern) tendered for filing original sheets Nos. 458 through 462, constituting rate schedule X-64, and two copies of first revised sheet No. 345 superseding original sheets Nos. 345 through 349, constituting notice of supersession of rate schedule X-44, both of original volume No. 2 of its FPC gas tariff.

Texas Eastern states that rate schedule X-64 is an exchange agreement dated September 23, 1971, between Texas Eastern and Texas Gas Transmission Corp. which provides for the exchange of natural gas by Texas Eastern and Texas Gas. According to Texas Eastern, this agreement supersedes the previous exchange agreement between the parties dated November 27, 1959, filed as Texas Eastern's rate schedule X-44, and it also adds an additional point of exchange and certain provisions with respect to title and control of the gas and quality standards which were not contained in the previous exchange agreement.

Texas Eastern requests waiver of the applicable provisions of the Commission's rules and regulations so as to permit rate schedule X-64 to become effective on May 1, 1973, which is the same date being requested by Texas Gas in filing its exchange agreement with Texas Eastern, designated as X-44.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9685 Filed 5-15-73; 8:45 am]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Proposed Changes in Rates and Charges

MAY 8, 1973.

Take notice that on April 23, 1973, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing as part of its FPC gas tariff, original volume, No. 2, the following sheets:

Fifth revised sheet No. 47.
Second revised sheet No. 59-A.
First revised sheet No. 59-B.
Original sheets No. 59-C through 59-G.

Transco states that the proposed changes comprise a part of rate schedule X-11, a transportation agreement between Transco and Sun Oil Co. Transco states further that these changes add an additional point of delivery and processing language to such transportation

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 23, 1973	Skelly Oil Co., P.O. Box 1660, Tulsa, Okla. 74102.	128	Lone Star Gas Co.	Other southwest area.
Apr. 30, 1973	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	15	United Gas Pipe Line Co.	Southern Louisiana.
Do.	Amoco Production Co. (Operator) et al., P.O. Box 2022, Houston, Tex. 77001.	114	do.	Texas Gulf Coast.
Do.	do.	112	do.	Other southwest area.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9681 Filed 5-15-73; 8:45 am]

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 7, 1973.

Take notice that on April 19, 1973, Southern Natural Gas Co. (Southern), tendered for filing substitute second revised sheet No. 4A (entitled original PGA-1) to its FPC gas tariff, sixth revised volume No. 1, in compliance with Commission's letter order of April 12, 1973, in docket No. RP73-64, Southern states that second revised sheet No. 4A reflects (1) the base tariff rates presently in effect and (2) the redesign of Southern's notes as a result of the Commission's acceptance of Sea Robin Pipeline Co.'s "alternate revised" tariff sheets. Southern also states that included herewith are schedules Nos. 1 through 4 supporting the deviation of the current adjustment to rates as provided for in § 17.3(6) of the general terms and conditions of Southern's tariff. The proposed effective date of substitute second revised sheet No. 4A is April 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9683 Filed 5-15-73; 8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

MAY 8, 1973.

Take notice that on April 18, 1973, Tennessee Gas Pipeline Co. (Tennessee), tendered for filing as part of the FPC gas tariff of Tennessee, sixth revised volume No. 2, duplicate copies of first revised sheet No. 171. Tennessee states that this sheet is being filed for the purpose of canceling rate schedule T-18. Tennessee states further that deliveries under T-18 to The Greenwich Gas Co. terminated April 1, 1973, under the terms of the original contract. According to Tennessee, revenues from these deliveries for the first 3 months of 1973 was \$14,998. Tennessee requests that the enclosed tariff sheets be made effective May 19, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9684 Filed 5-15-73; 8:45 am]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Exchange Agreement

MAY 3, 1973.

Take notice that on April 19, 1973, Texas Eastern Transmission Corp.

agreement. According to Transco these changes were authorized by certificate of public convenience and necessity issued April 9, 1973, in Transco's docket No. CP73-9. In addition Transco states that this sheet has a proposed effective date of April 9, 1973, the date of issuance of the certificate and the date the additional point began to be used as an additional point of delivery. Transco requests the Commission to waive such provisions of its rules and regulations and grant whatever special permissions as may be required to permit this filing to become effective on such date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9686 Filed 5-15-73;8:45 am]

[Docket No. RP72-103]

UNION TEXAS PETROLEUM, ET AL.

Notice of Filing of Settlement Agreement

MAY 8, 1973.

In regards Union Texas Petroleum, complainant v. Stephens & Cass, El Paso Natural Gas Co., respondents.

Take notice that on March 27, 1973, Union Texas Petroleum (Union Texas) filed a proposed settlement in docket No. RP72-103, which was certified to the Commission on April 10, 1973, and which was supported by respondents in this docket, Stephens Cass and El Paso Natural Gas Co. (El Paso).

The settlement agreement proposes, inter alia, that in consideration of the release by Union Texas of the Deformation covered by gas purchase contract dated April 28, 1953, between Lloyd H. Smith, Inc., Charles E. Merrill, Michael Judd, Lloyd H. Smith, and Paraffine Oil Corp. and Union Texas, successors to Texas Gas Products Corp., in underlying lands:

$E\frac{1}{2}$ of sec. 43, and $W\frac{1}{2}$ of $NW\frac{1}{4}$ and $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of sec. 44, block 36, T. 5 S., T&PRR Co. surveys.
 $N\frac{1}{2}$ and $SW\frac{1}{4}$ of sec. 7, and $E\frac{1}{2}$ of $NE\frac{1}{4}$ of sec. 12, block B, L&SVRR Co. survey, all in Reagan County, Tex.

Stephens and Cass acknowledge the validity of gas purchase contracts dated March 31, 1954, between Oil & Gas, Inc., et al., and Union Texas, successors to Texas Gas Products Corp., covering the described lands being the Boyd and Boyd "B" leases and Weddell lease, insofar and

only insofar as said Boyd and Boyd "B" leases cover two-thirds of the gas produced therefrom; and one-third of the gas produced from the said Weddell lease. It being specifically understood that the gas presently under contract to El Paso shall be effective as to one-third Boyd and Boyd "B" leases and two-thirds Weddell lease; and agree to commence deliveries of all casinghead gas produced from, or allocated to, the lands last above described on or before April 1, 1973. Further, Stephens and Cass will cooperate with Union Texas in obtaining a balance of the gas previously delivered to El Paso from the lands covered by gas purchase contract dated March 31, 1954, by supplying all gas settlement statements from El Paso, and other material pertaining thereto.

Further, Stephens and Cass and Union Texas, release each other mutually from any claim for damages on any matter asserted in this controversy.

Copies of the agreement were served on all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 29, 1973, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9687 Filed 5-15-73;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., 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 80 percent or more of the voting shares of Commerce Bank of Independence, National Association, Independence, Mo., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 28, 1973.

Board of Governors of the Federal Reserve System, May 8, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9695 Filed 5-15-73;8:45 am]

FINANCIAL GENERAL BANKSHARES, INC., ET AL.

Amended Notice

Financial General Bankshares, Inc., Washington, D.C., and its two wholly owned subsidiaries, the Morris Plan Corp. and Virginia Bankshares, Inc., both of Washington, D.C., have 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 17,000 or more of the voting shares of Clarendon Bank & Trust, Alexandria, Va., but not to exceed 80 percent of the outstanding shares. 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)).

Financial General Bankshares, Inc., is also engaged in the following nonbank activities: Mortgage banking, property development, and the financing, selling, leasing and managing of commercial property together with both single and multifamily residential property. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. 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 21, 1973.

Board of Governors of the Federal Reserve System, May 8, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9696 Filed 5-15-73;8:45 am]

FIRST BANCSHARES OF FLORIDA

Acquisition of Bank

First Bancshares of Florida, Boca Raton, Fla., 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 at least 80 percent of the voting shares of First Bank of West Boca Raton, Boca Raton, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 28, 1973.

Board of Governors of the Federal Reserve System, May 8, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9698 Filed 5-15-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Denying Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Arlington Bank & Trust, Arlington, Tex. (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 the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of \$1.7 billion, representing 5.8 percent of the total commercial bank deposits in the State, and is the largest bank holding company in Texas. (All banking data are as of June 30, 1972.) Applicant's acquisition of Bank (\$65.5 million in deposits) would not represent a significant increase in applicant's share of total deposits in the State.

Applicant presently controls through direct stock ownership one bank in the Dallas banking market, approximated by the Dallas RMA,¹ and holds 23.4 percent of total market deposits, thereby ranking as the second largest of the 106 banking organizations in that market. Bank, the largest of six banks in Arlington, also competes in this banking market and controls 1 percent of total market deposits thereby ranking as the eighth largest of the 106 banking organizations in the market. If this application were approved, applicant would remain the second largest banking organization in the market and would control 24.4 percent of total deposits.

There is substantial commuting between Dallas and Arlington. Traffic patterns suggest considerable integration of the two areas, and banks in each area use advertising media that reaches the other. Further, large Dallas banks serve a significant number of commercial and industrial loan accounts in Arlington, and there appear to be no significant differences in banking hours, service

charges, savings account rates, and services offered, among banks located in Dallas and Arlington. The similarity in competitive behavior among banks in these two areas apparently reflects the substantial integration of the two areas that has occurred and that appears likely to accelerate with the recent establishment and effectiveness of the North Central Texas Council of Governments and the extensive economic development that has been and should continue to be induced by the regional airport to be completed near Arlington in the near future.

Bank and applicant's Dallas subsidiary bank are only 20 miles apart. Applicant's Dallas bank derives a significant number of demand deposit and commercial and industrial and installment loan accounts from Bank's service area and, although Bank is the largest bank in its service area, applicant's Dallas bank has an amount of commercial and industrial loans outstanding to accounts in Bank's service area that is six times larger than the amount of commercial and industrial loans outstanding at Bank. The Dallas banking market is highly concentrated with 62 percent of total market deposits being held by the three largest banking organizations; approval of this application would aggravate this already high level of concentration. Bank is one of the largest independent banks in the market. It is especially attractive as a potential affiliate of a bank holding company making its initial entry into the area.

The acquisition of Bank by a banking organization not presently represented in the Dallas banking market would have a salutary effect on the existing high degree of deposit concentration present in this market. The Board concludes, therefore, that the competitive factors relating to this application are adverse; that consummation of the proposed transaction would (1) eliminate some existing competition between applicant's lead bank and Bank; (2) eliminate a banking alternative in this concentrated market; (3) increase deposit concentration among the largest organizations in the Dallas market; and (4) remove Bank as a potential means of entry by other organizations not presently represented in this market. Accordingly, competitive considerations require denial of this application unless the anticompetitive effects of the proposal are outweighed by benefits to the public in meeting the convenience and needs of the communities to be served.

The financial condition and managerial resources and future prospects of applicant and its subsidiary banks appear generally satisfactory. The financial condition and managerial resources of Bank are considered to be generally satisfactory, and prospects for its future growth and development are favorable; its deposits have increased approximately 63 percent during the last 5 years. Thus, banking factors are consistent with approval but provide no significant support for such action.

The banking needs of the residents of the Dallas area appear to be adequately served at the present time by existing facilities. Consummation of the proposed transaction would have little impact on the convenience and needs of banking customers in the area. Accordingly, considerations relating to the convenience and needs of the communities to be served do not outweigh the adverse competitive effects of the proposal. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,² effective May 8, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-9697 Filed 5-15-73; 8:45 am]

HATHDEL INC.

Formation of Bank Holding Company

Hathdel Inc., New Bedford, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.7 percent of the voting shares of The Illinois National Bank & Trust Co. of Rockford, Rockford, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 4, 1973.

Board of Governors of the Federal Reserve System, May 8, 1973.

[SEAL]

CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc. 73-9699 Filed 5-15-73; 8:45 am]

MARINE BANCORPORATION

Proposed Acquisition of Globe Finance Co. of Opportunity, Inc.

Marine Bancorporation, Seattle, Wash., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire indirectly 90 percent of the outstanding small loan accounts, together with furniture and equipment of Globe Finance Co. of Opportunity, Inc., Opportunity, Wash., through applicant's 100 percent owned subsidiary, Commerce

² Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

¹ RMA refers to Ranally metro area which is defined as the central city plus every community, 8 percent or more of the total population of which, or 15 percent or more of the labor force of which, commutes to the central city, based on the census of population. No community, 35 percent or more of the labor force of which is engaged in agriculture, is included in an RMA.

Credit Corp., Seattle, Wash. Notice of the application was published on February 3, 1973, in the *Spokesman Review*, a daily newspaper circulated in the city of Spokane, Wash.

Applicant states that the proposed subsidiary would engage in the activity of making small secured and unsecured loans not in excess of 25½ months and subject to the restrictions and limitations specified in the Small Loan Act of the State of Washington (ch. 31.08 revised code of Washington), consisting primarily of consumer loans to individual borrowers. Such activities have been specified by the Board in § 225.4(a)(1) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b)(2).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 5, 1973.

Board of Governors of the Federal Reserve System, May 9, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-9700 Filed 5-15-73;8:45 am]

UNITED ALABAMA BANCSHARES, INC. Acquisition of Banks

United Alabama Bancshares, Inc., Dothan, Ala., 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 at least 80 percent of the voting shares of First Western Bank, Bessemer, Ala.; First National Bank of Eufaula, Eufaula, Ala.; and The Bank of Huntsville, Huntsville, Ala. 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 Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 5, 1973.

Board of Governors of the Federal Reserve System, May 9, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-9701 Filed 5-15-73;8:15 am]

UNITED VIRGINIA BANCSHARES, INC. Acquisition of Bank

United Virginia Bankshares, Inc., Richmond, Va., 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 successor by merger to Citizens Bank of South Boston, South Boston, Va. 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 Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 29, 1973.

Board of Governors of the Federal Reserve System, May 8, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-9702 Filed 5-15-73;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 99]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES, ET AL.

Delegation of Authority Concerning Contracting and Related Functions

1. Pursuant to the authority delegated to me by delegation of authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), as amended, I hereby delegate the following authority to the following Assistant Administrators with power to redelegate to such officers as they may designate:

A. To the Assistant Administrator for Program and Management Services the following authority:

(1) To sign or approve the following:

a. U.S. Government contracts financed in whole or in part by A.I.D.;

b. Country contracts for technical assistance activities financed in whole or in part by an A.I.D. grant;

c. Grants (other than grants to foreign governments or agencies of foreign governments) for technical assistance activities;

d. Project implementation orders-technical services (PIO/T) for activities for which said Assistant Administrator has program responsibility;

e. Amendments or modifications, made without consideration pursuant to Executive Order 11223, to A.I.D.-financed contracts with nonprofit institutions under which contracts no fee is charged

or paid; *Provided* that redelegation of such authority shall not extend to amendments or modifications which (i) increase the amount payable to the contractor by \$25,000 or more; or (ii) relieve the contractor of the liability to make refund or restitution of \$25,000 or more.

(2) With respect to those contracts and grants referred to in paragraph 1.A.(1) above, to make findings and determinations with respect to advance payments, including those financed by Federal Reserve letters of credit, and to approve the contract provisions relating to such advance payments. This authority shall not be redelegated, except with respect to advance payments on nonprofit contracts with nonprofit educational or research institutions, including international organizations.

(3) So much of the function contained in section 608(a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto, of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitations as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

(4) To sign agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by A.I.D. This delegation does not include authority to execute general agreements.

B. To the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Latin America, and the Assistant Administrator for Supporting Assistance, for the countries or areas within their responsibility, the authority to sign or approve the following:

(1) Country contracts for capital projects financed in whole or in part by an A.I.D. grant.

(2) Project implementation orders-technical services (PIO/T).

C. To the Assistant Administrator for Program and Policy Coordination, the Coordinator of the Office of Food for Peace, the Director of the Office of Labor Affairs, and the Director of the Office of Public Safety, the authority to sign project implementation orders-technical services (PIO/T) for activities for which said officers have program responsibility.

D. To each director of an A.I.D. mission (or in countries where there is no A.I.D. mission, the Chief of the diplomatic mission and the Assistant Administrator for Population and Humanitarian Assistance or his designee) the authority to sign or approve the following for disaster relief purposes subject to the limitations of A.I.D. Manual Order No. 1563.1:

(1) U.S. Government contracts;

(2) Grants, and any country contracts financed by such grants.

2. **Definitions.**—For the purposes of this delegation of authority No. 99 and any redelegation pursuant thereto the following definitions shall apply:

A. "U.S. Government contract" means any procurement contract to which the U.S. Government is a party, and any subcontracts entered into thereunder.

B. "Country contract" means any A.I.D.-financed contract, other than a U.S. Government contract.

C. "Technical assistance activity" means any activity except capital projects, program assistance, and commodity imports under sector assistance.

D. "Capital project" shall have the definition ascribed to it in section 1.4b. of A.I.D. Manual Order 1442.1.

E. "Program assistance" shall have the definition ascribed to it in Manual Order 1101.1.

3. The following A.I.D. delegations of authority, or parts of delegations of authority, are hereby revoked or amended:

A. The following delegations of authority are revoked:

(1) No. 15, dated May 22, 1962 (27 FR 5152), as amended.

(2) No. 17, dated June 14, 1962 (27 FR 5914), as amended.

(3) No. 19, dated February 24, 1962 (27 FR 10374), as amended.

B. Delegation of authority No. 32, dated August 31, 1963 (28 FR 10801), as amended, is revoked as of September 30, 1973, unless earlier revoked by action of the Assistant Administrator for Program and Management Services, or his delegatee, which action shall have the concurrence of the Assistant Administrator for Supporting Assistance.

C. Delegation of authority dated November 26, 1954 (19 FR 8049), as amended, from the Director, Foreign Operations Administration, to Directors and Acting Directors of U.S. Operations Missions is revoked as of September 30, 1973.

D. The following delegations of authority are hereby amended:

(1) No. 28, dated May 2, 1963 (28 FR 4726), is amended by amending the first paragraph to read as follows: "Pursuant to the authority vested in me by delegation of authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), as amended, I hereby delegate to each Director of an A.I.D. mission the following authority:

a. To make the determinations prescribed under section 607(a) of the Foreign Assistance Act, 1961, as amended, (the Act) to permit the furnishing of foreign excess property and related services. Such authority shall be exercised only with respect to foreign excess property located in the country for which the person making the determination has responsibility.

b. To make the determinations prescribed under section 607(b) of the Act. "Mission" means the A.I.D. mission or the principal A.I.D. officer or representa-

tive (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by A.I.D.

(2) No. 36, dated September 16, 1963 (29 FR 5353), as amended, is amended by deleting in paragraph 2(a) (ix) the words "to U.S. banking institutions, or to U.S. suppliers".

(3) No. 37, dated April 9, 1964 (29 FR 5911), is amended as follows:

a. Paragraph c of attachment A thereto is revoked effective September 30, 1973, unless earlier revoked by action of the Assistant Administrator for Program and Management Services, or his delegatee, which action shall have the concurrence of the Assistant Administrator for Africa.

b. Paragraph D.3 of attachment A is revoked.

(4) No. 38, dated April 10, 1964 (29 FR 5280), as amended, is amended by adding in paragraph 1 the words "having a membership consisting primarily of such foreign governments" after the words "international organizations."

(5) No. 41, dated May 8, 1964 (29 FR 6892), as amended, is amended to read as follows: "Pursuant to the authority delegated to me by delegation of authority No. 104, from the Secretary of State, dated November 3, 1961 (26 FR 10608), as amended, I hereby delegate authority as follows:

1. To the Assistant Administrator, Asia; Assistant Administrator, Latin America; Assistant Administrator, Africa; and the Assistant Administrator, Supporting Assistance; each for the countries within their responsibilities, the following functions pursuant to section 607(a) of the Foreign Assistance Act of 1961, as amended (the Act), with respect to the furnishing of services and commodities to friendly countries or to international organizations having a membership consisting primarily of foreign governments:

A. Making those determinations prescribed by section 607(a) of the Act;

B. Authorizing the furnishing of such services and commodities on an advance of funds or reimbursement basis; and

C. Signing transfer or transfer/trust agreements.

2. To the Assistant Administrator, Program and Management Services:

A. With respect to the furnishing of services and commodities to international organizations having a membership consisting primarily of foreign governments, the American Red Cross and voluntary nonprofit agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid, the following functions pursuant to section 607(a) of the Act:

(1) Making the determinations prescribed by section 607(a) of the Act;

(2) Authorizing the furnishing of such services and commodities on an advance of funds or reimbursement basis; and

(3) Signing transfer or transfer/trust agreements.

B. Making the determinations prescribed in section 607(b) of the Act.

Only the authority to execute transfer or transfer/trust agreements and to make the determinations prescribed in section 607(b) of the Act may be redelegated to subordinate officers.

This delegation of authority shall be effective immediately." [End of delegation No. 41.]

(6) No. 60, dated April 28, 1965, is amended by deleting paragraphs C and D.3 of attachment A.

(7) No. 86, dated September 19, 1969 (34 FR 15385), is amended by inserting the following immediately before the period at the end of paragraph 2: ", but shall not include the authority to sign grants".

(8) No. 95, dated April 18, 1972 (37 FR 8402), is amended as follows:

a. Section 2 is amended by deleting the words "and grants".

b. Section 3 is amended to read as follows: "Delegation of authority No. 40, dated April 17, 1964 (29 FR 5695), as amended, is amended by inserting among the names of Assistant Administrators in that delegation the title of the following officer: 'Assistant Administrator, Population and Humanitarian Assistance'."

(9) No. 96, dated July 17, 1972 (37 FR 16207), is amended by deleting paragraphs 1(2) and 1(3).

E. The following delegations of authority are hereby amended by deleting subparagraphs Nos. (2) and (3) effective September 30, 1973, unless earlier revoked by action of the Assistant Administrator for Program and Management Services, or his delegatee, which action shall have the concurrence of the Assistant Administrator having responsibility for the country involved:

(1) Delegation of authority No. 25, dated March 2, 1963 (28 FR 2365);

(2) Delegation of authority No. 42, dated June 2, 1964 (29 FR 8122);

(3) Delegation of authority No. 51, dated August 10, 1964 (29 FR 11851);

(4) Delegation of authority No. 53, dated October 20, 1964 (29 FR 14860);

(5) Delegation of authority No. 55, dated November 18, 1964 (29 FR 15928);

(6) Delegation of authority No. 58, dated February 10, 1965 (30 FR 2159);

(7) Delegation of authority No. 59, dated February 10, 1965 (30 FR 2159);

(8) Delegation of authority No. 63, dated November 6, 1965 (30 FR 14567);

(9) Delegation of authority No. 65, dated January 27, 1967 (32 FR 2711);

(10) Delegation of authority No. 77, dated March 5, 1968 (33 FR 4477);

(11) Delegation of authority No. 79, dated July 15, 1968 (33 FR 10407);

(12) Delegation of authority No. 81, dated October 8, 1968 (33 FR 15672);

(13) Delegation of authority No. 82, dated October 8, 1968 (33 FR 15672);

(14) Delegation of authority No. 83, dated December 13, 1968 (34 FR 87);

(15) Delegation of authority No. 89, dated January 22, 1971 (36 FR 1488); and

(16) Delegation of authority No. 90, dated February 10, 1971 (36 FR 3134).

F. Delegation of authority dated September 28, 1960 (25 FR 9927), is amended

by deleting paragraphs Nos. 4 and 5.

3a. To the extent that this delegation of authority 99 delegates authority to an officer who was delegated the same authority under delegation of authority No. 17, redelegations of such authority issued pursuant to delegation of authority No. 17 are hereby continued in effect according to their terms until modified, revoked, or superseded by action of such officer.

b. To the extent that this delegation of authority No. 99 delegates authority to an officer who was not delegated the same authority under delegation of authority No. 17, any redelegation of such authority to a mission issued pursuant to delegation of authority No. 17 is hereby continued in effect according to its terms until September 30, 1973, unless earlier modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation or by action of the officers to whom relevant authority is redelegated pursuant to this delegation. Any such action shall have the concurrence of the Assistant Administrator (or his delegatee) having responsibility for the country in which said mission is located. Any future redelegation to a mission issued pursuant to this delegation shall also have the concurrence of such Assistant Administrator or his delegatee. For the purposes of this paragraph "mission" means the A.I.D. mission or the principal A.I.D. office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by A.I.D.

4. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

5. Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

6. This delegation of authority shall be effective immediately.

Dated April 27, 1973.

JOHN A. HANNAH,
Administrator.

[FR Doc.73-9688 Filed 5-15-73;8:45 am]

[No. 99.1]

**DIRECTOR, OFFICE OF CONTRACT
MANAGEMENT**

**Redelegation of Authority Concerning
Contracting and Related Functions**

Pursuant to the authority delegated to me by delegation of authority No. 99 from the Administrator of the Agency for International Development dated April 27, 1973, I hereby redelegate to the Director, Office of Contract Management

the following authority, with power to redelegate to such officers and employees as he may designate:

1. To sign or approve the following:

a. U.S. Government contracts financed in whole or part by A.I.D.;

b. Country contracts for technical assistance activities financed in whole or in part by an A.I.D. grant;

c. Grants (other than grants to foreign governments or agencies of foreign governments) for technical assistance activities;

d. Project implementation orders-technical services (PIO/T) for activities for which the Assistant Administrator for Program and Management Services has program responsibility;

e. Amendments or modifications, made without consideration pursuant to Executive Order 11223, to A.I.D.-financed contracts with nonprofit institutions under which contracts no fee is charged or paid; *Provided*, That this redelegation of authority does not extend to amendments or modifications which (i) increase the amount payable to the contractor by \$25,000 or more; or (ii) relieve the contractor of the liability to make refund or restitution of \$25,000 or more.

2. With respect to those contracts and grants referred to in paragraph 1 above, to make findings and determinations with respect to advance payments, including those financed by Federal Reserve letters of credit, and to approve the contract provisions relating to such advance payments. This authority is limited to advance payments on nonprofit contracts with nonprofit educational or research institutions, including international organizations.

3. So much of the function contained in section 608(a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto, of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitations as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

4. To sign agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by A.I.D. This delegation does not include authority to execute general agreements.

5. To modify, revoke, or supersede those redelegations which were issued prior to the issuance of delegation of authority No. 99 dated April 27, 1973, and which were referred to in paragraph 3.b of said delegation of authority. Any such action shall have the concurrence of the Assistant Administrator (or his delegatee) having responsibility for the country in which said activity is located.

6. To make the determinations prescribed under section 607(b) of the Act.

Any redelegation to a Mission Director or other officer in charge of an overseas field activity, or to a subordinate of such officer, issued pursuant to this redelegation shall have the concurrence of the Assistant Administrator (or his delegatee) having responsibility for the country in which said activity is located.

The authority herein redelegated to the designated officer may be exercised by persons who are performing the functions of such officer in an "Acting" capacity.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to superseded delegations are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have redelegated relevant authority in this redelegation.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

The following redelegations of authority are hereby revoked:

1. Redelegation of authority to the Offices of International Training and Public Safety, dated May 12, 1971 (36 FR 9145; A.I.D. Manual Order 131.9.2) relating to contracting functions.

2. Redelegation of authority to the Director and Deputy Director, Office of Procurement, dated February 15, 1968 (33 FR 3348; A.I.D. Manual Order 131.9.4) relating to A.I.D. agreements with other Federal agencies.

3. Redelegation of authority to the Director, Office of Procurement et al., dated September 30, 1970 (35 FR 15944; A.I.D. Manual Order 131.9.5), relating to contracting functions.

This redelegation of authority shall be effective immediately.

Dated May 1, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for
Program and Management Services.

[FR Doc.73-9689 Filed 5-15-73;8:45 am]

[No. 99.1.1]

**CHIEF, REGIONAL OPERATIONS
DIVISION, ET AL.**

**Redelegation of Authority Regarding the
Contracting Function**

Pursuant to the authority delegated to me by redelegation of authority No. 99.1, dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby redelegate:

A. To the Chief, Regional Operations Division; Chief, Africa Branch; Chief, Latin America Branch; Chief, Asia Branch; Chief, Supporting Assistance Branch; Chief, Central Operations Division; Chief, PHA Branch; Chief, TAB Branch; Chief, Other Programs Branch; Chief, Support Division; Chief, Support Services Branch; and Chief, Overhead and Special Costs Branch, authority to sign or approve:

(1) U.S. Government contracts financed in whole or in part by A.I.D.;

(2) Country contracts for technical assistance activities financed in whole or in part by an A.I.D. grant;

(3) Grants (other than grants to foreign government or agencies of foreign governments) for technical assistance activities;

(4) Project implementation orders-technical services (PIO/T) for activities for which the Assistant Administrator for Program and Management Services has program responsibility;

(5) With respect to those contracts and grants referred to above, to make findings and determinations with respect to advance payments, including those

financed by Federal Reserve letters of credit and to approve the contract provisions relating to such advance payments. This authority is limited to advance payments on nonprofit contracts with nonprofit educational or research institutions, including international organizations.

B. (1) To incumbents of the positions in the Office of International Training (SER/IT) and the Office of Public Safety (OPS) designated on the table below, and within the limits stated for each position in the table, authority to sign or approve the documents specified therein for purposes related to the participant training program.

Officers Authorized to Obtain Goods and Services Relative to the Participant Training Program

Director, and his Deputy; Assistant Director for Program and Assistant Director for Program Support, and their Deputies, SER/IT	Chief, Participant Support Branch, IT/PSD/PS	Chiefs, Program Division Training Branches, IT/PD	Development Training Specialists, IT/PD
\$50,000	Nil	\$5,000	Nil. Tank orders against basic ordering agreement with universities or other educational institutions (including firms and organizations engaged in training) for participant training costs.
\$50,000	Nil	\$5,000	Nil. Contracts with universities or educational institutions (including firms and organizations engaged in training) for participant training costs based on published catalog tuition prices or other published mediums by which the institutions announce terms and conditions for enrollment.
\$7,500	\$7,500	Nil	Nil. Interpreting (including translating) services contracts and field program manager contracts.
\$2,500	\$2,500	\$1,000	\$1,000. Purchase orders to effect purchases related to the participant training program in accordance with procedures set forth in Federal Procurement Regulations Subpart 1-3.6.1

¹ This authority may also be executed by Field Program Managers, SER/IT.

(2) Nothing herein shall be construed to derogate from the authority of the Chief, Central Operations Division, and the contracting officers of the Division, Office of Contract Management in their discretion, at any time to exercise any of the functions herein delegated.

The authority herein redelegated to the officers named above may not be further redelegated by such officers, but may be exercised by duly authorized persons who are performing the functions of such officers in an "Acting" capacity.

The authorities redelegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

This redelegation of authority shall be effective immediately.

Dated May 2, 1973.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR Doc.73-9890 Filed 5-15-73;8:45 am]

[No. 99.1.2]

**CHIEF, PARTICIPATING AGENCY STAFF
Redelegation of Authority**

Pursuant to the authority redelegated to me by redelegation of authority No. 99.1, dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby redelegate to the Chief, Participating Agency Staff, authority:

1. To sign and approve project implementation orders-technical services (PIO/T) for activities for which the Assistant Administrator for Program and Management Services has program responsibility.

2. To sign agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by A.I.D. This redelegation of authority does not include authority to execute general agreements.

3. The authority redelegated herein may not be further redelegated, but may be exercised by duly authorized persons who are performing the functions of such officers in an "Acting" capacity.

Actions within the scope of this redelegation heretofore taken by the official

designated herein are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated May 2, 1973.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR Doc.73-9891 Filed 5-15-73;8:45 am]

[No. 99.1.3]

**CHIEF, EXCESS PROPERTY DIVISION,
ET AL.**

**Redelegation of Authority Regarding
Excess Property**

A. Pursuant to the authority delegated to me by redelegation of authority No. 99.1, dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby redelegate to certain officers the following authority:

1. To the Chief, Excess Property Division, and to the Chiefs, A.I.D. field offices of the Excess Property Division: So much of the function contained in section 608 (a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitations as to the funds made available and as to the furnishing of such property as are contained in section 608 (a) of the Act.

2. With respect to the rehabilitation by a contractor listed in the General Services Administration regional term contract price schedules of property acquired by the Agency for International Development pursuant to section 608 (a) of the Act:

a. To the Chief, Excess Property Division: To execute purchase orders for services and supplies for rehabilitation and spare parts support required in relation to an item being rehabilitated.

b. To the Chiefs, A.I.D. field offices of the Excess Property Division: To inspect and accept each item completed by the contractor.

c. To the Chief, Logistics Service Branch:

(1) To execute purchase orders for services and supplies for rehabilitation and spare parts support required in relation to an item being rehabilitated.

(2) To approve the contractor's invoices for direct payment to the contractor.

3. To the Chief, Excess Property Division, and to the Chiefs, A.I.D. field offices of the Excess Property Division:

To make the determinations prescribed under section 607 (b) of the Act.

B. The authorities herein redelegated to the officers named above may not be redelegated further by those officers, but may be exercised by persons authorized

by them to perform the functions of their office in an "Acting" capacity.

C. The authorities herein redelegated are to be exercised in accordance with the Federal Property Management regulations promulgated by the General Services Administration and with the policies, regulations, and procedures promulgated within the Agency for International Development.

D. Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

E. This redelegation of authority shall be effective immediately.

Dated May 2, 1973.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR Doc.73-9092 Filed 5-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4847, Projects Nos. 1354 and 507]

CALIFORNIA

Order Providing for Opening of Lands

MAY 8, 1973.

Pursuant to the vacating order of the Federal Power Commission (38 Stat. 6847, March 13, 1973), and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director effective January 12, 1972 (37 FR 491), it is ordered as follows:

1. The following described land withdrawn for project No. 1354 and project No. 507 is hereby open to such disposition as may be made of National Forest lands:

That part of the N $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 9, T. 7 S., R. 22 E., M.D.M., lying within the boundary of project No. 1354 as shown on map exhibit K, sheet 7A (FPC No. 1354-63) filed in the office of the Federal Power Commission on June 21, 1937, and

All portions of the SE $\frac{1}{4}$, sec. 9, T. 7 S., R. 22 E., M.D.M., lying within project No. 507 shown on a map designated "EW, Water Power, Williams, C.E. 3-20-24," and filed in the office of the Federal Power Commission on June 3, 1924.

The areas described aggregate approximately 21.20 acres in Madera County, Calif.

2. At 10 a.m. on June 22, 1973, the land shall be open to such forms of disposition as may be made of the National Forest lands.

Inquiries concerning the land should be addressed to the Bureau of Land Management, room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.73-9630 Filed 5-15-73;8:45 am]

Office of the Secretary

[INT PES 73-22]

PROPOSED WILDERNESS CLASSIFICATION FOR BADLANDS NATIONAL MONUMENT, SOUTH DAKOTA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Badlands National Monument, S. Dak.

The final environmental statement considers the designation of 58,924 acres of Badlands National Monument as wilderness.

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

Midwest Regional Office
National Park Service
1709 Jackson
Omaha, Nebr. 68102
Badlands National Monument
P.O. Box 72
Interior, S. Dak. 57750

Dated MAY 8, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

[FR Doc. 73-9631 Filed 5-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Nebraska Grain Inspection Points

Statement of considerations.—The Grand Island Chamber of Commerce Grain Inspection Bureau, Grand Island, Nebr., has proposed that effective July 1, 1973, its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official grain inspection agency at Grand Island and Hastings, Nebr., be transferred.

The Hastings Grain Inspection Co., Hastings, Nebr., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate an official grain inspection agency at Grand Island and Hastings, Nebr. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Grand Island and Hastings, Nebr., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency, if any, which they recommend to be designated to operate an official inspection agency at Grand Island and Hastings, Nebr.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the hearing clerk not later than June 15, 1973. All submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the hearing clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on May 11, 1973.

E. L. PETERSON,
Administrator.

[FR Doc.73-9739 Filed 5-15-73;8:45 am]

Forest Service

SAN JUAN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The San Juan National Forest Multiple Use Advisory Committee will meet at 9 a.m. at the REA Conference Room, on Highway 160/550 south of Durango, Colo., Friday, June 8, 1973.

The purpose of this meeting is to:

1. Review the process we are using to get public involvement in decisionmaking.
2. Discuss forest management priorities for the coming year.
3. Discuss the unit planning process being used on the forest and the environmental impact statements now being prepared for several roadless areas.
4. Review social-economic situation in San Juan Basin as it relates to management activities on this national forest.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, San Juan National Forest, Durango, Colo. 81301, phone 247-4874. Written statements may be filed with the Committee before or after the meeting.

The Committee will establish rules for public participation. At this meeting, the public will be given the opportunity to make oral statements at specified times in the afternoon.

PAUL F. SENTENEY,
Acting Forest Supervisor.

MAY 8, 1973.

[FR Doc.73-9625 Filed 5-15-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ECONOMIC HARDSHIP EXEMPTION

Notice of Applications

Notice is hereby given that the following applicants have filed applications for economic hardship exemptions pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361

et seq.), and § 216.13 of the interim regulations governing the taking and importing of marine mammals (37 FR 28177).

1. Bernd G. Wuersig, Division of Biological Sciences, State University of New York at Stony Brook, Stony Brook, N.Y. 11790, telephone 516-246-5000, to capture by net and affix radio transmitting devices to as many as three dusky dolphins (*Lagenorhynchus obscurus*) and to affix visual tags to as many as 12 dusky dolphins within one-half mile of the shore of Golfo San Jose, Chubut, Argentina, between June and October 21, 1973.

The applicant states:

(1) The tagging study will be undertaken to fulfill the requirements of his Ph. D. degree at the State University of New York at Stony Brook, and will be under the direction of Dr. Charles Walcott, chairman, Department of Cellular and Comparative Biology, State University of New York at Stony Brook, and Dr. Roger Payne, the New York Zoological Society, The Bronx, N.Y., both of whom will be in Argentina in the fall of 1973;

(2) The animals will be captured by hoop net from a rubber boat within one-half mile of shore and held for approximately 1 minute while the tags are affixed;

(3) The radio tags will be fastened by a single ¼-inch teflon-coated corrosion bolt fastened through the forepart of the dorsal fin, while the visual tags will be fastened through the rear of the fin;

(4) That, as a graduate student working on a definite set and approved Ph. D. schedule, he has been allowed leave for field research for the academic year 1973-74, by which time he must attempt to complete his proposed work;

(5) That his faculty advisers will be in Argentina during the fall of 1973 to supervise the research, and the research cannot be conducted after then since the laboratory from which the research will be conducted will be dismantled after January 1974, and according to regulations of the State University of New York at Stony Brook, field research can be undertaken only under the supervision of a qualified professor;

(6) If the exemption is not granted he will have to change his research program and incur additional time in school and will lose time from gainful employment, and will suffer undue economic hardship in that the aggregate total of monetary loss will be approximately \$19,400;

(7) If the proposed project is not carried out, which is important in gaining knowledge of the migrational habits of the smaller odontocetes, it probably will never be carried out due to the proposed dismantling of the New York Zoological Society's laboratory, which was erected there for that purpose.

2. Mr. Ralph Quinlan, doing business as Quinlan Marine Attractions, Route 3, Lincolnton, N.C. 28092, to capture as many as six Atlantic bottle-nose dolphins (*Tursiops truncatus*) from various parts of the Gulf of Mexico between June and October 21, 1973, for public display in the Historic Wax Museum, Washing-

ton, D.C., and Carowinds Park, Charlotte, N.C.

The applicant states:

(1) The dolphins would be captured from various parts of the Gulf of Mexico, and the population of these animals is plentiful;

(2) The animals would be taken by persons competent in the humane capture of dolphins, as soon as possible after the granting of a letter of exemption;

(3) After capture the animals would be transported to Lincoln County, N.C., by Quinlan Attractions personnel and equipment, where they would be quarantined for 30 days and examined by veterinary personnel from the Bowman Gray Medical Center in Winston Salem, N.C.;

(4) After this period of quarantine and examination the animals would be trained by competent trainers at the Quinlan Marine Attractions' training center;

(5) After training, two of the animals would be transported to the Historic Wax Museum in Washington, D.C., and four of the animals would be transported to Carowinds Park, Charlotte, N.C., where they would be displayed for profit by the owners of these display facilities;

(6) At all times the animals would be owned by the applicant and cared for and exhibited by agents of the applicant accompanying the animals;

(7) He has been training, caring for, and observing dolphins for 10 years, and has developed and helped develop the very best practices for looking after and caring for dolphins and is presently engaged in medical research for the health of dolphins and related animals with the consultation of Dr. Sam Ridgeway, head of the Navy Bio-Science Laboratory, U.S. Navy, California;

(8) The animals would be used for educational and entertainment purposes, a recorded message would be broadcast before each performance to educate the audience on dolphins and related animals, and the animals would be viewed by approximately 1,600,000 persons in Charlotte, N.C., and approximately 700,000 persons in Washington, D.C.;

(9) Failure to obtain an economic hardship exemption would subject him to serious contractual liability and consequential damages, thus posing undue economic hardship; and his inability to obtain the exemption would seriously interrupt other programs or research and development which he hopes to engage in in connection with the Bowman Gray Medical Center and the U.S. Navy, the total monetary value of such economic hardship being approximately \$100,000.

3. Drs. Donald R. Buhler and Bruce R. Mate, and others, Environmental Health Sciences Center, Oregon State University, Corvallis, Ore. 97331, to take by shooting 4 California sea lions (*Zalophus californianus*) and 10 harbor seals (*Phoca vitulina richardi*), and to capture by net, hold for 3 weeks and afterwards kill 2 California sea lions, off the coasts of Oregon and northern Califor-

nia during the period between May and October 21, 1973, all animals to be taken for the purposes of scientific research.

The applicants state:

(1) The taking of the animals would be part of a scientific effort to understand the danger of environmental contaminants to these species and compare their abilities and gross exposures to their geographic location, their trophic level (what they feed on), and their similar evolution;

(2) The 6 sea lions would be subadults over the age of four years, from a population thought to be over 50,000;

(3) The seals would be subadults both males and females, but not pups, yearlings, or pregnant females, from a population estimated at 300,000;

(4) Two of the six sea lions would be captured by nets at Ano Nuevo Island, Calif., during early September, transported in suitable cages by boat to shore, taken by truck to the Biological Sonar Laboratory, Fremont, Calif., kept for 3 weeks under the supervision and care of a licensed veterinarian experienced with marine mammals, and afterwards killed;

(5) The remaining four sea lions would be killed by high powered rifle August through October at Cape Arago, south of Coos Bay, Ore.;

(6) The 10 seals would be killed by high powered rifle between June and October, 2 at each of the following 5 locations in waters off Oregon: The Columbia River estuary, Tillamook Bay, Winchester Bay (Umpqua River), lower Coos Bay, and Cape Arago;

(7) If the exemption is not granted, the applicants, their colleagues, and the University of Oregon would suffer undue economic hardship, the total aggregate of all such direct and indirect losses being approximately \$91,000, in that ongoing research funded from several sources would be suspended; several researchers would be unemployed; and two graduate students and one postdoctoral research fellow would face suspension of their research projects for at least 1 year, thus losing at least 1 year of gainful employment in the fields toward which they had studied;

(8) The understanding of the mechanism used by the species under study to reduce the toxic effects of environmental contaminants may prove beneficial to man and other terrestrial animals;

Documents submitted in connection with these applications are available for inspection in the office of the Director, National Marine Fisheries Service. Any documents deemed confidential will not be available.

All factual statements and opinions contained in this notice with respect to these applications are those supplied by the applicants and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Dated May 11, 1973.

ROBERT W. SCHONING,
Acting Director, National
Marine Fisheries Service.

[FR Doc.73-9640 Filed 5-15-73;8:45 am]

ECONOMIC HARDSHIP EXEMPTION FOR MARINE MAMMALS

Notice of Public Hearing Regarding Application

Notice is hereby given pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Department of Commerce interim regulations (37 FR 28177) issued in connection therewith, that a hearing will be held for the applicant described below on May 25, 1973, beginning at 10 a.m. local time in the Customs Building, room 2032, 300 South Ferry Street, Terminal Island, Calif. 90731, to consider an application for an undue economic hardship exemption for Japanese Village, 6122 Knott Avenue, Buena Park, Calif. 90621, telephone 714-522-8353, to take eight Atlantic bottlenose dolphins (*Tursiops truncatus*) for public display. A notice of receipt of this application was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10030), accompanied by a detailed summary of the application.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731, telephone 312-891-9575.

Written comments will be accepted for the official record provided they are post-marked or received by midnight on June 13, 1973.

Dated May 11, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine
Fisheries Service.

[FR Doc. 73-9639 Filed 5-15-73; 8:45 am]

NATIONAL VERTICAL CONTROL NET Proposed Action

MAY 7, 1973.

Elevations of marked points (benchmarks) in the National Vertical Control Net are based on the "Sea Level Datum of 1929." Since this datum was derived from the overall average sea level of 26 tide stations, the official elevation at any particular one of these tide stations does not necessarily reflect the actual local "mean sea level." In order to avoid such apparent confusion and the costly errors that may result through failure to consider local sea level when engineering projects are undertaken, it is proposed to change the present name of the vertical control datum from the "Sea Level Datum of 1929" to the "National Geodetic Vertical Datum of 1929."

This change is proposed to be effective on or before July 2, 1973. Comments on this proposed action may be directed to the Director, National Ocean Survey, NOAA, Rockville, Md. 20852.

ROBERT M. WHITE,
Administrator.

[FR Doc. 73-9694 Filed 5-15-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9542; Docket No. FDC-D-535; NDA 9-542, etc.]

CERTAIN COMBINATION DRUGS CONTAINING RAUWOLFIA ALKALOIDS

Notice of Withdrawal of Approval of New Drug Applications

On January 11, 1973, there was published in the FEDERAL REGISTER (38 FR 1295) a notice of opportunity for hearing (DESI 9542) in which the Commissioner of Food and Drugs proposed 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 the new drug applications for the subject drugs. The basis of the proposed withdrawal of approval was the lack of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

A notice was published in the FEDERAL REGISTER of February 8, 1972 (37 FR 2851), withdrawing approval of NDA 10-407 for Renir Tablets containing reserpine and ephedrine sulfate; formerly marketed for Beecham-Massengill Pharmaceuticals, Division Beecham, Inc., 527 Fifth Street, Bristol, Tenn. 37620. Approval was withdrawn on the grounds that reports required under section 505(j) of the act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted. At that time no final effectiveness classification of the drug had yet been made. The conclusions described herein are applicable to that drug product.

USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, N.Y. 10707, has waived its opportunity for hearing concerning the following drugs, stating that the drugs are no longer marketed (Nysco Laboratories, Inc. was the former holder of the NDA's):

1. NDA 10-934; Reserpine with Pylamine Maleate Tablets and Nyscaps.
2. NDA 10-254; Belserp Tablets containing reserpine, hyoscyamine sulfate, atropine sulfate, and scopolamine hydrobromide.
3. NDA 11-291; Pedresin Tablets containing rescinnamine, thiamine mononitrate, and cobalamin concentrate.
4. NDA 10-164; Aminoserp Tablets containing aminophylline and reserpine.

None of the holders of the following new drug applications or any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

1. NDA 10-127; Raudonna Tablets containing reserpine, hyoscyamine sulfate, atropine sulfate, and scopolamine hydrobromide; Mallinckrodt Pharmaceuticals, Division Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis, Mo. 63160.

2. NDA 11V139; Solfo-Serpine Tablets and Capsules containing reserpine, phenobarbital, and colloidal sulfur; Wm. P. Poythress & Co., Inc., 16 North Street, Richmond, Va. 23217.

3. NDA 9-542; Sandril with Pylonil Tablets, containing reserpine and pyrobutamine phosphate; Eli Lilly & Co., P.O. Box 618, Indianapolis, Ind. 46206.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). 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.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on May 16, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated May 9, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-9750 Filed 5-15-73; 8:45 am]

OVER-THE-COUNTER CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of contraceptives and vaginal drug products such as creams, douches, foams, inserts, insufflators, jellies, powders, suppositories, and tablets, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients in such preparations.

FDA is aware that the following is not a complete list, but only representative of the kinds of active ingredients used in such products. FDA has conducted a literature search on each of them:

Alum (aluminum potassium sulfate).
Citric acid.
p-Diisobutylphenoxyethoxyethanol.
Lactic acid.
Nonoxonyl 9
(Nonylphenoxyethoxyethanol).
Octylphenoxyethoxyethanol.
Phenylmercuric Acetate.
Ricinoleic Acid.
Sodium Perborate.

In addition FDA is aware that the following ingredients are also used in such products and have been subject of previous literature searches and those bibliographies may be of value:

Boric acid.
Camphor.
Eucalyptol.
Menthol.
Thymol.
Zinc Sulfate.

FDA's literature search covered the United States of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY).
FDA Clinical Experience Abstracts.
Quarterly Cumulative Index Medicus.
Current List of Medical Literature.
Index Medicus.
JAMA Subject Index.
DeHaen Drugs in Use.
RINGDOC.
VETDOC.
International Pharmaceutical Abstracts.
Excerpta Medica.
Abstracts of World Medicine.
Biological Abstracts.
Chemical Abstracts.

The bibliography of the literature searches is available to interested persons.

Interested persons are also invited to submit data on any other active ingredients for use in contraceptives and other vaginal drug products.

The FDA is aware that safety data on these ingredients may be available as a result of testing related to nondrug products, such as cosmetics. All interested

parties are encouraged to submit at this time all available safety data for these ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of these ingredients in nondrug products such as cosmetics (e.g., feminine vaginal sprays for which no drug claims are made). However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their use in cosmetics can continue to be justified. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusions may well have a direct and substantial impact on all uses of these ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical and scientific literature.

B. Combination of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.
5. Pertinent medical and scientific literature.

V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.
2. Partially controlled or uncontrolled studies.

3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.
5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

In order to avoid duplication, interested persons should not in their submissions include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request, the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the bibliography of the FDA literature search should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-109), 5600 Fishers Lane, Rockville, Md. 20852.

Submission of data must be on or before July 16, 1973.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371.)

Dated May 10, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-9749 Filed 5-15-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER & LIGHT CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's directorate of licensing, related to the proposed Shearon Harris Nuclear Power Plant Units 1, 2, 3, and 4, to be constructed by Carolina Power & Light Co., in Wake and Chatham Counties, N.C., is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Wake County Public Library, 104 Fayetteville Street, Raleigh, N.C. The Final Environmental Statement is also being made available at the Clearinghouse and Information Center, 116 West James Street, Raleigh, N.C. 27603, and Research Triangle Regional Planning Commission, P.O. Box 12255, Research Triangle Park, N.C. 27709.

The notice of availability of the Draft Environmental Statement for the Shearon Harris Nuclear Power Plant Units 1, 2, 3, and 4, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 22, 1972 (37 FR 24842). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 11th day of May 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch No. 2, Directorate of
Licensing.

[FR Doc.73-9803 Filed 5-15-73; 8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission (the Commission) by its "Notice of Hearing on a Facility Operating License" dated

March 30, 1973, ordered a hearing to be held on the boiling water reactors identified as the Peach Bottom Atomic Nuclear Station, Units 2 and 3. These facilities are owned by the applicants, Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co. Construction of these facilities, which are located in York County, Pa., was authorized by provisional construction permits Nos. CPPR-37 and CPPR-38 issued by the Commission on January 31, 1968.

This hearing will be held pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and the regulations in 10 CFR part 50, "Licensing of Production and Utilization Facilities" and 10 CFR part 2, "Rules of Practice." The hearing will consider: (1) Whether considering those matters covered in appendix D to 10 CFR part 50, the construction permit for unit 3 should be appropriately conditioned to protect environmental values; and (2) whether a facility operating license should be issued for units 2 and 3.

The hearing will be conducted by the Atomic Safety and Licensing Board (the Board) appointed by the Commission in the aforementioned notice of hearing. This Board consists of Dr. Ernest O. Salo, Dr. Kenneth A. McCollom, as technical members, and Daniel M. Head, as Chairman.

A prehearing conference was held by the Board in York, Pa., on April 16, 1973, and April 24, 1973, in accordance with §§ 2.751(a) and 2.752 of the Commission's rules of practice, 10 CFR part 2. As a result of this prehearing conference, a prehearing conference order was issued by the Board on April 30, 1973, ruling on the contentions that will be issues in controversy at the hearing.

Please take notice and it is hereby ordered in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and the Commission's rules of practice, 10 CFR part 2, that the evidentiary hearing in this proceeding is scheduled to begin at 9 a.m. local time, on Wednesday, May 30, 1973, in the Assembly Room, Administration Building, York College of Pennsylvania, Country Club Road, York, Pa. 17505, and shall run continuously thereafter until all evidence has been received or until continued by order of this Board.

Members of the public are invited to attend this public hearing and they may request to make limited appearances pursuant to § 2.715(a) of the Commission's rules of practice, 10 CFR part 2. Oral or written statements to be presented prior to the start of the taking of evidence at the hearing.

By order of the Atomic Safety and Licensing Board.

Dated this 11th day of May 1973, at Washington, D.C.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-9801 Filed 5-15-73; 8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Notice of Hearing

The Atomic Energy Commission (the Commission) by its notice of hearing pursuant to 10 CFR part 50, appendix D, section B; "Notice of Consideration of Issuance of Facility Operating License and Opportunity for Hearing" dated September 21, 1972, ordered a hearing to be held pursuant to section B of appendix D, 10 CFR part 2, to determine whether construction permit CPPR-71 issued by the Commission May 20, 1970, for the James A. Fitzpatrick Nuclear Power Plant, Unit 1, should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Further, in the aforementioned notice opportunity was given for interested parties to request a hearing with respect to the issuance of the facility operating license for the James A. Fitzpatrick Nuclear Power Plant, Unit 1, which is a boiling water nuclear reactor located on the southeast shore of Lake Ontario in Oswego County, N.Y., and designed for operation at steady-state power levels not to exceed 2,436 thmMW. A request for hearing on the issuance of the facility operating license was timely filed by two intervenors, Ecology Action and Suzanne P. Weber, in the form of a petition for leave to intervene made pursuant to the Commission's rules of practice, 10 CFR part 2. The Atomic Safety and Licensing Board (the Board) appointed by the Commission to conduct this proceeding granted this request for hearing on the issuance of the facility operating license by prehearing conference order dated March 29, 1973.

The purpose of this notice is to set the hearing pursuant to 10 CFR part 50, appendix D, section B, and the hearing with respect to the issuance of the facility operating license. The hearings shall be consolidated.

The aforementioned Board which will conduct this consolidated hearing was appointed by the Commission January 23, 1973, and consists of Dr. Kenneth A. McCollom, Dr. Ernest O. Salo, as technical members, and Daniel M. Head, as Chairman.

The consolidated hearing will determine the issues set forth in the above referred to notice of hearing pursuant to 10 CFR part 50, appendix D, section B, and will also determine, in considering the issuance of the facility operating license, two contested issues raised by the intervenors. These two contested issues relate to the adequacy of the applicants' emergency plan and the capability of the facility to meet the requirements of the Commission's regulations governing radioactive effluents. These issues will be decided in accordance with the requirements of § 2.104(c) of the Commission's rules of practice, 10 CFR part 2, which subsection is hereby incorporated by reference.

Please take notice and it is hereby ordered, in accordance with the Atomic Energy Act of 1954, as amended, and the

Commission's rules of practice, particularly 10 CFR 2.104(a), that the evidentiary hearing in this proceeding is scheduled to begin at 10 a.m., local time, on Monday, June 4, 1973, in the second floor courtroom, County Courthouse, East Oneida and Second Streets, Oswego, N.Y. 13216, and such hearing shall run continuously thereafter until all evidence has been received or until otherwise continued by order of this Board.

Members of the public are invited to attend this public hearing and they may request to make limited appearances pursuant to § 2.715(a) of the Commission's rules of practice, 10 CFR part 2. Oral or written statements to be presented by limited appearances will be received prior to the start of the taking of evidence at the hearing.

By order of the Atomic Safety and Licensing Board.

Dated this 11th day of May 1973, at Washington, D.C.

DANIEL M. HEAD,
Chairman.

[FR Doc. 73-9802 Filed 5-15-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25415, 25470; Order 73-5-59]

AIRLIFT INTERNATIONAL, INC. ET AL.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of May, 1973.

By tariff revisions¹ marked to become effective May 17, 1973, Airlift International, Inc. (Airlift), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern) and National Airlines, Inc. (National) propose to increase their domestic air freight rates summarized as follows:

1. All rates (except eastbound/northbound directional rates)
 - a. Markets of 750 mi or less—5.0 percent;
 - b. Markets of more than 750 mi—2.5 percent.
2. Eastbound/northbound directional rates (except Miami, Fort Lauderdale, West Palm Beach)—5.0 percent.
3. Northbound directional rates from Miami (to be common—rated with Fort Lauderdale and West Palm Beach)—10.0 percent.
4. All import general and specific commodity rates—2.5 percent.

Complaints requesting suspension and investigation of the carriers' proposals have been filed by the Society of American Florists. The complaints allege, inter alia, that the specific commodity rates on cut flowers are significantly higher than the general commodity rates from Miami, contrary to the Board's ruling in order 70-5-2; that the cumulative effect of increases beginning in 1969 has caused a serious trend toward diversion of cut flowers from air freight

to refrigerated trucks from Florida; that the 10-percent increases proposed from Miami, Fort Lauderdale, and West Palm Beach, are excessive, unreasonable, and unlawful; and that an increase of only 2.5 percent on imported traffic is prejudicial to domestic floral producers in Florida.

In support of their proposals, the carriers state, inter alia, that the proposed increases are necessary to help offset the severe operating losses which carriers are presently suffering from their domestic freight operations; that these increases should be considered as a measure of interim relief which will not unduly burden any shipper; that short-haul markets have been increased by more than long-haul markets since revenue for the shorter haul falls further below costs than in the long-haul; and that the proposals are designed to help reduce directionality in rates.

In answer² to the complaints, the carriers contend that general commodity rates from Florida were reduced in 1962 to meet competition, but that southbound rates were never reduced, and, hence, the proper comparison of rates is between southbound and cut flower and gladioli rates; that the cut flower rates are in all cases lower than the properly established general commodity rate levels; that, rather than discriminating, the proposals are following CAB policy of reducing directional rate differences; that rates on cut flowers are higher than the general commodity rates because of the low density and high claim incidents regarding floral traffic as compared with other types of traffic; that the instant proposal would do no more than maintain the present differential that exists between certain specific commodity rates on floral products and general commodity rates, and that no valid basis exists for changing this long standing relationship; that there now exists an anomalous situation where northbound rates from Miami, Fort Lauderdale, and West Palm Beach, are lower than rates from Orlando even though mileage from Orlando is shorter and that the proposed 10-percent increase would help correct this situation.

All of the proposed rates come within the scope of the *Domestic Air Freight Rate Investigation*, docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending investigation.

Upon consideration of all relevant factors, the Board finds that, with the exception of the proposed rates on cut flowers in excess of the proposed general commodity rates, suspension is not warranted.

The Board finds that the carriers have adequately demonstrated a need for an increase in air freight revenues. For the year ended December 31, 1972, Airlift, Delta, and Eastern report all-cargo air-

craft revenues totaling \$37.9 million, operating expenses of \$48.2 million, and \$10.3 million operating loss before taxes; National operates no all-cargo aircraft services.

The four carriers present estimates that the proposed rate increases will produce a total of \$4.1 million of additional annual revenue based on forecast 1973 operations. The carriers estimated that, even with the proposed increases in effect, they will incur in 1973 an operating loss of \$25.2 million from their domestic air freight operations in both all-cargo and combination aircraft.³

The rate increases proposed, generally 2.5 to 5.0 percent, with a maximum of 10 percent for certain markets, appear moderate and should not have a severe impact on shippers. In addition, these increases are in line with those recently permitted by the Board for other carriers.

While the 10-percent increase in rates from Miami, Fort Lauderdale, and West Palm Beach will be higher than those in other markets, the current rates from these points are often lower than from points involving shorter hauls. The proposals more closely align the rates from those points with other rates on the carriers' systems. To a number of destinations, the rates from Miami, etc., will still continue to be below the rates in markets involving shorter hauls for most weight breaks.

As indicated, our suspension does not include rate increases on cut flowers where the rates proposed are equal to or below the general commodity rates. We find no situation, as alleged by one complaint, where the increases proposed on domestic movements from Florida exceed the increases on import movements in the same markets; in fact, no import rates on flowers from Florida are published by the proponent carriers. We are also permitting increased rates on gladioli, which are typically below the general commodity rates.

The complainant, in support of its contention that higher rates will result in diversion of traffic to surface, presents data purporting to show that such diversion has occurred in the past. The Board, however, found that previous increases in rates have not been a substantial cause for the reduction in traffic (order 72-11-78). SAF has presented no additional data of significance that persuade us that the proposed increases will have a material effect upon the movement of this traffic.

With respect to the rates on cut flowers, in view of all relevant factors, the Board concludes that such rates should be suspended to the extent that they exceed the rates proposed on general commodity shipments. The carriers present no factual proof of the contention that flower shipments involve higher costs than commodities generally. Nor is any other arguments presented that persuades us that flower shippers should

¹ Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB 131 and 169.

² Answers were received from Delta, Eastern, and National.

³ Airlift estimates a loss of \$2.5 million, Delta \$12.7 million, Eastern \$9.1 million, and National \$0.9 million.

be charged higher rates than commodities in general.⁴

Price stabilization consideration.—Section 229.3 of the Board's Economic regulations sets forth the criteria that must be satisfied for Board approval of rate increases under the Price Stabilization program. Based on the data before us, the Board has determined that the rate increases authorized herein satisfy these criteria.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in appendix A hereto⁵ are suspended and their use deferred to and including August 14, 1973, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. The complaints filed by Society of American Florists in dockets 25415 and 25470 are dismissed, except to the extent indicated herein; and

3. Copies of this order shall be filed with the tariffs and served upon Airlift International, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Society of American Florists.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9722 Filed 5-15-73;8:45 am]

[Docket No. 25525; Order 73-5-63]

**INTERNATIONAL AIR CARRIER
ASSOCIATION**

Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of May 1973.

The International Air Carrier Association (IACA),¹ pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) has filed on behalf of its members² an agreement entitled "Uniform Standards and Practices for Charter Flight Eligibility" (the agreement)³ which has been made subject to prior Board approval.

⁴In its decision in docket 22157, *United Air Lines, Inc. Specific Commodity Rates on Periodicals, Floral Products, and Seafood*, order 72-11-78, Nov. 20, 1972, the Board stated it had, in order 70-5-2, instituting the investigation, noted that in certain instances the increases permitted for SCR's might result in rates higher than the comparable GCR's in effect, and it cautioned United that it was expected to limit the increases in specific commodity rates to prevent such a result.

⁵Appendix A filed as part of the original document.

¹The formation of IACA was approved subject to various conditions by Order 72-1-12, January 6, 1972.

²A/S Conair, Overseas National Airways, Inc., S.A. de Transport Aerian, Saturn Air-

The broad purpose of the agreement is to give greater assurance of conformity of IACA operations to the regulations of the Board and IACA, and to the dedication of the members of IACA to operate in the public interest and maintain the confidence of the public and of those governmental agencies, charged under law, with regulatory responsibility. In particular, the purpose of the agreement is to improve upon present (self) enforcement practices and to provide uniform guidance to employees of the IACA carriers who are concerned with or responsible for the sale of charter flight space. The agreement recognizes that the pertinent governmental regulations are the ultimate enforcement criteria, and it is not the intention of these guidelines to alter or supersede such regulations in any way or to diminish the responsibility of the carriers to comply with them.

The foregoing is a summarization of section I of the agreement which essentially is an introductory review of the problems sought to be resolved. Section II presents examples of reported serious and recurring enforcement problems focusing on charterworthiness of organizations, solicitation, membership bona fides and charter costs; section III concerns compliance procedures to be utilized by carrier management; section IV prescribes compliance procedures of IACA; section V establishes an appeal procedure for rejected charter applicants; section VI establishes penalties for violations of charter regulations by member carriers; section VII provides for cooperation with other carriers and associations; and section VIII establishes the terms of effectiveness and termination. Attachment I to the agreement contains a basic carrier compliance checklist.

In short, the agreement represents a concerted attempt by the members of IACA to define the problem; to illustrate various areas in which a chartering organization and/or its members may attempt to circumvent or avoid the rules and regulations applicable to charters; and to specify the extent to which each member of IACA is required to review and evaluate the representations of a prospective charterer, the legality of solicitation promoting a charter, the bona fides of the members of the chartering organization, and the misapplication of the charter funds.

The mechanics of the agreement require that each air carrier and foreign air carrier party to the agreement designate a director of charter eligibility to review each charter application in accordance with a checklist which is a part of the agreement and to report to IACA

ways, Inc., Spantax, S.A., Transavia Holland N.V., Trans International Airlines, Inc., and World Airways, Inc.

³Appended thereto are agreements signed by eight member carriers by which they agree to be bound by the uniform standards and practices for charter flight eligibility.

any charterer found not charterworthy. IACA will circulate the report to each of its members and to IACA's Director of Enforcement. If any of the latter subsequently decides that the charterer is or has become charterworthy and enters into a charter contract, it will so advise IACA which will circulate this information to its members. IACA's Director of Enforcement will be responsible for reviewing members' compliance with the uniform standards and practices set forth in the agreement and will recommend to carrier managements appropriate correction of deficiencies.

The agreement also establishes procedures for the review of an adverse decision by any IACA member as to the charterworthiness of a given group. These provide, in part, that a rejected applicant may appeal in writing to IACA's Director of Enforcement giving records, affidavits, or other evidence which the applicant wishes to have considered.⁴ Thereafter the Director of Enforcement will conduct any investigation he deems appropriate and within 30 days issue a written decision affirming or reversing the carrier's decision, together with a statement of the grounds on which his decision is based. The agreement further provides that nothing therein shall be construed to limit the right of any applicant to request an advisory opinion from the Board's Bureau of Operating Rights either in lieu of or subsequent to an appeal to IACA's Enforcement Director.

The members have also agreed that penalties for violation of the charter regulations should be imposed. In this respect IACA has established procedures for the appointment of an impartial person to serve as a commissioner to rule on complaints filed by any member carrier or the Association's Director of Enforcement against any other member alleging any violation of part 208 or 214 of the Board's economic regulations.⁵ Upon completion of various procedural steps described in the agreement the Commissioner must decide whether a violation has been committed and issue a written opinion stating his conclusions and the grounds on which it is based. If the Commissioner determines that a violation has been committed he shall, subject to reconsideration, impose a penalty which may be either a warning or a fine

⁴At minimum the applicant must provide a copy of the rejected application and all correspondence relating thereto; a copy of the applicants' bylaws, articles of incorporation and constitution; a description of the chartering organization including its objectives, purposes, and activities; a statement of membership requirements and fee, if any; and a statement as to the purpose of the proposed charter and manner of selection and solicitation of prospective participants.

⁵Such Commissioner shall have no other relationship with or economic interest in the Association or any of its members, and shall be retained subject to such terms and conditions as the Association's Board of Directors shall establish.

of not more than \$10,000 for each violation.

Elsewhere the agreement notes that to be fully effective, all carriers which engage in charter transportation should be included in any self-regulatory arrangement. IACA offers to enter into such agreements with the members of the International Air Transport Association, the Air Transport Association of America and Air Charter Carrier Association²⁴ for the exchange of information on non-charterworthy groups. IACA also invites other independent airlines and foreign supplemental air carriers to agree to be bound by the agreement.

No comments objecting to approval of the agreement have been received.

The governing rules on which the agreement is based are the Board's Economic Regulations, particularly parts 208 and 214 thereof. Both of these regulations and/or their observance are the subject of rulemaking proceedings now before the Board in Dockets 24788 and 24908, and in complaints filed by the Board's Bureau of Enforcement against various airlines and chartering organizations. Part 208 also is in issue in the supplemental air carrier renewal proceeding, docket No. 23944. Therefore, our action herein is not intended to provide a vehicle for comment on parts 208 and 214 or other pertinent regulations, since the cases noted either individually or collectively provide a more suitable forum.

Upon consideration of the foregoing the Board believes that the IACA proposal may constitute a reasonable approach toward better control of possible violations of the Board's regulations. The agreement is almost identical to one among the members of the National Air Carrier Association previously approved by the Board,²⁵ and does not appear to raise any substantive issues not considered by the Board in that proceeding.

The agreement may raise unforeseen issues of interest to other persons including chartering organizations, travel agents, other air carriers and their associations, and the traveling public in general. The Board has therefore decided to defer action on the matter, allowing an opportunity for such persons to file written comments in support of or in opposition to approval of the agreement.

Accordingly, it is ordered, That:

1. Action on agreement CAB 22545-A3 be and it hereby is deferred;
2. Interested persons are hereby afforded a period of 20 days from the date of service of this order within which to file comments in support of or in opposition to the agreement;
3. Persons who have filed timely comments in accordance with the foregoing

²⁴ ACCA is an association of charter carriers which are affiliated with various scheduled foreign air carriers.

²⁵ Agreement CAB 21548, as amended, approved by Order 70-12-145, Dec. 28, 1970.

²⁶ An original and 19 copies of such comments shall be filed with the Board's docket section.

paragraph be afforded a further period of 10 days within which to file rebuttal comments;

4. A copy of this order be served upon the Attorney General of the United States; the International Air Carrier Association and each of its members, the Air Transport Association, the International Air Transport Association, and the Department of Transportation; and
5. This proceeding shall be assigned docket No. 25525.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-9720 Filed 5-15-73; 8:45 am]

[Dockets Nos. 18381, 23080; Order 73-5-67]

NONPRIORITY MAIL RATES

Priority and Nonpriority Domestic Service Mail Rates Investigation; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of May 1973.

The Postmaster General, on January 3, and February 5, 1973, filed a petition and a motion¹ for leave to amend the petition requesting amendment of nonpriority mail rate order 70-4-9 to encompass nonpriority mail transported between a point in the 48 contiguous States, on the one hand, and a point in Alaska, on the other, in operations pursuant to the certificate of Alaska Airlines, Inc. (ASA), authorizing States-Alaska air transportation. Order 70-4-9 established the presently effective rates for the movement of nonpriority mail between points within the 48 contiguous States and the District of Columbia, on the one hand, and certain specified points in Alaska certificated for States-Alaska services, on the other. The Postmaster General states that while Kotzebue, Nome, and Sitka are presently authorized points in ASA's States-Alaska service, they are not points named in order 70-4-9. Thus, there is no basis for the payment of the nonpriority rates for mail carried to those points in States-Alaska service. On the other hand, the rates fixed for the transportation of domestic priority mail were made applicable to points certificated for States-Alaska operations without specifically naming the points, and thus Sitka, Nome, and Kotzebue are encompassed within the domestic priority service rate order.² The Postmaster General requests the same coverage for nonpriority mail carried on States-Alaska flights as that provided for priority mail on those flights.

By letter of January 12, 1973, ASA advised the Board that it has no objec-

¹ The 30-day period contemplated by paragraphs 2 and 3 will run consecutively.

² The motion will be granted.

³ Order E-25610, Aug. 28, 1967, as amended by order 68-8-67, Aug. 15, 1968.

tion to the petition. No other responses have been received.

No final rate is in effect for the transportation of mail in the three markets cited by the Postmaster General. The currently applicable temporary rates in those markets are the rates established in the domestic service mail rate investigation, order E-25610, dated August 28, 1967, as amended by order 68-8-67, dated August 15, 1968. These rates were opened by order 70-12-48, dated December 8, 1970, instituting the pending investigation of domestic mail rates in docket 23080. The Postmaster General's petition in effect requests that the temporary rates for nonpriority mail in these markets be reduced to the rates established for nonpriority mail in certain other States-Alaska markets in the nonpriority mail rates case, order 70-4-9, dated April 2, 1970, and currently applicable to such mail on a temporary basis pending outcome of the investigation in docket 23080.³ ASA states that it has no objections, and nothing before us at present indicates that different nonpriority rates should be applicable to different States-Alaska markets pending decision in docket 23080.

We therefore tentatively find that:

(1) The fair and reasonable temporary rates to be paid by the Postmaster General on and after January 3, 1973, for the transportation by aircraft of nonpriority mail as defined in order 70-4-9, the facilities used and useful therefor, and the services connected therewith, between points in the 48 contiguous States and the District of Columbia, on the one hand, and points in the State of Alaska, on the other hand, to Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc., for operations over their routes as authorized under certificates of public convenience and necessity for States-Alaska air transportation, shall be the rates established by order 70-4-9, dated April 2, 1970, computed in accordance with the provisions of that order, subject to such retroactive adjustment as may be made in docket 23080.

(2) The appendix to order 71-2-92, dated February 22, 1971, shall be amended by adding "Kotzebue, Alaska," "Nome, Alaska," and "Sitka, Alaska" to the Class Z stations listed there, effective January 3, 1973.

(3) The temporary service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's regulations promulgated in 14 CFR, part 302,

It is ordered, That:

1. The motion of the Postmaster General to file an amended petition herein is granted.

³ These rates were also opened by and placed under investigation by order 70-12-48, supra.

2. All interested persons, and particularly the Postmaster General, Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above;

3. Further procedure herein shall be in accordance with 14 CFR, part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order;

4. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rates specified herein;

5. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307;

6. Notwithstanding the fixing and determining of the temporary rates for nonpriority mail as set forth above, this proceeding shall remain open as to such rates pending the entry of an order fixing the final rates in docket 23080.

7. This order shall be served upon the parties enumerated in paragraph 2 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-9721 Filed 5-15-73;8:45 am]

[Docket No. 25186]

OVERSEAS NATIONAL AIRWAYS, INC.

Notice of Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408 (b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until May 25, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 11, 1973.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Overseas National Airways, Inc. (ONA), requests exemption from or approval without hearing under section 408 of the Federal

Aviation Act of 1958, as amended (the Act), in order to permit ONA to establish a wholly-owned subsidiary to perform traditional fixed base operations and other services, primarily maintenance, for itself and other air carriers, at the Clinton County Airport, Wilmington, Ohio.

In support of the application, ONA states that the airport was decommissioned by the Air Force in 1972, and is now under the jurisdiction of the Clinton County Board of Commissioners, which has entered into an agreement to lease hangars and other facilities at the airport to ONA. In turn ONA has agreed to form a subsidiary company which will provide airport operations and maintenance services rather than performing these functions through an internal division of ONA as it has been doing.

ONA believes that it will benefit from the proposed relationship. The carrier has made Clinton County the base for its DC-9 and Electra cargo operations, which includes Logair and Quicktrans as well as all commercial cargo flights. The airport is conveniently close to Detroit, out of which ONA operates a pattern of flights for the automobile industry. By expanding its service into those customarily performed by a fixed base operator and making these services, along with the DC-9 and Electra maintenance facilities, available to the general public, the subsidiary will be able to obtain additional revenues which will ultimately benefit ONA's overall common carrier operations.

In sum, the application points out that all concerned interests—ONA, Clinton County, the city of Wilmington, and aviation in general—will benefit by the development of the fixed base and maintenance services planned by the subsidiary. According to the application the proposed control relationship does not pose any novel regulatory or public interest questions not heretofore considered by the Board.

Thus, ONA submits that the Board should approve its control of the subsidiary pursuant to the nonhearing procedures in the third proviso of section 408(b). The control relationship will not affect the control of a direct air carrier, will not result in creating a monopoly and will not restrain competition. Furthermore, the control relationship satisfies all of the public interest standards heretofore considered by the Board.

No comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished to the Attorney General not later than the day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing it is concluded that ONA is an air carrier, and that the subsidiary will be a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act and that the control of the subsidiary by ONA is subject to section 408(a) (6) thereof. It has been further concluded that the acquisition does not affect the control of an air carrier directly engaged in the operations of aircraft in air transportation, does not result in creating a monopoly and thereby tend to restrain competition, nor does it appear to jeopardize any other air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved air carrier acquisitions of fixed base operations¹ and maintenance facilities² and

¹ Eastern Aviation Services, order E-25116, May 9, 1967, docket 18214.

² Modern Air Transport-American Almo-tive, order 70-5-36, May 8, 1970; docket 22152.

the instant application does not appear to raise new substantive issues. Under these circumstances it does not appear that the acquisition will be inconsistent with the public interest or that the requirements of section 408 will be otherwise unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing acquisition should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

1. The acquisition of a subsidiary for the purpose of operating the facilities at Clinton County Airport, be and it hereby is approved.

2. ONA shall file in this docket within 10 days of the adoption thereof the corporate name of the subsidiary referred to herein.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[FR Doc.73-9723 Filed 5-15-73;8:45 am]

[Docket No. 23333; Order 73-5-16]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority on May 4, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at the 15th meeting of the Joint Specific Commodity Rates Board held in Geneva on March 27-29, 1973, has been assigned the above CAB agreement number.

The agreement proposes revisions to the specific commodity rate structure applicable within the North, Mid and South Atlantic; South Pacific; and JT 2/3 areas. These revisions, insofar as they would affect air transportation are outlined in the attachments hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement CAB 23644 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings

shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein pertaining to North Atlantic specific commodity rates shall not be deemed to modify the findings and order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, but are subject to all provisions of such order.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

ATTACHMENT I

IATA commodity Item No. ¹	Specific commodity rate		Market
	Cents per kilogram	Minimum weight—Kilograms	
ADDED RATES UNDER EXISTING COMMODITY DESCRIPTION			
<i>(North Atlantic)</i>			
124	78	500	Casablanca to New York.
126	108	500	Niassa to New York.
203	107	500	Dakar to New York.
475	84	300	New York to Vienna.
740	65	500	New York to Madrid.
852	163	100	Lome to New York.
	153	100	Ouagadougou to New York.
903	91	200	Milan to New York.
960	272	100	Dubai to New York.
	108	1,000	Moscow to New York.
<i>(Mid Atlantic)</i>			
1407	82	500	San Juan, P.R. to Frankfurt.
<i>(South Pacific)</i>			
007	110	1,000	Los Angeles to Auckland.
	100	1,000	Los Angeles to Noumea.
650	92	100	Honolulu to Honolulu.
0785	76	1,000	Nandi to New York.
1000			Points in TC1 to points in TC3. ²
4301	130	500	Melbourne to Los Angeles.
	125	500	Sydney to Los Angeles.
426	101	500	Auckland to Los Angeles.
	100	2,000	Melbourne to Los Angeles.
4700	165	500	Auckland to New York.
660	90	100	Papeete to Los Angeles.
9603	95	500	Auckland to Los Angeles.

ATTACHMENT I—Continued

IATA commodity Item No. ¹	Specific commodity rate		Market
	Cents per kilogram	Minimum weight—Kilograms	
INCREASED RATES UNDER EXISTING COMMODITY DESCRIPTIONS			
<i>(North Atlantic)</i>			
3301	114	100	Stockholm to New York.
<i>(South Pacific)</i>			
4201	153	100	Melbourne to Los Angeles.
	178	100	Sydney to Los Angeles.
4402	95	2,000	Do.
4701	183	100	Melbourne to Los Angeles.
	136	500	Do.
	112	1,000	Melbourne to Los Angeles.
	207	100	Melbourne to New York.
	153	500	Do.
	170	1,000	Sydney to Los Angeles.
	178	100	Sydney to Los Angeles.
	125	500	Sydney to Los Angeles.
	167	1,000	Sydney to Los Angeles.
	202	100	Sydney to Los Angeles.
	148	500	Sydney to Los Angeles.
	131	1,000	Sydney to Los Angeles.

ATTACHMENT I—Continued

IATA commodity Item No. ¹	Specific commodity rate		Market
	Cents per kilogram	Minimum weight—Kilograms	
CANCELED RATES UNDER EXISTING COMMODITY DESCRIPTIONS			
<i>(South Pacific)</i>			
0003	98	200	Melbourne to Los Angeles.
	92	2,500	Do.
	85	200	Sydney to Los Angeles.
	74	2,500	Do.
0007	80	200	Do.
	83	1,000	Do.
0495	80	200	Do.
4301	117	300	Melbourne to Los Angeles.
	111	300	Sydney to Los Angeles.
4402	180	100	Sydney to New York.
	148	500	Do.
4978	142	100	Sydney to Los Angeles.
6811	165	100	Do.

¹ See applicable tariff for commodity descriptions.
² Live animals—the applicable general cargo rate will apply provided that rates with minimum weight over 200 kilograms will not apply.

ATTACHMENT II

IATA commodity Item No.	Description	Specific commodity rate		Market
		Cents per kilogram	Minimum weight kilograms	
NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS AND RATES				
<i>(North Atlantic)</i>				
4115	Aircraft engines weighing more than 3,000 kilograms each, excluding parts. ¹	370	3000	Frankfurt to New York.
		370	2000	New York to Frankfurt.
9610	Cigar, cigarette, and pipe lighters. ²	208	100	Tel Aviv/Yafo to New York.
<i>(South Pacific)</i>				
0005	Foodstuffs, including spices and beverages. ³	94	500	Melbourne to Los Angeles.
		88	1,000	Do.
		80	2,500	Do.
		118	500	Melbourne to New York.
		112	1,000	Do.
		89	500	Do.
		83	1,000	Sydney to Los Angeles.
		75	2,500	Do.
		113	500	Sydney to New York.
		107	1,000	Do.
3300	Hand Tools. ⁴	95	1,000	Auckland to Los Angeles.
6012	Chemicals, dyes, fertilizers, and insecticides. ⁴	310	500	Los Angeles to Melbourne.
		250	1,000	Do.

¹ Area changed to include area in parentheses.
² Rates for U.S. points shown for information only.
³ Area changed to include JT23, Pacific, and South Atlantic.
⁴ New description.

ATTACHMENT III

IATA commodity item No.	Description	Specific commodity rate		Market
		Cents per kilogram	Minimum weight kilograms	
NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS				
0130	Wines. ¹			
0170	Cacao in raw product form. ²			
0485	Pineapples. ¹			
2090	Wool. ¹			
2199	Yarn, thread, fibres, textiles, textile manufacturers, and wearing apparel, NES. ³			
2220	Cotton Clothing. ¹			
2411	Shirts and blouses. ¹			
3100	Cutlery. ¹			
3987	Metal buttons and buckles. ¹			
4206	Surface vehicle parts. ⁴			

Footnotes at end of table.

ATTACHMENT III—Continued

IATA commodity item No.	Description
4303	Electronic data storage processing machines, digital and analog computers and individual parts thereof, adding and/or calculating machines, machines for duplicating documents and letters, typewriters. ¹
4305	Portable electronic calculators. ²
4414	Radios, tape recorders, record players, including components and accessories thereof. ²
4429	Amplifiers, speakers, rhythm boxes, and radios. ²
4446	Radios, tape recorders, record players, including battery eliminators thereof. ²

ATTACHMENT III—Continued

IATA commodity item No.	Description
4452	Parts of relays and transistors. ²
4487	Electric wall clocks. ²
4709	Automatic ball bonders. ²
4745	Mining, well, and pumping machinery. ¹
6230	Gases, compressed, liquefied, or solidified. ¹
6507	Medicaments. ¹
6511	Bismuth. ²
7174	Postage stamps, new. ²
7604	Wooden sheets and panels. ²
8479	Electrical guitars and amplifiers appertaining thereto. ²
9007	Imitation jewelry, novelties, ornaments and watch bracelets—excluding watches and clocks N.E.S. ²
9047	Helium gas cylinders. ²
9470	Pens and/or pencils. ²

ATTACHMENT IV

CANCELED SPECIFIC COMMODITY DESCRIPTIONS

IATA commodity item No.	Description
0170	Cocoa.
4305	Accounting and booking machinery.
4443	Telephone sets.
4429	Resistance grids.
4446	Technical equipment for posts and telegraphs and ministry of transport and aviation.
4452	Electric irons.
4709	Machinery and tools used in aircraft construction.
6511	Bismuth citrate.
7174	Stamps, postage.

[FR Doc.73-9612 Filed 5-15-73;8:45 am]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that the Committee on Private Voluntary Agency Eligibility will hold a closed meeting on May 22, 1973. The meeting will be held in room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C., beginning at 2 p.m. and ending at approximately 4:30 p.m.

The Committee's primary responsibility is to make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program. At this meeting the Committee will review applications for fund-raising privileges which have been submitted by voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

The meeting will be closed to the public under a determination to do so made under the provisions of section 10(d) of Public Law 92-463. Additional information concerning this meeting may be obtained by contacting the Office of the

¹ Area changed to include JT 2/3.² New description.³ Deletions indicated by strikeovers, additions by underscores.⁴ Area changed to include the Pacific.⁵ Area changed to include Mid Atlantic.

Chairman, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.

IRVING KATOR,
Assistant to the Chairman.

[FR Doc.73-9627 Filed 5-15-73;8:45 am]

COMMISSION ON CIVIL RIGHTS
DELAWARE 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 Delaware State Advisory Committee to this Commission will convene at 12 noon on May 18, 1973 at the YWCA, 908 King Street, Wilmington, Del. 19801.

Persons wishing to attend this meeting should contact the chairman, or the Mid-Atlantic Regional Office, room 510, 2120 L Street NW., Washington, D.C. 20424.

The purpose of this meeting shall be to review plans and discuss current status of scheduled open meeting on the Delaware Committee's Prison project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 11, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-9812 Filed 5-15-73;8:45 am]

ILLINOIS 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 Illinois State Advisory Committee will convene at 1 p.m. on May 24, 1973, in room 1428, 219 South Dearborn Street, Chicago, Ill. 60604.

Persons wishing to attend this meeting should contact the chairman, or the Midwestern Regional Office, room 1428, at 219 South Dearborn Street, Chicago, Ill. 60604.

The purpose of this meeting shall be to review the Illinois State Advisory Committee's pending report on Education in the Latin American Community with particular emphasis on Mexican American and Puerto Rican problems.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 11, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-9813 Filed 5-15-73;8:45 am]

MICHIGAN 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 Michigan State Advisory Committee to this Commission will convene at 10 a.m. on May 17, 1973, at the Kellogg Center, Michigan State University, East Lansing, Mich. 48823.

Persons wishing to attend this meeting should contact the chairman, or the Midwestern Regional Office of the Commission, room 1428, 219 South Dearborn Street, Chicago, Ill. 60604.

The purposes of this meeting shall be to (1) finalize plans for June conference activity, "An Assembly for Action on Revenue Sharing," and (2) meet with conference cosponsors from the Institute for Community Development at Michigan State University.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 11, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-9811 Filed 5-15-73;8:45 am]

WISCONSIN 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 Wisconsin State Advisory Committee to this Commission will convene at 3 p.m. on May 18, 1973, in room 5 of the Madison Federal Building, 215 Monona Avenue, Madison, Wis. 53703.

Persons wishing to attend this meeting should contact the chairman, or the Midwestern Regional Office, room 1428, at 219 South Dearborn Street, Chicago, Ill. 60604.

The purposes of this meeting shall be to (1) review Committee's program plans for the Milwaukee Police-Community Conference and (2) receive reports on project plans in affirmative action by outstate industry and affirmative action by the University of Wisconsin System.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 11, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-9810 Filed 5-15-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. D-72-227 CP]

TROUT RUN RESERVOIR

Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules

of practice and procedure (sec. 2-3.5.2) notice is hereby given of the availability of the Draft environmental statement as of May 10 which discusses the environmental impact of the Trout Run Reservoir of the Borough of Boyertown in Earl Township, 2½ miles west of the Borough of Boyertown, Berks County, Pa. The Draft has been prepared by the Commission based on the Borough of Boyertown's environmental report by the consultants Glace and Glace of Harrisburg, Pa., and the Commission's staff analysis of the proposed action.

The proposed action includes the construction of an earthfill dam and relocation of 1 mile of highway L.R. 06053 in creating the 42-acre, 330-million-gallon water supply reservoir.

Copies of the Draft and the applicant's environmental report and supplements may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J., and in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia. Copies of the application and Draft environmental statement are available for distribution to persons or agencies upon request.

A public hearing on the proposed action will be held at the May 23 meeting of the Delaware River Basin Commission. Formal hearing notices will be sent specifying the date, time, and place at least 10 days prior to the hearing.

Comments on the subject Draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than June 24, 1973.

W. BRINTON WHITALL,
Secretary.

MAY 7, 1973.

[FR Doc.73-9626 Filed 5-15-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 8:30 a.m., May 29-30, 1973, in room 3307, Waterside Mall, 401 M Street SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes staff director's report, discussion of the Pesticide Act, review of toxic substances, progress on herbicide report, environmental monitoring program, risks versus benefits in trace metals, carbon monoxide studies, hazardous waste management, ecosystem modeling, member items of interest, reports by liaison representatives from EPA program offices, grants review, and adjournment.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, staff science advisor, Hazardous Materials Advisory Committee, 202-963-5117.

MAY 11, 1973.

ALBERT C. TRAKOWSKI,
Acting Assistant Administrator
for Research and Monitoring.

[FR Doc.73-9748 Filed 5-15-73;8:45 am]

FEDERAL MARITIME COMMISSION

BON VIVANT CRUISES, INC. AND FREE- PORT CRUISE LINES, LTD.

Issuance of Casualty Certificate

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission general order 20, as amended (46 CFR 540):

Bon Vivant Cruises, Inc., c/o LIB-GO Travel, Inc., 633 Third Avenue, New York, N.Y. and Freeport Cruise Lines, Inc., Mercantile Bank Building, P.O. Box 5, Freeport, Grand Bahama Island, Bahamas.

Dated May 9, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9712 Filed 5-15-73;8:45 am]

[Independent Ocean Freight Forwarder
License No. 180]

C. A. HARTNETT CO.

Order of Revocation

By letter dated March 29, 1973, Clarence A. Hartnett, doing business as C. A. Hartnett Co., 161 Prescott Street, East Boston, Mass. 02128, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder license No. 180, would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 25, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission general order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Clarence A. Hartnett doing business as C. A. Hartnett Co., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of orders, Commission order No. 1 (revised), section 7.04(g) (dated May 1, 1972):

It is ordered, That Independent Ocean Freight forwarder license No. 180 of Clarence A. Hartnett, doing business as

C. A. Hartnett Co., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder license No. 180 be and is hereby revoked effective April 25, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Clarence A. Hartnett, doing business as C. A. Hartnett Co.

AARON W. REESE.

[FR Doc.73-9715 Filed 5-15-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to part 542 of title 46 CFR and section 11, page 1 of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01012---	A/S Holmen-Hellefos: <i>Ingeborg Rinde</i> .
01064---	Reinauer Transportation Companies Inc.: <i>RTC No. 125</i> .
01270---	N.V. Maatschappij "Rotterdam": <i>Rotterdam</i> .
01476---	Baroness Shipping Co., Ltd.: <i>Atlantia Baroness</i> .
01506---	Maritima Mexicana, S.A.: <i>Don Lorenzo</i> .
01765---	Caribbean Steamship Co., S.A.: <i>Carl Schmedeman</i> .
01805---	Suisse Atlantique Societe D'Armenement Maritime: <i>Los Andes</i> .
01854---	Southern Towing Co.: <i>STC 2507</i> , <i>STC 2506</i> .
01861---	BP Tanker Co., Ltd.: <i>British Officer, British Beacon</i> .
01935---	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AP 1912 Adtlleselskab: <i>Sofie Maersk, Dorthe Maersk</i> .
02198---	The Peninsular & Oriental Steam Navigation Co.: <i>Garonne</i> .
02283---	Naviera Aztlan, S.A.: <i>Lian, Lian Dos</i> .
02341---	Koninklijke Nederlandsche Stoomboot-Maatschappij N.V.: <i>Oranje Nassau, Prins Der Nederlanden, Mimos, Medon</i> .
02358---	A/S Ganger Rolf—A/S Bonheu—A/S Borga Den Norske Middelhavslinje A/S—A/S Jeniolinjen: <i>Borgen, Borglla, Borgsten</i> .
02433---	Arcadia Reederet G.M.B.H. & Co.: <i>Arcadia Berlin</i> .
02477---	American Dredging Co.: <i>State of Maryland, Herrick</i> .
02706---	Partenreederei M/S "Adrian": <i>Adrian</i> .
02877---	Nippon Yusen Kabushiki Kaisha: <i>Awata Maru, Sanuki Maru</i> .
02889---	Showa Katun K.K.: <i>Haruna Maru</i> .
02982---	The Shipping Corp. of India Ltd.: <i>Vishva Preyas</i> .
03073---	Freighters, Inc.: <i>Lumber Queen</i> .
03135---	Compania Naviera Lucretia S.A.: <i>Lucretia</i> .

Certificate

No.	Owner/Operator and Vessels
03141	Tamar Shipping Co. Ltd.: <i>Ionic Queen</i> .
03289	Det Forenede Dampskibsselskab A/S: <i>Alberta</i> .
03382	Endeavour Compania Naviera, S.A.: <i>Spalmatori Islands</i> .
03467	Nichiro Gyogyo K.K.: <i>Kuroshio Maru No. 37, Kuroshio Maru No. 32, Chichibu Maru</i> .
03496	OSG International, Inc., Liberia: <i>Clyde Ore</i> .
03500	Kyoyo Kisen K.K.: <i>Kakogawa Maru, Kizugawa Maru</i> .
03557	Olsen Daughter A/S: <i>Fruen</i> .
03607	Tank Barge 35, Inc.: <i>Barge 102</i> .
04002	Compagnie Des Messageries Maritimes: <i>Gallien</i> .
04113	Mon River Towing Inc.: <i>MRBL-24</i> .
04173	Foss Launch & Tug Co.: <i>Foss 98</i> .
04178	Canada Steamship Lines Limited: <i>Coverdale</i> .
04184	M/G Transport Services Inc.: <i>Barge Intercity 24</i> .
04357	Koninklijke Nedlloyd N.V.: <i>Ouwkerk</i> .
04401	Todd Shipyards Corp.: <i>Popeye</i> .
04563	United New York Sandy Hook Pilots Association et al: <i>New York</i> .
04564	Yamashita-Shinnihon Kisen Kaisha: <i>Yamaoka Maru</i> .
04625	American Commercial Lines, Inc.: <i>Chem IV</i> .
05114	N. V. Stoomvaartmaatschappij "De Maas": <i>Pendrecht</i> .
05147	Arne Presthus Rederi A/S: <i>Anna Presthus</i> .
05500	Petroleos Mexicanos: <i>Petroquimico I</i> .
05530	Consolidated Towing Co.: <i>Melinda B</i> .
05630	Newport News Shipbuilding & Dry Dock Co.: <i>Forebody of Tanker Colorado</i> .
05722	OBO Shipping Corp.: <i>Hexagram</i> .
05735	Solstad Rederi A/S Skips A/S Solhav & Co., Skips A/S Soltun & Co.: <i>Concordia Fonn, Sol Tulla, Soldrott</i> .
05895	Black Navigation Co., Inc.: <i>Aniak, Stony</i> .
05970	Toro Transportation Co.: <i>Pete</i> .
05978	Goldwyn Shipping Co., Ltd.: <i>Golden Venture</i> .
05998	Navarino Shipping & Transport Co. Ltd.: <i>Humanity</i> .
06065	K/S Norfold A/S & Co.: <i>Ross Sound</i> .
06389	Sears Oil Co., Inc.: <i>Albany Sears</i> .
06416	Kadmilos Compania Maritima S.A.: <i>Kadmilos</i> .
06492	Transitoll Corp.: <i>Delaware, New Jersey</i> .
06566	Occidental Petroleum Corp.: <i>JLS 2</i> .
06570	Kristian Jebsen (U.K.) Ltd.: <i>Borgnes</i> .
07042	Mundial Compania Naviera S.A.: <i>Adelfotis</i> .
07119	Armoey Corp.: <i>Lattuga</i> .

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9717 Filed 5-15-73;8:45 am]

**FREEPORT CRUISE LINES, INC. AND
FREEPORT CRUISE LINES LTD.**

Issuance of Performance Certificate

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnifica-

tion of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Freeport Cruise Lines, Inc. and Freeport Cruise Lines, Ltd., Mercantile Bank Building, P.O. Box 5, Freeport, Grand Bahama Island, Bahamas.

Dated May 9, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9713 Filed 5-15-73;8:45 am]

**PORT OF SEATTLE AND AMERICAN MAIL
LINE, LTD.**

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 June 5, 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 agreements filed by:

Mr. Alvin L. Sklow, Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreements Nos. T-2640-1, T-2640-2, and T-2640-3, between the Port of Seattle (Port) and American Mail Line, Ltd. (AML), modify the basic agreement between the parties, which provides for the 5-year lease to AML of Terminal 25, Seattle, Wash.

The purpose of agreement No. T2640-1 is to modify the provisions relating to waiver of subrogation with respect to insurance under the basic agreement.

The purpose of agreement No. T-2640-2 is to provide for the purchase of an additional mobile gantry crane for AML's use at the facility. Under this

amendment, the crane is to be initially purchased by AML, the purchase price will then be paid to AML by the Port, and subsequently, AML will reimburse the Port through an adjustment in its rental.

The purpose of agreement No. T-2640-3 is to modify the basic agreement so as to allow AML to construct a new yard office building and lunchroom for its subsidiary, Western Stevedoring, at the facility. The construction cost is to be provided by the Port, with AML amortizing the cost over a 40-year period.

By order of the Federal Maritime Commission.

Dated May 10, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9716 Filed 5-15-73;8:45 am]

[Independent Ocean Freight Forwarder
License No. 273]

R. B. COMAR, INC.

Order of Revocation

By letter dated April 4, 1973, R. B. Comar, Inc., 194 East Bay Street, Charleston, S.C. 29402, was advised by the Federal Maritime Commission that independent ocean freight forwarder license No. 273 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 1, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission general order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

R. B. Comar, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of orders, Commission order No. 1 (revised) § 7.04(g) (dated May 1, 1972);

It is ordered, That independent ocean freight forwarder license No. 273 of R. B. Comar, Inc., be returned to the Commission for cancellation.

It is further ordered, That independent ocean freight forwarder license No. 273 be and is hereby revoked effective May 1, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon R. B. Comar, Inc.

AARON W. REESE.

[FR Doc.73-9714 Filed 5-15-73;8:45 am]

[Docket No. 73-26]

TMT TRAILER FERRY, INC.

Order of Investigation and Suspension

Effective May 11, 1973, TMT Trailer Ferry, Inc. (Thomas J. Kirkland, Trustee) (TMT) proposes to amend the south-bound "Furniture, N.O.S." item in its

tariff FMC-F No. 5 between Miami and Jacksonville, Fla., and ports in Puerto Rico. The proposed changes will establish, inter alia, maximum rates of \$825 per 40 ft trailer not exceeding a capacity of 2,750 ft³ and \$895 per 40 ft trailer exceeding this capacity. TMT's currently effective maximum charges on "Furniture, N.O.S." are \$865 for either a 35 ft trailer of 2,248 ft³ or a 40 ft trailer of 2,533 ft³.

A protest was filed by Sea-Land Service, Inc. (Sea-Land) alleging that the proposed changes are violative of sections 16 first and 18(a) of the Shipping Act, 1916, and rule 5(g) of Tariff Circular No. 3 (46 CFR 531.5(g)).

An analysis of the tariff matter by the Commission's staff has resulted in a recommendation for suspension of the proposed changes and an investigation of both the current and proposed rates on "Furniture, N.O.S.". The basis for this recommendation is the discrimination inherent in maximum rates which apply equally to equipment of widely divergent sizes.

Upon consideration of the above matters, the Commission is of the opinion that both TMT's proposed and current rates¹ on "Furniture, N.O.S." should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 16 first and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing, therefore:

It is ordered, That, pursuant to the authority of section 22 of the Shipping Act, 1916, and section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the subject rates and charges for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matters hereby placed under investigation are 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, item No. 1097.1 on 13th revised page 96 of TMT Trailer Ferry Inc.'s Tariff FMC-F No. 5 is hereby suspended and the use thereof deferred to and including September 10, 1973, unless otherwise ordered by the Commission.

It is further ordered, That there shall be filed immediately by TMT Trailer Ferry Inc. (Thomas J. Kirkland, Trustee), a consecutively numbered supplement to its tariff FMC-F No. 5 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 September 11, 1973, and that the suspended matter may not be changed except as ordered herein until

¹The currently effective rate on "Furniture, N.O.S." is shown in item 1097.1 on 11th revised page 96 of TMT's tariff FMC-F No. 5.

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 pursuant to section 16 first of the Shipping Act, 1916, a determination shall be made as to whether TMT's current and/or proposed rates on "Furniture, N.O.S." give any undue or unreasonable preference or advantage to certain shippers or subject other shippers to any undue or unreasonable prejudice or disadvantage.

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, and section 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether TMT's current and/or proposed rates on "Furniture, N.O.S." are just and reasonable.

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 TMT Trailer Ferry, Inc. (Thomas J. Kirkland, Trustee), be named as respondent in this proceeding.

It is further ordered, That Sea-Land Service, Inc. be named as complainant in this proceeding in accordance with the 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 genuineness 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 (I) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent, complainant 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.73-9718 Filed 5-15-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE MANAGEMENT

Proposed OMB Guidelines

The Federal Advisory Committee Act, Public Law 92-463, assigns to the Director of the Office of Management and Budget responsibility for prescribing "administrative guidelines and management controls applicable to advisory committees." Pursuant to that authority and Executive Order 11686 (1972), the Director has proposed issuance of guidelines implementing section 11 of the act.

After comments on the guidelines have been received and analyzed, its provisions will be revised as appropriate, and incorporated in the final guidelines implementing this act.

Interested persons are invited to submit legal and other comments on the proposed guidelines by June 15, 1973. Such comments should be sent, in duplicate, to the Director, Office of Management and Budget, Attention: Committee Management Secretariat, New Executive Office Building, Washington, D.C. 20503, with a copy to the Office of Legal Counsel, Department of Justice, Washington, D.C. 20530.

VELMA N. BALDWIN,
Assistant to the Director for Administration, Office of Management and Budget.

GUIDELINES FOR SECTION 11, PUBLIC LAW 92-463

This section provides that copies of transcripts of agency proceedings or advisory committee meetings shall be made available to any person at actual cost of duplication. Section 11 does not impose a requirement that transcripts be made of agency proceedings or advisory committee meetings. Section 11 relates to the availability of transcripts which are prepared as a result of other requirements. Under section 10(b) of the Federal Advisory Committee Act, the availability of transcripts of advisory committee meetings is subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552(b).

A distinction should be made between the cost of transcription services and the cost of making copies of the transcript. The former is to be borne by the Government and not passed on to participants in the proceeding or other interested persons. In pricing the copies of transcripts, "actual cost of duplication" should be understood to mean the price that would be paid to a commercial duplicating firm in a competitive market. This amount may therefore include overhead and profit.

Each agency should assure that transcripts are made available within a reasonable time of the proceeding or meeting. Regarding agency proceedings, the determination of timing (rush, daily, ordinary, etc.) should be based upon the agency's needs and also

the reasonable needs of parties. Consideration should be given to the requirements of a fair hearing and the nature of the proceeding.

Contractual provisions should be used whereby parties or other persons, upon advance request, may obtain copies of transcripts on a basis that will meet reasonable time requirements imposed by the proceedings. There may be situations in which a private party wishes to have a transcript even sooner than that deemed reasonable by the agency. Although the agency has no responsibility to provide such earlier copy, it may wish to provide a mechanism by which the private party may pay the extra expense entailed for such copy (i.e., the incremental cost resulting from the expedited delivery). The agency should thereafter assure that copies can be obtained at actual cost of duplication by any person within a reasonable time.

Section 11 does not preclude agency activities in handling indigent cases.

[FR Doc.73-9632 Filed 5-15-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AADAN CORP.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of 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 May 8, 1973, through May 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9633 Filed 5-15-73;8:45 am]

[811-2104]

AMERICAN PATRIOTS FUND, INC.

Notice of Filing of Application

MAY 7, 1973.

Notice is hereby given that American Patriots Fund, Inc. (Applicant), 39 Quall Court, Walnut Creek, Calif., 94596, a California corporation registered as a diversified open end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of

the representations as set forth therein, which are summarized below.

Applicant registered under the Act on August 24, 1970, by filing a Form N-8A, Notification of Registration. On that same date, Applicant filed a Form N-8B-1, Registration Statement under the Act together with a Form S-5, Registration Statement under the Securities Act of 1933 (1933 Act), which 1933 Act Registration Statement became effective on August 30, 1971.

Applicant states that at a November 1, 1972, meeting of its shareholders, the holders of a majority of its outstanding shares approved the winding up and dissolution of Applicant, and that on November 10, 1972, Applicant filed for dissolution under the laws of the State of California. As of March 13, 1973, there were two beneficial owners of shares of Applicant's outstanding stock, and no company owned more than 10 percent of said shares.

No public offering of Applicant's securities is being made presently and no such offering is presently proposed for the future.

Section 3(c) (1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than May 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments

in this matter, including the date of the of Investment Management Regulation, amendments thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-9635 Filed 5-15-73;8:45 am]

[70-5343]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue

MAY 7, 1973.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, Ark. 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of rule 50 promulgated under the Act, \$40 million principal amount of its first mortgage bonds, — percent series due 2003 (Bonds). The interest rate on the Bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102½ percent of the principal amount thereof) will be determined by the competitive bidding. The Bonds will be issued under Arkansas' Mortgage and Deed of Trust dated as of October 1, 1944, to Morgan Guaranty Trust Co. of New York and John W. Flaherty, as successor trustees, as heretofore supplemented and as to be further supplemented by a 24th supplemental indenture to be dated as of June 1, 1973, which includes a prohibition until June 1, 1978, against refunding the Bonds with the proceeds of funds borrowed at a lower effective interest cost.

Arkansas proposes to use the net proceeds from the sale of the Bonds for the payment of bank loans and commercial paper indebtedness approximating \$34 million incurred or estimated to be incurred prior to the completion of the proposed financing and to pay part of the cost of its 1973 construction program (estimated at \$170,600,000). Arkansas estimates that it will require approximately \$79 million of additional funds to finance its 1973 construction program which funds are expected to be obtained through short-term borrowings from banks, the issuance and sale of commercial paper, and the sale of securities, the nature and amount of which have not been determined.

Fees and expenses to be incurred by Arkansas in connection with the proposed transaction are estimated at \$134,000, including counsel fees of \$31,500 and trustees' fees of \$14,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at \$11,500.

The application states that the Arkansas Public Service Commission and the Tennessee Public Service Commission have authorized the issuance and sale of the Bonds; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 1, 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 which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant 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, as filed or as it may be amended, may be granted 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.73-9636 Filed 5-15-73;8:45 am]

[File 500-1]

GOODWAY INC.

Order Suspending Trading

MAY 7, 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 May 8, 1973, through May 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9634 Filed 5-15-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 967]

ALABAMA

Notice of Disaster Relief Loan Availability AMENDMENT 3

As a result of the President's declaration of the State of Alabama as a major disaster area following severe flooding and tornadoes which began on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Baldwin, Escambia, and Mobile. (See 38 FR 8700, 38 FR 9626, and 38 FR 11378.)

Applications may be filed at the:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Ala. 35205.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 2, 1973.

Dated May 3, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9637 Filed 5-15-73;8:45 am]

[Notice of Disaster Loan Area 979]

KANSAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms and flooding, beginning on or about March 5, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties:

Atchison	Coffey
Barber	Crawford
Barton	Dickinson
Bourbon	Doniphan
Brown	Edwards
Butler	Ellsworth
Chautauqua	Ford
Cherokee	Gray
Clark	Harper

Harvey
Haskell
Hodgeman
Jackson
Jefferson
Kingman
Kiowa
Labette
Lincoln
Linn
Lyon
Marshall
Marion
Meade
Miami
Montgomery
Morris
Nemaha

Ness
Osborne
Ottawa
Pawnee
Pottawatomie
Pratt
Reno
Rice
Rush
Russell
Saline
Sedgwick
Seward
Shawnee
Stafford
Stevens
Sumner
Washington

Applications may be filed at the:

Small Business Administration, Regional Office, 911 Walnut Street, Kansas City, Mo. 64106.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 3, 1973.

Dated May 4, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9638 Filed 5-15-73;8:45 am]

TARIFF COMMISSION

[337-L-61]

DUAL INLINE REED RELAYS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on March 27, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Grigsby Barton, Inc., of Rolling Meadows, Ill., alleging unfair methods of competition and unfair acts in the importation and sale of dual inline reed relays which are embraced within the claims of U.S. Patent No. 3,575,678 owned by the complainant. In addition, complainant is alleging unfair methods of competition and unfair acts in an alleged agreement combination and conspiracy of respondent and others to form a group to boycott and refuse to deal with Grigsby Barton, Inc., to refuse to accept any patent, and to act collectively to relinquish or inhibit their individual freedom in dealing with Grigsby Barton, Inc., in violation of the antitrust laws of the United States. C. P. Clare & Co., 3101 Pratt Boulevard, Chicago, Ill., has been named as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary

exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than June 26, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and 19 true copies of each document must be filed.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.
[FR Doc.73-9706 Filed 5-15-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Nos. 35831; 35835]

AMERICAN EXPORT LINES, INC., ET AL. Container Interchange Contracts; Petition for Investigation

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of May 1973.

Upon consideration of the petition filed on April 16, 1973, by the Drug and Toilet Preparation Traffic Conference (No. 35831) requesting the Commission to institute an investigation into the lawfulness of the cancellations of marine container interchange agreements by Illinois Central Gulf Railroad Co., Louisville and Nashville Railroad Co., Seaboard Coast Line Railroad Co., and the Southern Railway System (the Alabama Great Southern Railroad Co.; Central of Georgia Railway Co.; the Cincinnati, New Orleans, and Texas Pacific Railway Co.; Georgia Southern and Florida Railway Co.; Illinois Central Gulf Railroad Co.; Louisville and Nashville Railroad Co.; Seaboard Coast Line Railroad Co.; and Southern Railway Co.) as well as the lawfulness of the rates and charges on export-import traffic resulting from the cancellations of such agreements and further requesting that the cancellations be suspended by the Commission; and the replies thereto filed on April 18, 1973, by the Illinois Central Gulf Railroad Co., and on April 22, 1973, by the Louisville and Nashville Railroad Co.; and

It appearing, that the cancellations of the interchange agreements relating to marine trailers and containers raise grave problems relating to coordinated intermodal transportation in the foreign commerce of the United States and may also result in rates, charges, rules, regulations, and practices which are unlawful in that they may violate the national transportation policy as well as sections 1(4), 1(5), 1(6), 1(11), 1(13), 2, 3(1), 6, and 7 of the Interstate Commerce Act:

It further appearing, that, since the agreements are not contained in tariffs

on file with the Commission, their cancellation is not subject to suspension under section 15(7) of the act;

And it further appearing, that the petition in No. 35831 presents issues similar to those in the complaint in No. 35835; and that these matters should thus be handled concurrently;

Wherefore, and for good cause:

It is ordered, That the petition in No. 35831 be, and it is hereby granted to the extent indicated below; and that, in all other respects, the petition be, and it is hereby, denied.

It is further ordered, That, pursuant to sections 1(14)(a), 12(1), and 13(2) of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things discussed above, to determine the extent of the Commission's jurisdiction, and to take such action as may be warranted in the circumstances.

It is further ordered, That the following common carriers by railroad be, and they are hereby, made respondents in No. 35831: The Alabama Great Southern Railroad Co.; Central of Georgia Railway Co.; the Cincinnati, New Orleans, and Texas Pacific Railway Co.; Georgia Southern and Florida Railway Co.; Illinois Central Gulf Railroad Co.; Louisville and Nashville Railroad Co.; Seaboard Coast Line Railroad Co.; and Southern Railroad Co.

It is further ordered, That No. 35835, be, and it is hereby, consolidated with No. 35831 for disposition on a common record.

It is further ordered, That these proceedings be assigned for oral hearing at a time and place to be fixed hereafter.

It is further ordered, That the attention of other interested parties be, and it is hereby, directed to the provisions of rule 73 of the Commission's general rules of practice, 49 CFR § 1100.73, which permits an appearance to be entered at the hearing without filing a petition in intervention or other pleading under the circumstances set forth therein, and which makes persons entering such an appearance parties to the proceeding.

And it is further ordered, That notice of this action be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

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

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.73-9729 Filed 5-15-73;8:45 am]

[Notice 243]

ASSIGNMENT OF HEARINGS

MAY 11, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective as-

signments 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.

AB-8 sub 2, Denver & Rio Grande Western Railroad Co., abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now being assigned hearing July 10, 1973 (3 days), at Montrose, Colo., in a hearing room to be later designated.

MC-104523 sub 53, Huston Truck Line, Inc., now being assigned hearing July 13, 1973 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC-108207 sub 365, Frozen Food Express, Inc., now being assigned hearing July 16, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-78786 sub 268, Pacific Motor Trucking Co., extension of common carrier operations, now being assigned hearing July 9, 1973 (3 weeks), at San Francisco, Calif., in a hearing room to be later designated.

AB-5 sub 131, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Richmond and New Castle, Wayne and Henry Counties, Ind., now being assigned July 16, 1973 (2 days), at Richmond, Ind., in a hearing room to be later designated.

AB-5 sub 132, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Elwood and Kokomo, Madison, Tipton, and Howard Counties, Ind., now being assigned July 19, 1973 (2 days), at Kokomo, Ind., in a hearing room to be later designated.

MC-83539 sub 359, C & H Transportation Co., Inc., now being assigned July 23, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

AB-1 sub 12, Chicago and North Western Transportation Co., abandonment between Albert Lea, Minnesota, and Lake Mills, Iowa, in Freeborn County, Minn., and Winnebago and Worth Counties, Iowa, now being assigned hearing July 10, 1973 (2 days), at Albert Lea, Minn., in a hearing room to be later designated.

W-81 sub 3, McAllister Lighterage Line, Inc., et al., now being assigned July 23, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 sub 300, Schnelder Transport, Inc., et al., now being assigned July 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 7 sub 8, Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., abandonment between St. Clair Junction and St. Clair, Ill. in Freeborn and Blue Earth Counties, Minn., now assigned June 6, 1973, will be held in the multipurpose room, city center, 231 Clark Street, Albert Lea, Minn.

MC 136744, Kashmark Trucking, Inc., now assigned June 4, 1973, will be held at the Federal and U.S. courthouse, 316 Robert Street, St. Paul, Minn.

MC 135987 sub 2, R. A. Carbol Trailway Ltd., now assigned May 14, 1973, at Seattle, Wash., is canceled.

AB-1 sub 11, Chicago & North Western Transportation Co., Abandonment between Hayfield and Austin, in Dodge and Mower

Counties, Minn., now being assigned hearing July 12, 1973 (2 days), at Austin, Minn., in a hearing to be later designated. MC-P-11716, Smith's Transfer Corp.—purchase—Trans-Illinois Express, Inc., and MC-110683 sub 88, Smith's Transfer Corp., now being assigned hearing July 16, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated. MC 124078 sub 518, Schwerman Trucking Co., now assigned June 13, 1973, at St. Paul, Minn., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-9728 Filed 5-15-73; 8:45 am]

[S.O. No. 1112; Exception 5]

ILLINOIS CENTRAL GULF RAILROAD CO.
Exception to Car Service Order

It appearing, that there will be a large shipment of concrete pipe originating at Price, Miss., on the Illinois Central Gulf Railroad Co. requiring the use of plain flatcars of 140,000 lb or greater capacity; that assembly of the necessary cars cannot be accomplished without the holding of a portion of the cars in excess of the time periods authorized by the provisions of service order No. 1112, section (a), paragraph (2).

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by service order No. 1112, Section (a), paragraph (1), part (xiv), the Illinois Central Gulf Railroad Co. is hereby authorized to assemble and hold for pipe loading at Price, Miss., a maximum of 46 empty plain flatcars of mechanical designation FM regardless of the provisions of section (a), paragraph (2) of service order No. 1112.

Effective May 5, 1973.

Expires May 21, 1973.

Issued at Washington, D.C., May 5, 1973.

Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-9604 Filed 5-15-73; 8:45 am]

[Notice 18]

**MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES**

MAY 11, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's "Revised Deviation Rules—Motor Carriers of Property, 1969" (49 CFR 1042.4 (c) (11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's "Revised Deviation Rules—Motor Carriers of Property, 1969," will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-9269 (deviation No. 1), BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Avenue South, Seattle, Wash. 98134, filed April 26, 1973. Carrier's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ice Harbor Dam site over unnumbered road to junction Washington Highway 124, thence over Washington Highway 124 to junction U.S. Highway 395, thence over U.S. Highway 395 to Ritzville, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Spokane, Wash., over Interstate Highway 90 (formerly U.S. Highway 10) to junction unnumbered highway known as the "Othello Cut-off", approximately 12 miles east of Moses Lake, Wash., thence over unnumbered highway via Warden to Othello, Wash., and (2) from Othello, Wash., over unnumbered highway to junction Washington Highway 17, thence over Washington Highway 17 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Washington Highway 124, thence over Washington Highway 124 to junction unnumbered highway, thence over unnumbered highway to Ice Harbor Dam, Wash., and return over the same routes.

No. MC-41432 (deviation No. 21), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed April 26, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Abilene, Tex., over U.S. Highway 80 to Roscoe, Tex., thence over U.S. Highway 84 to Lubbock, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Abilene, Tex., over U.S. Highway 80 to Colorado City, Tex., thence over Texas Highway 208 to

Snyder, Tex., thence over U.S. Highway 84 to Lubbock, Tex., and return over the same route.

No. MC-43421 (deviation No. 32), DOHRN TRANSFER CO., P.O. Box 1237, Rock Island, Ill. 61202, filed April 27, 1973. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Peroria, Ill., over Interstate Highway 74 to junction Illinois Highway 121 (near Morton, Ill.), thence over Illinois Highway 121 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 270, thence over Interstate Highway 270 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Peroria, Ill., over U.S. Highway 24 to Banner, Ill., thence over Illinois Highway 9 to Canton, Ill., thence over Illinois Highway 78 to Virginia, Ill., thence over Illinois Highway 78 (formerly U.S. Highway 67) to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Alternate U.S. Highway 67 (formerly U.S. Highway 67), thence over Alternate U.S. Highway 67 to junction Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., and return over the same route.

No. MC-69116 (deviation No. 44), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed April 30, 1973. Carrier's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Meridian, Miss., over Interstate Highway 59 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md.; (2) from Meridian, Miss., over Interstate Highway 59 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 70-N, thence over Interstate Highway 70-N to Baltimore, Md.; (3) from Meridian, Miss., over Interstate Highway 59 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md.; (4) from Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate

Highway 81 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md.; (5) from Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 70-N, thence over Interstate Highway 70-N to Baltimore, Md.; and (6) from Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y. (using U.S. Highways 11 and 11-W, 78 and 29 were portions of Interstate Highways 59, 75, 81, 20, and 85 are incomplete in Alabama, Tennessee, Georgia, and North Carolina), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Meridian, Miss., over Mississippi Highway 19 to Philadelphia, Miss., thence over Mississippi Highway 19 to Philadelphia, Miss., thence over Mississippi Highway 15 to Ackerman, Miss., thence over Mississippi Highway 9 to Calhoun City, Miss., thence over Mississippi Highway 8 to Grenada, Miss., thence over U.S. Highway 51 to Memphis, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45 to junction U.S. Highway 45-E, thence over U.S. Highway 45-E to Fulton, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to West Vienna, Ill., thence over Illinois Highway 37 to Marion, Ill., thence over Illinois Highway 37 to Effingham, Ill., thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 40 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 111 to Baltimore, Md.; (2) from Nashville, Tenn., over U.S. Highway 70 to Atwood, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45 to junction U.S. Highway 45-E, thence over U.S. Highway 45-E to Fulton, Ky., thence over the route described in (1) above to Baltimore, Md.; and (3) from Nashville, Tenn., over U.S. Highway 70 to Atwood, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45 to junction U.S. Highway 45-E, thence over U.S. Highway 45-E to Fulton, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to West Vienna, Ill., thence over Illinois Highway 37 to Marion, Ill., thence over Illinois Highway 37 to Effingham, Ill., thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 to Sugar Grove, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, thence over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence

over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31-B to junction New York Highway 5, thence over New York Highway 5 to Syracuse, N.Y., and return over the same routes.

No. MC-127602 (deviation No. 2), DENVER - MIDWEST MOTOR FREIGHT, INC., 67 and "J" Streets, Omaha, Nebr. 68117, filed April 26, 1973. Carrier's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction Minnesota Highway 15 and 60 at Madelia, Minn., over Minnesota Highway 60 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction Truck Highway 13, thence over Truck Highway 13 to junction Interstate Highway 35-W, thence over Interstate Highway 35-W to the Minneapolis-St. Paul, Minn., city limits, thence over Interstate Highway 35-W to junction U.S. Highway 12, and return over the same route, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Paul, Minneapolis, Minn., over U.S. Highway 12 to junction Minnesota Highway 110, east of Maple Plain, Minn., thence over Minnesota Highway 110 to junction Hennepin County Road 6, thence over Hennepin County Road 6 to the east boundary line of Carver County, thence over Carver County Road 20 to Watertown, Minn., thence over Minnesota Highway 25 to junction Carver County Road 20, thence over Carver County Road 20 to the east boundary line of McLeod County, thence over McLeod County Road 6 to Winsted, Minn., and (2) from Sioux City, Iowa, over U.S. Highway 75 to junction Iowa Highway 60, thence over Iowa Highway 60 to the Iowa-Minnesota State line, thence over Minnesota Highway 60 to junction Minnesota Highway 15, thence over Minnesota Highway 15 to junction U.S. Highway 212, thence over U.S. Highway 212 to junction Minnesota Highway 261, thence over Minnesota Highway 261 to Winsted, Minn., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.73-9734 Filed 5-15-73;8:45 am]

[Notice 37]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 11, 1973.

The following publications (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 ap-

proval of its application), are governed by the new special rule 1100 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

APPLICATIONS ASSIGNED FOR ORAL HEARINGS

No. MC 33641 (sub-No. 101), filed May 7, 1973. Applicant: IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110. 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: *Iron and steel articles*, as described in appendix V to the Interstate Commerce Commission report in *Descriptions in Motor Carrier Certificates*, Ex parte MC-45, 61 M.C.C. 209 and 766 (except commodities which because of size or weight require special equipment), (1) between points in California, on the one hand, and, on the other, points in Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming; (2) between points in Oregon and Washington, on the one hand, and, on the other, points in Colorado, Idaho, Nevada, Utah, and Wyoming; (3) between points in Utah, on the one hand, and, on the other, points in Colorado, Idaho, Nevada, and Wyoming; and (4) between points in Colorado, on the one hand, and, on the other, points in Idaho, Nevada, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING.—June 18, 1973 (1 week) 9:30 a.m., d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at Portland, Ore. Location of hearing room will be by subsequent notice.

No. MC 112989 (sub-No. 30), filed May 7, 1973. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Ore. 97420. Applicant's representative: John G. McLaughlin, 620 Blue Cross Building, Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (1) between points in California, on the one hand, and, on the other, points in Oregon and Washington; and (2) between points in Oregon and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING.—June 18, 1973 (1 week), 9:20 a.m., d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at Portland, Oreg. Location of hearing room will be by subsequent notice.

APPLICATIONS FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 35320 (sub-No. 135) (correction), filed January 22, 1973, published in the FEDERAL REGISTER March 14, 1973, and republished as corrected this issue. Applicant: TIME-DC, INC., P.O. Box 2550, 2598 74th Street, Lubbock, Tex. 79408. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226.

NOTE.—The purpose of this republication is to add the commodities proposed to be transported, inadvertently omitted from previous publication.

The commodities are: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. The routes described in previous publication are unchanged. This instant application is a matter directly related to MC-F-11778 published in the FEDERAL REGISTER, issue of February 7, 1973.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11860. Authority sought for control by ALCO TRANSPORTATION CO., 1603 Chapin Road, Montebello, Calif. 90640, of CAMPORA FAST FREIGHT, INC., 2525 Mariposa Road, Stockton, Calif., and for acquisition by JOHN B. DENAULT, also of Montebello, Calif. 90640, of control of CAMPORA FAST FREIGHT, INC., through the acquisition by ALCO TRANSPORTATION CO. Applicants' attorney: Donald Murchison, 9454 Wilshire Boulevard, suite 400, Beverly Hills, Calif. 90212. Operating rights sought to be controlled: Under a certificate of registration in docket No. MC-120936 (sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. ALCO TRANSPORTATION CO. is authorized to operate as a common carrier in California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11861. Authority sought for purchase by WORSTER MOTOR LINES, INC., P.O. Box 110, North East, Pa., of the operating rights of DEAN THORN-

TON, doing business as KEYSTONE TRUCKING CO., Rushford, N.Y., and for acquisition by DAVID B. WORSTER, also of North East, Pa., of control of such rights through the purchase. Applicants' attorneys: Joseph F. MacKrell, 23 West 10th Street, Erie, Pa. 16501, and Edwin R. Iardo, 20 Buffalo Street, Hamburg, N.Y. 14075. Operating rights sought to be transferred: *Corrugated paper shipping containers, oil field supplies and equipment, builders' supplies, and petroleum products* in containers, as a common carrier over irregular routes, between points in Pennsylvania within 10 miles of Bradford, Pa., including Bradford, on the one hand, and, on the other, points in New York; *malt beverages*, in containers, and *empty containers*, between points in McKean County, Pa., on the one hand, and, on the other, points in New York; *petroleum products* in containers, from Farmer's Valley, Pa., and points within 1 mile of Farmer's Valley, to points in Connecticut, Massachusetts, New Jersey, and New York, except Buffalo, Rochester, Syracuse, Cortland, Binghamton, Elmira, Olean, and Jamestown, N.Y.; *malt beverages*, in containers, from Newark, and Trenton, N.J., to Bradford, Pa.; *petroleum products*, in packages, in seasonal operations during the time the St. Lawrence Seaway is open for navigation, from Farmer's Valley, Pa., to Port of Erie, Pa.; *petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, from Farmer's Valley and Bradford, Pa., to points in New York, Connecticut, Massachusetts, and New Jersey; *iron and steel rust preventing or removing compounds* (other than petroleum), *metal cutting, drawing, and drilling compounds* (other than petroleum); *brake fluid* (other than petroleum), *cleaning, washing, and scouring compounds, petroleum tar, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions*, in containers, and *petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers and *related advertising material*, from Buffalo, N.Y., to Emlenton and Farmer's Valley, Pa., to points in Illinois (except Chicago), and Indiana, with restriction, from Warren, Pa., to points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, Vermont, and those in Maine on and south of Maine Highway 25, including Portland, Maine, and the commercial zone thereof, as defined by the Commission; *popcorn, corn chips, corn twists, corn puffs, and fried pork skins*, and *raw corn* when transported at the same time and in the same vehicle with popcorn, corn chips, corn twists, corn puffs, and fried pork skins, from the plants and facilities of Popped-Right Corn Co. in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; *malt beverages*, from Newark, N.J., to certain specified points in New York; *malt beverages*, in containers, from New York, N.Y., and Newark, N.J., to certain specified points in Pennsylvania; *malt beverages* (except in bulk, in tank vehicles), from Newark, N.J., to certain specified points in New York; *advertising materials*, when moving in mixed loads with malt beverages, from Newark, N.J., to points in New York. Vendee is authorized to operate as a common carrier in New York, Ohio, Pennsylvania, Michigan, Indiana, Illinois, West Virginia, Massachusetts, Vermont, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Maine, Virginia, South Carolina, Alabama, Florida, Arkansas, Iowa, Nebraska, Kansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11862. Authority sought for control and merger by CITY TRANSFER, INC., 13901 Mica Street, Santa Fe Springs, Calif. 90670, of the operating rights and property of ANAHEIM TRUCK & TRANSFER CO., 505 South Anaheim Boulevard, Anaheim, Calif. 92805, and for acquisition by CHARLES W. OWEN, also of Santa Fe Springs, Calif. 90670, of control of such rights and property through the transaction. Applicant's attorney: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Operating rights sought to be controlled and merged: *General commodities*, with specified exceptions, as a common carrier over irregular routes, between points in a described area of eastern Los Angeles, Calif., and between points in such area on the one hand, and, on the other, western Los Angeles, Los Angeles Harbor, and Long Beach, Calif., between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, points in Orange County, Calif., between points within 6 miles of Anaheim, Calif., including Anaheim, between points in the Los Angeles commercial zone as defined by the Commission, on the one hand, and, on the other, points in the Los Angeles Harbor commercial zone, as defined by the Commission in Los Angeles, Calif., commercial zone, 3 M.C.C. 248; *machinery and pipe*, from Los Angeles, to Santa Fe Springs, Calif.; *fertilizer and insecticides*, from Los Angeles Harbor, Long Beach Harbor, and San Diego Harbor, Calif., to Los Angeles, Azusa, Pomona, and Ontario, Calif., and points in Orange County, Calif.; *Christmas trees*, from Anaheim, Calif., to points in a described area of California; *alcohol and alcohol products*, from Anaheim, Calif., to Los Angeles, Los Angeles Harbor, and Long Beach Harbor, Calif.; *box shoo*, between Duarte, Redlands, and Pomona, Calif., on the one hand, and, on the other, Anaheim, Calif.; *nails*, between Anaheim, Los Angeles, and Los Angeles Harbor, Calif., on the one hand, and, on the other, points in Orange County, Calif.; *citrus fruit products, wire, fertilizer, seed, tires and tubes, pipe, and machinery and supplies*, used in citrus fruit packing plants, between Los Angeles, Calif., on the one hand, and, on the other, points in Orange County, Calif.;

citrus fruit, between points in Orange County, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif.; *uncrated airplanes, uncrated airplane wing sections, and uncrated fuselages*, between points in Los Angeles County, Calif., and under a certificate of registration in docket No. MC-4983 (sub-No. 5), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. CITY TRANSFER, INC., is authorized to operate as a common carrier in California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11863. Authority sought for purchase by BULKMATIC TRANSPORT CO., 12000 South Doty Avenue, Chicago, Ill., 60628, of a portion of the operating rights of DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, Ill. 60031, and for acquisition by CARL DECANINI, also of Chicago, Ill. 60628, of control of such rights through the purchase. Applicants' attorneys: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603, and Irving Stillerman, 29 South LaSalle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Expanded perlite and diatomaceous earth*, as a common carrier over irregular routes, from the plantsite and storage facilities of the Johns-Manville Perlite Corp. at Rockdale, Ill., to points in Indiana, Iowa, Ohio, Wisconsin, Missouri, Michigan, Kentucky, and Nebraska. Vendee is authorized to operate as a common carrier in Indiana, Illinois, Iowa, Michigan, Wisconsin, Missouri, Ohio, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11864. Authority sought for purchase by CHEMICAL EXPRESS CARRIERS, INC., of the operating rights of CEMENT TRANSPORTS, INC., and for acquisition by CHEMICAL EXPRESS CO., all of 1200 Simons Building, Dallas, Tex. 75201, of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be transferred: *Cement*, in containers, as a common carrier over irregular routes, from the plantsite of the Lone Star Cement Corp., located at Maryneal, Tex., to points in New Mexico and Oklahoma. Vendee is authorized to operate as a common carrier in Texas, New Mexico, Arkansas, Louisiana, Oklahoma, Colorado, Kansas, Alabama, Mississippi, Missouri, Tennessee, Arizona, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Florida, Nebraska, Kentucky, Michigan, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-11865. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park,

Calif. 94025, of the operating rights and property of JOSEPH LEVINE TRUCKING INC., 221 Governor Street, P.O. Box 1, East Hartford, Conn. 06108, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, Calif. 94108, of control of such rights and property through the transaction. Applicants' attorneys: Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. 94025, Eugene T. Lipfert, suite 1100, 1660 L Street NW., Washington, D.C. 20036, and Robert C. McNally, 1 Constitution Plaza, Hartford, Conn. 06103. Operating rights sought to be controlled and merged. *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over irregular routes, between Hartford, East Hartford, and West Hartford, Conn., on the one hand, and, on the other, points in Connecticut. CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE is authorized to operate as a common carrier in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona, Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11866. Authority sought for control and merger by MID-STATES TRUCKING CO., 514 East Hackberry Street, Enid, Okla. 73701, of the operating rights and property of (A) GOVAN EXPRESS, INC., and (B) DENTON PRODUCE, INC., both of 10386 Bickham Road, Dallas, Tex. 75235, and for acquisition by RAY F. HAYES, of Enid, Okla. 73701, of control of such rights and property through the transaction. Applicants' attorney: Richard R. Sigmon, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be controlled and merged: (A) *Meats, meat products and meat byproducts*, and etc., as a common carrier over irregular routes, between Oklahoma City, Okla., on the one hand, and, on the other, points in a defined area of Texas, with restriction, between Oklahoma City, Okla., on the one hand, and, on the other, Beaumont, Tex., and points on U.S. Highway 90 between Houston and Beaumont, Tex. (but not including Houston), and all points on U.S. Highway 75 between Houston and Huntsville, Tex. (but not including Houston), between Oklahoma City, Okla., on the one hand, and, on the other, points in the Panhandle territory of Texas, between Fort Worth, Tex., on the one hand, and, on the other, to points in a defined area of Oklahoma, from Dallas and Fort Worth, Tex., to points in a defined area of Texas, from Dallas

and Fort Worth, Tex., to points in a defined area of Texas, from the plantsite and storage facilities of Wilson and Co., near Hereford, Tex., to points in Oklahoma and Texas, from the plantsite and storage facilities of National Beef Packing Co. near Liberal, Kans., to points in Oklahoma and Texas, from the plantsite of National Beef Packing Co., located near Liberal, Kans., to points in Louisiana, Arkansas, Mississippi, and Alabama, from the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Texas, with restrictions; *packinghouse products*, between Shreveport, La., and Marshall, Tex., on the one hand, and, on the other, Longview, Kilgore, Gladewater, Henderson, Tyler, Jacksonville, Palestine, Overton, Arp, Irton, Carlisle, and Athens, Tex. (B) *Bananas*, as a common carrier over irregular routes, from Galveston, Tex., to Denver, Colo., Wichita Falls, Tex., and to points in Nebraska, Kansas, and Oklahoma, from New Orleans, La., to Norfolk and Grand Island, Nebr., from Galveston, Tex., to Kansas City, Mo., and points in Texas with restrictions. MID-STATES TRUCKING CO., is authorized to operate as a contract carrier in Illinois, Oklahoma, Nebraska, Missouri, Colorado, Kansas, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11867. Authority sought for purchase by ROSS NEELY EXPRESS, INC., 1500 Second St., Pratt City Station, P.O. Drawer-B, Birmingham, Ala. 35214, of the operating rights of W. R. RIVERS, INC., P.O. Box 1861, Mobile, Ala. 36610, and for acquisition by ROSS NEELY, JR., of Birmingham, Ala. 35214, of control of such rights through the purchase. Applicants' attorneys: Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103, and Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue, and 13th Street, NW., Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Leakesville, Miss., and Mobile, Ala., serving the intermediate points of Lucedale, Miss., and those between Lucedale, Miss., and Mobile, Ala., between Mobile, Ala., and Lucedale, Miss., serving all intermediate points, between Lucedale, Miss., and Poplarville, Miss., serving all intermediate points, with restrictions. Vendee is authorized to operate as a common carrier in Alabama. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-99610 (sub-No. 14), is a directly related matter.

No. MC-F-11868. Authority sought for purchase by RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, Va. 24153, of a portion of the operating rights and property of DAYTON TRANSPORT CORP., P.O. Box 338, Dayton, Va. 22821, and for acquisition by BILL B. BUMGARDNER, 3416 Peakwood Drive, Ro-

Roanoke, Va. 24014, BERKELEY H. RILEY, 3009 Dover Drive, Roanoke, Va. 24018, and VERNON S. CHURCH, Forest Hills, Wilkesboro, N.C. 28697, of control of such rights and property through the purchase. Applicants' representative: Laniel G. Gregory, Jr., P.O. Box 2278, Roanoke, Va. 24009. Operating rights sought to be transferred: Iron and steel articles: *angles, bars, beams, bridge steel, channels, forms (structural), rivets, rods, sheets, slabs, wire rope, and accessories for beams and joists, as a common carrier over irregular routes, from Roanoke, Va., to certain specified points in North Carolina, Tennessee, and West Virginia; angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate or sheet), slabs, wire rope, and accessories for beams, and joists, from Troutville, Va., to certain specified points in North Carolina, Tennessee, and West Virginia.* Vendee is authorized to operate as a common carrier in Virginia, Pennsylvania, New York, Illinois, Indiana, North Carolina, Maryland, Delaware, New Jersey, South Carolina, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11869. Authority sought for purchase by CROUSE CARTAGE CO., P.O. Box 151, Carroll, Iowa 51401, of a portion of the operating rights and property of (B) HEARTLAND EXPRESS, INC., 911 West Sheridan, Shenandoah, Iowa 51601, and of the operating rights of (BB) LAWSON TRUCK LINE, INC., Stanberry, Mo. 64489, and for acquisition by PAUL E. CROUSE, also of Carroll, Iowa 51401, of control of such rights and property through the purchase. Applicants' attorneys: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102, and Earl H. Scudder, 300 NSEA Building, P.O. Box 82028, Lincoln, Nebr. 68501. Operating rights sought to be transferred: (B) *General commodities, with exceptions, as a common carrier over regular routes, between junction U.S. Highway 275 and Iowa Highway 184, and Essex, Iowa, serving the intermediate points of Randolph and Imogene, Iowa, between Omaha, Nebr., and Clarinda, Iowa, serving all intermediate points, between Essex, Iowa, and Omaha, Nebr., between Omaha, Nebr., and Percival, Iowa, between Omaha, Nebr., and Thurman, Iowa, between Hamburg, Iowa, and Omaha, Nebr., from Omaha, Nebr., to Hamburg, Iowa, serving various intermediate and offroute points; livestock, between Hamburg, Iowa, and St. Joseph, Mo., from Hamburg, Iowa, to Omaha, Nebr., serving various intermediate and offroute points; milled feed, farm implements and machinery, lumber, hardware, and coal, from Omaha, Nebr., to Percival, Iowa, serving various intermediate and offroute points; sand, from Plattsmouth, Nebr., to Percival, Iowa, serving various intermediate and offroute points; general commodities, with exceptions, over*

irregular routes, from Omaha, Nebr., to Sidney, Iowa, and points in Iowa within 25 miles of Sidney; *feed, from points in that part of Nebraska east and south of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to Grand Island, Nebr., and thence along U.S. Highway 281 to the Nebraska-Kansas State line, including points on the indicated portion of the highways specified, to points in Page, Mills, and Fremont Counties, Iowa; commercial feed, from Nebraska City, Nebr., to Percival, Iowa, and points in Iowa within 10 miles of Percival; sand, from Plattsmouth, Nebr., and points within 15 miles of Plattsmouth to points in Page, Mills, and Fremont Counties, Iowa; livestock, from points in Iowa, to points in Nebraska; building materials, from Nebraska City, Nebr., to points in Fremont, Mills, Montgomery, and Page Counties, Iowa; household goods, between Sidney, Iowa, and points in Iowa within 25 miles of Sidney, on the one hand, and, on the other, points in Nebraska; household goods as defined by the Commission, between Shenandoah, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, Kansas, and Colorado; household goods as defined by the Commission, and emigrant movables, between Sidney, Iowa, and points in Iowa within 100 miles thereof, on the one hand, and, on the other, points in Nebraska, between Sidney, Iowa, and points within 50 miles thereof, on the one hand, and, on the other, points in Missouri; (BB) general commodities, with exceptions, as a common carrier over regular routes, between St. Joseph and Stanberry, Mo., serving no intermediate points; livestock, from Stanberry, Mo., to Kansas City, Kans., serving the intermediate and offroute points of Kansas City, Mo., and those within 10 miles of Stanberry. Vendee is authorized to operate as a common carrier in Iowa, Indiana, Illinois, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio. Application has been filed for temporary authority under section 210a(b).*

RAHWAY VALLEY CO., lessee, Galloping Hill Road, Kenilworth, Union County, N.J. 07033, represented by Messrs. Beekman & Bogue, 5 Eanover Square, New York, N.Y. 10004, hereby gives notice that on the 8th day of March 1973, it filed an application with the Interstate Commerce Commission at Washington, D.C., assigned Finance Docket No. 27328, for authority to acquire control by purchase of the Rahway Valley Line. Applicant is currently leasing the Rahway Valley Line and provides railroad service within Union County, N.J., over approximately 14 miles of track, of which Rahway Valley Line owns approximately 3 miles. The purchase of the Rahway Valley Line will not cause any change in the services presently provided. In the opinion of the applicant, the purchase of the Rahway Valley Line will have no significant effect on the

quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra, part (B)-(1)-(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of the first publication in the FEDERAL REGISTER.

RAHWAY VALLEY CO.,
Lessee.

NOTICE

DELAWARE OTSEGO CORP. AND CENTRAL NEW YORK RAILROAD CORP., 1 Railroad Avenue, Cooperstown, N.Y., hereby give notice that on the 9th day of April, 1973, they filed with the Interstate Commerce Commission at Washington, D.C., an application for authority to acquire, control, and operate a line of railroad extending from railroad milepost 273.25 at Richfield Junction, Oneida County, in a south thence easterly direction to railroad milepost 295.02 near Richfield Springs, Otsego County, N.Y., a distance of 21.77 miles. The line to be controlled, acquired, and operated includes the stations of Bridgewater, West Winfield, Cedarville, South Columbia, and Richfield Springs. The Delaware Otsego Corp. presently controls the Cooperstown and Charlotte Valley Railway Corp., which operates a line of railroad from Cooperstown Junction to Cooperstown, N.Y., a distance of 16 miles in Otsego County, N.Y. This application has been assigned Finance Docket No. 27350. In the opinion of the applicants, the requested Commission action will have no effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra, part (B)-(1)-(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than

30 days from the date of first publication in the FEDERAL REGISTER.

DELAWARE OTSEGO CORP. AND CENTRAL
NEW YORK RAILROAD CORP.

NOTICE

SOUTHERN RAILWAY CO. and NORFOLK SOUTHERN RAILWAY CO. hereby give notice that on the 23d day of April 1973, they have filed with the Interstate Commerce Commission at Washington, D.C., a joint application under section 5(2) of the Interstate Commerce Act seeking trackage rights over certain lines of Seaboard Coast Line Railroad Co. in Raleigh, Wake County, N.C., which was assigned Finance Docket No. 27361. In accordance with the Commission's regulations (49 CFR 1111.2(13), as amended May 16, 1972), Applicants state the following:

(1) The names and addresses of applicants and their attorneys are:

Southern Railway Co., P.O. Box 1808,
Washington, D.C. 20013.

Norfolk Southern Railway Co., P.O. Box
2210, Raleigh, N.C. 27602.

James L. Tapley, William H. Teasley, and
R. Allan Wimbish, P.O. Box 1808,
Washington, D.C. 20013; attorneys for
Southern Railway Co.

John M. Simms, Vice President-General
Counsel, Norfolk Southern Railway
Co., P.O. Box 2210, Raleigh, N.C. 27602;
attorney for Norfolk Southern Railway
Co.

(ii) The nature of the transaction is for Southern and Norfolk Southern, rail carriers subject to part 1 of the Interstate Commerce Act, to acquire trackage rights over certain lines of Seaboard Coast Line Railroad Co. (SCL), at Raleigh, Wake County, N.C., to provide for an improved and workable interchange arrangement between Southern and Norfolk Southern.

(iii) (a) Southern and Norfolk Southern seek trackage rights over the southward main track of SCL a distance of 2,452 feet; and trackage rights over the northward main track of SCL a distance of 1,145 feet; and authority incidental thereto to use jointly with SCL a connecting lead track approximately 1,228 feet in length; and for the construction and joint use of three crossover tracks necessary to provide an improved interchange arrangement between Southern and Norfolk Southern in Raleigh, Wake County, N.C.

(b) Applicants Southern and Norfolk Southern claim that presently they have an inadequate interchange arrangement at Raleigh, N.C., and the proposed trackage rights over the lines of SCL will permit an improved interchange connection without the necessity of costly new track construction.

(iv) The lines of SCL over which Southern and Norfolk Southern seek trackage rights are all located in Raleigh, Wake County, N.C., with the approximate distances involved set forth in (iii) (a) above.

In the opinion of the applicants, the Commission action requested by this application will have no effect on the qual-

ity of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra, part (b) (1)-(5), 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

SOUTHERN RAILWAY CO. AND
NORFOLK SOUTHERN RAIL-
WAY CO.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-9735 Filed 5-15-73; 8:45 am]

[Notice 272]

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 June 5, 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-74175. By order of May 8, 1973, the Motor Carrier Board approved the transfer to Empire State Motor Express, Inc., Le Roy, N.Y., of the operating rights in certificate No. MC-38809 issued November 25, 1959, to Victoria M. Mancuso, Anthony A. Mancuso, Harold W. Mancuso, Donald Mancuso, and Francis D. Mancuso, a partnership, doing business as Empire State Motor Express, 8814 East Main Road, Le Roy, N.Y., 14482, authorizing the transportation of general commodities, with the usual exceptions, between Le Roy, N.Y., and Rochester, N.Y., serving all intermediate points; and general commodities, except household goods as defined by the Commission,

petroleum products in bulk, high explosives, and commodities requiring special equipment, between Le Roy, N.Y., and Buffalo, N.Y., serving all intermediate points.

No. MC-FC-74347. By order of May 10, 1973, the Motor Carrier Board approved the transfer to Carton Moving & Storage Co., a corporation, Chatham, N.J., of certificate No. MC-43161 issued to John J. Herrsche, doing business as Midvale Movers, Lake Hiawatha, N.J., authorizing the transportation of: Household goods, between Newark, N.J., and points in specified counties in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Edward F. Bowes, attorney, 744 Broad St., Newark, N.J. 07102.

No. MC-FC-74420. By order of May 10, 1973, the Motor Carrier Board approved the transfer to Imperial Drayage Company, Inc., San Francisco, Calif., of the certificate of registration in No. MC-99322 (sub-No. 1) issued November 13, 1963, to Leigh C. Hunt, doing business as Imperial Drayage Co., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized in decision No. 51043, dated January 25, 1963, issued by the Public Utilities Commission of California. George M. Carr, suite 1215, 351 California St., San Francisco, Calif. 94104, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-9731 Filed 5-15-73; 8:45 am]

[Notice 61]

MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS

MAY 9, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Sec-

retary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41406 (sub-No. 33 TA), filed April 30, 1973. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, dry in bulk, in tank trailers, from Hammond, Ind., to Conshohocken, Pa.; Farmington, Mich.; Fremont, Ohio, and Louisville, Ky., for 180 days. Supporting shipper: Hammond Lead Products, Inc., P.O. Box 308, 5231 Hohman Avenue, Hammond, Ind. 46325. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 44639 (sub-No. 69 TA), filed April 30, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Weldon, N.C., on the one hand, and, on the other, New York, N.Y., commercial zone, for 180 days. Supporting shipper: En Route Maternity Modes, Inc., 1350 Broadway, New York, N.Y. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 51146 (sub-No. 318 TA), filed May 1, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298 (box Zip 54306), Green Bay, Wis. 54304. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing on hangers and miscellaneous department store merchandise* in cartons, from Secaucus, N.J., to Columbus, Mansfield, and Lima, Ohio and Indianapolis, Ind., for 180 days. Supporting shipper: The F&R Lazarus Co., a division of Federated Department Stores, Inc., Columbus, Ohio 43216 (Jack R. Hesseauer, traffic manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 97699 (sub-No. 37 TA), filed April 30, 1973. Applicant: BARBER TRANSPORTATION CO., Deadwood Avenue, P.O. Drawer 2047, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a

contract carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between Rapid City, S. Dak., and Billings, Mont., serving all intermediate points, and (B) between Rapid City, S. Dak., over U.S. Highway 14 and Interstate Highway 90 to Sundance, Wyo., thence west over Interstate Highway 90 to junction U.S. Highway 14 near Moorcroft, Wyo., thence west over U.S. Highway 14 to junction Interstate Highway 90, thence north over Interstate Highway 90 to junction U.S. Highway 87, thence north over U.S. Highway 87 and Interstate Highway 90 to Billings, Mont., and return, for 180 days.

NOTE.—Applicant seeks authorization to allow service to the commercial zones of all service points provided for above and applicant intends to tack with its present certificates. Applicant also intends to tack at Rapid City, S. Dak., with all of the carrier's existing authority.

Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 97699 (sub-No. 38 TA), filed April 30, 1973. Applicant: BARBER TRANSPORTATION CO., Deadwood Avenue, P. O. Drawer 2047, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rapid City, S. Dak. and Cheyenne, Wyo. serving all intermediate points, from Rapid City, S. Dak., over U.S. 16 to Newcastle, Wyo., thence south over U.S. 85 to junction Interstate 25, thence south over Interstate 25 to Cheyenne, Wyo. and return; (2) between Lusk, Wyo. and Casper, Wyo. serving all intermediate points, from Lusk west over U.S. 20 to junction Interstate 25, thence over Interstate 25 to Casper, Wyo. and return; (3) between Rapid City, S. Dak. and Sheridan, Wyo. serving all intermediate points, from Rapid City, S. Dak. over U.S. 14 and Interstate 90 to Sundance, Wyo., thence west over Interstate 90 to junction U.S. 14 near Moorcroft, Wyo., thence west over U.S. 14 to junction U.S. 90 near Gillette, thence over U.S. 90 to Sheridan, Wyo. and return; and (4) between Newcastle, Wyo. and Moorcroft, Wyo., serving all intermediate points, from Newcastle, Wyo. over U.S. 16 to Moorcroft, Wyo. and return; and (B) *Alternate routes* for operating convenience only serving no intermediate points: *General*

commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rapid City, S. Dak. and junction U.S. 18 and U.S. 85 at Mule Creek Junction, Wyo., from Rapid City, S. Dak. south over South Dakota Highway 79 to junction U.S. 18, thence over U.S. 18 to junction U.S. 85 and return; and (2) between Rapid City, S. Dak. and Lusk, Wyo., from Rapid City, S. Dak. over South Dakota Highway 79 to junction U.S. 385, thence south over U.S. 385 to junction U.S. 20, thence west over U.S. 20 to Lusk, Wyo. and return, for 180 days.

NOTE.—Applicant seeks authorization to allow service to the commercial zones of all service points provided for above and applicant intends to tack with its present certificates. Applicant also intends to tack the various authority as sought herein at Lusk, Newcastle, and Mule Creek Junction, Wyo. and to tack all authorities as sought with the carrier's existing routes at Rapid City, S. Dak.

Supporting shippers: There are approximately 92 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 107678 (sub-No. 50 TA), filed May 1, 1973. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Street, Mailing: P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, animal feed products, and products* used in the manufacture of animal feed, from the port of entry on the international boundary line at Sweetgrass, Mont., to points in Montana, North Dakota, South Dakota, Wyoming, Colorado, and Utah, for 180 days. Supporting shipper: Pillsbury Canada Ltd., 501, 206—Seventh Avenue SW., Calgary, Alberta T2P 0W8, Canada. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, Tex. 77061.

No. MC 107882 (sub-No. 28 TA), filed May 1, 1973. Applicant: ARMORED MOTOR SERVICE CORP., 160 Ewingville Road, Trenton, N.J. 08638. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from West Point and New York, N.Y., to any point in the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: General Services Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 109847 (sub-No. 14 TA), filed April 30, 1973. Applicant: BOSS-LINCO LINES, INC., 1 West Genesee Street, Suite 450, Buffalo, N.Y. 14240. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Middleville and Newport, N.Y. as off-route points in connection with applicant's regular-route operations between Syracuse, N.Y. and Perth Amboy, N.J. as defined in sub 5 to its certificate MC-109847 dated March 6, 1959, for 180 days.

NOTE—Applicant intends to tack with MC-109847 (sub-No. 5).

Supporting shippers: (1) The E. J. Willis Co., Middleville, N.Y. 13406; (2) Borden, Inc., Newport, N.Y.; (3) Mueller's Cabinet Shop, P.O. Box 73, Fairfield Street, Middleville, N.Y. 13406; (4) Country Town Gifts, Middleville, N.Y. 13406; (5) The Martin-Deichsel Leather Co. Inc., Middleville, N.Y. 13406; (6) Soron Radio & Appliance Store Sales and Service, Newport, N.Y.; and (7) Five and Dime, Main Street, Newport, N.Y. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 113828 (sub-No. 208 TA), filed April 27, 1973. Applicant: O'BOYLE TANK LINES INC., Mailing: P.O. Box 30006 Washington D.C. 20014, and Office: 5320 Marinelli Drive, Montrose Industrial Park, Rockville, Md. 20852. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, from Skyline Terminals, Inc., in Baltimore, Md., to points in Adams, Berks, Columbia, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, York, Northumberland, and Washington Counties, Pa.; Baltimore, Caroline, Charles, Frederick, Harford, Prince Georges, St. Marys, and Talbert Counties, Md.; Albemarle, Carolina, Clark, Culpeper, Essex, Fairfax, Fauquier, Frederick, King George, Loudon, Louisa, Northumberland, Prince William, Richmond, Shenandoah, Spotsylvania, and Westmoreland Counties, Va., for 180 days. Supporting shippers: Swift Chemical Co., P.O. Box 340, Glen Burnie, Md. 21061; Skyline Terminals, Inc., 1910 Russell Street, Baltimore, Md. 21230; and Royster Co., P.O. Drawer 1940, Norfolk, Va. 23501. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 116474 (sub-No. 26 TA), filed April 30, 1973. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Mar-

cola Road, Springfield, Ore. 97477. Applicant's representative: Earle V. White, 210 Farley Building, Portland, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products; prefabricated wooden timbers; trusses, and beams; and accessories* used in the erection, construction, and completion of the foregoing when transported therewith, from Riddle, Ore., to points in California, under a continuing contract with D. R. Johnson Lumber Co., for 180 days. Supporting Shipper: D. R. Johnson Lumber Co., Box 66, Riddle, Ore. 97469. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 124078 (sub-No. 545 TA), filed April 30, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. 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: *Sand*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to La Grange, Ga., for 180 days. Supporting Shipper: Hardy Sand Co., Evansville, Ind. 47701 (Harry P. Hardy, partner). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 126402 (sub-No. 11 TA), filed April 30, 1973. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40508. 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: *Malt beverages*, in containers, and *related advertising material, and empty malt beverage containers* on return, from: (1) Memphis, Tenn., to points in Nelson County, Ky.; (2) from Detroit, Mich., to points in Clark County, Ky.; and (3) from Evansville, Ind., to points in Clark County, Ky., for 180 days. Supporting shipper: Melvin Agee, Clark County Distributing Co., 6 Jefferson Street, Winchester, Ky. 40391 and William J. Smith, Bardstown Distributing Co., Box 99, Bardstown, Ky. 40004. Send protests to: R. W. Schneider, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 128075 (sub-No. 27 TA), filed April 26, 1973. Applicant: LEON JOHNSTON, P.O. Box 447, Cresco, Iowa 52136. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from

Mason City, Iowa, and Portage, Wis., to Boston, Brockton, Holyoke, and Cambridge, Mass.; Pittsburgh, Doylestown, and Philadelphia, Pa.; and Jamestown and Rochester, N.Y., for 150 days. Supporting shipper: Associated Milk Producers, Inc., P.O. Box 61, Mason City, Iowa 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128645 (sub-No. 5 TA), filed May 1, 1973. Applicant: RAY L. KRALL, P.O. Box 355, Carson, Wash. 98610. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood* for the account of Ellison's Industries, Inc., from Astoria, Ore., to Washougal, Wash., for 180 days. Supporting shipper: Ellison's Industries, 722 South 27th Street, Washougal, Wash. 98671. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 129516 (sub-No. 14 TA), filed April 30, 1973. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicants' representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated potato granules*, from ports of entry on the United States-Canada international boundary line lying in Idaho, Montana, and North Dakota, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Illinois, Texas, and Wisconsin for 180 days. Supporting shipper: Vauxhall Foods Ltd., Marketing Division, 433-M Mayor Magrath Drive, Lethbridge, Alberta, Canada. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 133219 (sub-No. 8 TA), filed April 26, 1973. Applicant: PARKS TRANSPORTS, INC., R.F.D. No. 2, Ashland, Nebr. 68003. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, for 180 days. Supporting shipper: Gooch Milling & Elevator Co. (Division of ADM

Milling Co.), Lincoln, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 315 Federal Building, Lincoln, Nebr. 68508.

No. MC 134401 (sub-No. 5 TA), filed April 30, 1973. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT CO., 141 Bell Street, Milton, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements and parts and attachments and material used in assembly and repair for agricultural machinery when moving in straight or mixed loads:* (1) From Charles City and Ames, Iowa; Racine, Wis.; Hopkins, Minn.; Peoria, Gridley, Mendota, Havana, Chicago, Quincy, and La Salle, Ill.; Minneapolis, Minn.; Heston and Hutchinson, Kans.; Lafayette and Winamac, Ind.; Detroit and Buchanan, Mich.; Cleveland, Ohio; and Midland, Pa., to ports of entry on the international boundary line between the United States and Canada at Port Huron and Detroit, Mich., and Alexandria Bay, Buffalo, Niagara Falls, and Lewiston, N.Y., to points in Canada, restricted to shipments moving for and on behalf of White-Cockshutt Farm Equipment with its head office at Brantford, Ontario, and its dealers and distributors in Canada and (2) from Charles City, Iowa; South Bend, Ind.; Heston, Kans.; Racine and Appleton, Wis.; Albert Lea, Minn.; and Quincy, Ill., to ports of entry on the international boundary line between the United States and Canada at Port Huron and Detroit, Mich.; and Alexandria Bay, Buffalo, Niagara Falls, Lewiston, and Champlain, N.Y.; Swanton and Derby Line, Vt., to points on the international boundary line between Quebec and Ontario, Canada, and the United States, restricted to shipments moving for and on behalf of the Cooperative Federee de Quebec and its affiliates, for 150 days. Supporting shippers: White Cockshutt Farm Equipment, a Division of White Motor Corp. of Canada, Ltd., Brantford, Ontario, Canada N3T 5R7 and Cooperative Federee de Quebec, 1055 Rue du Marche Central, C.P. 500, Station Youville, Montreal, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135082 (sub-No. 2 TA), filed May 1, 1973. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Colorado on the one hand, and points in Arizona, New Mexico, Kansas, Oklahoma, and Texas, on the other hand, (1) from points in Montrose, Montezuma, La Plata, Rio Grande, and Archuleta Counties, Colo., to points in New Mexico, Arizona, Kansas,

Oklahoma, and Texas, and (2) from points in Bernalillo County, N. Mex., to points in Montrose, Montezuma, La Plata, Rio Grande, and Archuleta Counties, Colo., for 180 days. Supporting shipper: Sagebrush Sales Co., P.O. Box 25021, Albuquerque, N. Mex. 87125. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136899 (sub-No. 5 TA), filed May 2, 1973. Applicant: HIGGINS TRANSPORTATION LTD., 824 Valley View Drive, Richland Center, Wis. 53581. Applicant's representative: Michael Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit, and materials, supplies, tools, and fittings used in the installation of plastic pipe and conduit*, from Madison, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Hurlbut Plastic Pipe Corp., 1241 Gilson Street, Madison, Wis. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, room 202, Madison, Wis. 53703.

No. MC 138192 (sub-No. 1 TA), filed May 1, 1973. Applicant: JAMISON MOTOR LINES, INC., 516 Warren Avenue, Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and paper containers and component parts and accessories thereof*, from the plantsite and warehouse of Major Plastics, Inc., at Deming, N. Mex.; Watsonville, Salinas, Los Angeles, Santa Ana, and San Francisco, Calif., to points in Georgia, Florida, Alabama, Tennessee, Louisiana, North Carolina, and South Carolina, for 180 days. Supporting shipper: Major Plastics, Inc., 369 South Robertson Boulevard, suite D, Beverly Hills, Calif. 90211. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138372 (sub-No. 1 TA), filed April 30, 1973. Applicant: GOSHEN TRANSPORT, INC., P.O. Box 76, Goshen, Ore. 97401. Applicant's representative: Earle V. White, 210 Farley Building, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules*, under contract with Herbert Malarkey Roofing Co., from Minnesota Mining & Manufacturing Plant at or near Corona, Calif., to Portland, Ore., for 180 days. Supporting shipper: Malarkey Roofing Co., P.O. Box 17217, Portland, Ore. 97217. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 138395 (sub-No. 1 TA), filed May 2, 1973. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap steel* for recycling purposes, from Salisbury, Md., to Philadelphia, Pa., and Camden and Burlington, N.J., for 180 days. Supporting shipper: H. D. Metal Co., Inc., Boundary Street, Salisbury, Md. 21801. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138407 (sub-No. 1 TA) (amendment), filed March 23, 1973, published in the FEDERAL REGISTER issue of April 17, 1973, and republished as amended this issue. Applicant: LAHMANN INTERNATIONAL CORP., 214 West Elder Street, Cincinnati, Ohio 45210. Applicant's representative: Lawrence J. Lahmann (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the Greater Cincinnati Airport near Cincinnati, Ohio; the James M. Cox Municipal Airport, near Dayton, Ohio; and the Detroit Metropolitan Airport near Detroit, Mich., restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: Pan American World Airways, P.O. Box 75105, Greater Cincinnati Airport, Cincinnati, Ohio 45275; British Overseas Airways Corp., 240 Hanna Building, Euclid Avenue, Cleveland, Ohio 44115; Seaboard World Airlines, P.O. Box 81222, Cleveland Hopkins International Airport, Cleveland, Ohio 44181; and Henry A. Wess, Inc., Gwynne Building, 602 Main Street, Cincinnati, Ohio 45202. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 138648 (sub-No. 1 TA) filed April 25, 1973. Applicant: ROBERT EASTHAM, doing business as ALTON EMERGENCY DELIVERY, 228 Arbor Drive, Alton, Ill. 62002. Applicant's representative: B. W. LaTourette, Jr., 1850 Railway Exchange Building, 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated machine parts, tractor and mobile equipment parts, mill supply items, electrical parts and motors, gauges and valves, and checks and money orders*, restricted to emergency shipments not exceeding 1,500 pounds, from any one consignor to any one consignee, on any day, between points in St. Louis and St. Louis County, Mo. and Alton, Hartford, Carlinville, Litchfield, Greenville, Collinsville, and Belleville, Ill., for

180 days. Supporting shippers: East Alton Supply Co., Inc., 328 Shamrock Street, East Alton, Ill. 62024; Lenhardt Tool & Die Co., 3100 E. Broadway, P.O. Box 279, Alton, Ill. 62002; and Chemico Metals Corp., P.O. Box 187, Alton, Ill. 62002. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Ave., room 414, Springfield, Ill. 62701.

No. MC 138658 TA, filed April 30, 1973. Applicant: CROSS TRANSPORTATION, INC., 100 Factory Street, Lewis, Kans. 67552. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic cylinders, fittings, adapters, valves, pumps and motors; and hydraulic coupling equipment*, from the plantsite and/or storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, and Kinsley, Kans., and Lamar, Colo., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, 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, and Provo, Utah; (2) *steel tubes, bars and plates, and raw castings*, from Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, to the plantsite and/or storage facilities of Cross Manufacturing, Inc. at Lewis, Hays, Pratt, and Kinsley, Kans., and Lamar, Colo.; and (3) *hydraulic cylinders, fittings, adapters, valves, pumps and motors; hydraulic coupling equipment; steel tubes, bars and plates, and raw castings*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, and Kinsley, Kans., on the one hand, and, the plantsite and/or storage facilities of Cross Manufacturing, Inc. at or near Lamar, Colo., on the other hand, for 150 days. Supporting shipper: Cross Manufacturing, Inc., 100 Factory Street, Lewis, Kans. 67552. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138659 TA filed April 27, 1973. Applicant: MODERN TRANSPORTATION SERVICE, INC., 458 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Arthur W. Appleby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, and *unaccompanied baggage*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with pack-

ing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in the counties and cities of Fairfax County, Va.; Prince William County, Va.; Prince Georges County, Md.; Montgomery County, Md.; Baltimore County, Md.; Anne Arundel County, Md.; Arlington County, Va.; City of Alexandria, Va.; City of Fairfax, Va.; City of Falls Church, Va.; City of Baltimore, Md.; the District of Columbia, Fauquier County, Va. and Stafford County, Va., for 180 days. Supporting shippers: Empire Household Goods Shipping Company of New York, Inc., 187 Florida Street, Farmingdale, N.Y. 11735, and Delcher Intercontinental Moving Service, Inc., 4219 Central Avenue, P.O. Box 10880, St. Petersburg, Fla. 33733. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138662 TA filed May 1, 1973. Applicant: JERRY M. GREEN, doing business as PALACE TRANSFER AND STORAGE CO., 3200 West Peacho, Las Cruces, N. Mex. 88001. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Dona Ana, Otero, Luna, Hidalgo, and Grant Counties, N. Mex., for 180 days. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of a pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. Supporting shippers: Republic Van & Storage Co., Inc., P.O. Box 8635, Baltimore, Md. 21234; Sunpak Movers, Inc., 100 West Harrison Plaza, Seattle, Wash.; Rocky Ford Moving Vans, Inc., P.O. Box 11, Midland, Tex. 79701; HC&D Forwarders International, Inc., P.O. Box 4795, Howard, Calif. 94540; Asiatic Forwarders, Inc., 335 Valencia St., San Francisco, Calif. 94103; and Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-9730 Filed 5-15-73; 8:45 am]

[Notice 62]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 10, 1973.

The following are notices of filing of application, except as otherwise specifi-

cally noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex parte No. MC-67* (49 CFR 1131), published in the FEDERAL REGISTER, Issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (sub-No. 345 TA), filed May 2, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: R. N. Cooleedge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzoic acid*, in bulk, in tank vehicles, from Kalama, Wash., to Chattanooga, Tenn., for 180 days. Supporting shipper: Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 13134 (sub-No. 33 TA), filed April 30, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio State Route No. 93, North Oak Hill, Ohio 45656. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, fabricated, iron or steel, knocked down and wrought iron or steel conduit pipe and conduit fittings*, from Parkersburg, W. Va., to points in, and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, for 180 days. Supporting shipper: Walker/Parkersburg, P.O. Box 1828, Parkersburg, W. Va. 26101, attention: Robert Trevisol, distribution manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 29910 (sub-No. 130 TA), filed May 2, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark.

72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Highland Industrial Park located in Calhoun, and Ouachita Counties, Ark., as an off-route point in connection with applicant's regular route authority, for 180 days. Supporting

NOTE.—Applicant does intend to tack with MC 29910.

shippers: Permaneer Corp., 201 Progress Parkway, Maryland Heights, Mo. 63043; International Paper Co., 220 East 42d Street, New York, N.Y. 10017; Baldwin Electronics, Inc., Camden, Ark. 71701; Highland Industrial Park, a division of Highland Resources, Inc.; Pace Co. Ordnance Systems, P.O. Box 3336, East Camden, Ark. 71701; and International Telephone and Telegraph, Highland Industrial Park. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 52460 (sub-No. 122 TA), filed May 2, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine (UDMH)*, from Rocky Mountain Arsenal, Ladora, Colo., to Anniston Army Depot, Anniston, Ala., for 180 days. Supporting shipper: Department of the Army, Curtis L. Wagner, Jr., Special Assistant to Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 52657 (sub-No. 704 TA) (Correction), filed April 17, 1973, published in the FEDERAL REGISTER issue of May 2, 1973, and republished as corrected this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, from Durant, Bryan County, Okla., to Bartow, Fla.; El Paso, Tex.; New York, N.Y., commercial zone; Long Island, N.Y.; points in Fulton, De Kalb and Clayton Counties, Ga.; Detroit, Mich., commercial zone, for 30 days. Supporting shipper: Attention: Frank J. Gerdnie, Jr., vice president, Peabody Gallon Corp., 500 Sherman Street, Gallon, Ohio 44833. Send protests to: Robert G. Anderson, District Supervisor, Bureau

of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to add (other than those designed to be drawn by passenger automobiles), in initial movements, which was omitted in error.

No. MC 112306 (sub-No. 16 TA), filed May 2, 1973. Applicant: C AND R TRANSFER CO., a corporation, 1315 West Blackhawk Street, Sioux Falls, S. Dak. 57104. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated posts, poles, pilings and lumber*, from Whitewood, S. Dak., to points in Wisconsin, Illinois, and Detroit, Mich., for 180 days. Supporting shipper: Whitewood Post and Pole, Whitewood, S. Dak., Glen Westberg, president. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113666 (sub-No. 75 TA), filed May 3, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except in bulk), from Warwick, N.Y., to points in Pennsylvania, Maryland, Virginia, West Virginia, Connecticut, Ohio, Michigan, North Carolina, Tennessee, and Indiana, for 180 days. Supporting shipper: Ridge Homes, a division of Evans Products Co., 1100 Ridge Pike, Conshohocken, Pa. 19428. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 118202 (sub-No. 10 TA), filed April 19, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured mulch*, from Findlay and Barberton, Ohio and Chicago, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Environmental Products Corp., 10501 Taconic Terrace, Cincinnati, Ohio 45215. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129963 (sub-No. 3 TA), filed April 30, 1973. Applicant: FANN MC KELVEY, doing business as MC KELVEY TRUCKING, 5420 West Missouri, Glendale, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1327 United

Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from that portion of California lying north of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties, Calif. and Phoenix, Ariz., to points in El Paso County, Tex., for 180 days. Supporting shipper: Capitol Lumber Co., 200 South 35th Avenue, P.O. Box 6336, Phoenix, Ariz. 85005. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 134323 (sub-No. 44 TA), filed May 2, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Mailing: P.O. Box 4146, Amarillo, Tex. 79107. Applicant's representative: Clayton J. Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass lambs*, from the plantsite of Swift & Co., Chino, Calif., to New York City, N.Y. and its commercial zone and Newark, N.J. and its commercial zone, for 180 days. Supporting shipper: G. Dwight Weed, manager, Motor Carrier Division, Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 134323 (sub-No. 45 TA), filed May 2, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Mailing: P.O. Box 4146, Amarillo, Tex. 79107. Applicant's representative: Clayton J. Logan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* as included in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Swift & Co., Tolleson, Ariz., to New York, N.Y. and Philadelphia, Pa., for 180 days. Supporting shipper: G. Dwight Weed, manager, Motor Carrier Division, Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 134323 (sub-No. 46 TA), filed May 2, 1973. Applicant: JAY LINES, INC., 720 North Grant Street, Mailing: P.O. Box 4146, Amarillo, Tex. 79107. Applicant's representative: Clayton J. Logan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass lambs*, from the plantsite of Swift & Co., Chino, Calif., to Boston, Mass. and its commercial zone and Miami, Fla. and its commercial zone, for 180 days. Supporting shipper: G. Dwight Weed, manager,

Motor Carrier Division, Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 136247 (sub-No. 6 TA), filed May 1, 1973. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdell, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and articles distributed by wholesale beverage distributors*, from St. Paul, Minn. and Milwaukee, Wis., to Glendive, Glasgow and Bainville, Mont., for 180 days. Supporting shippers: Coca Cola Bottling Co., Inc., 220 South Douglas, Glendive, Mont. 59330, and Crighton Distributors, Inc., 507 First Street West, Williston, N. Dak. 58801. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.73-9732 Filed 5-15-73; 8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 11, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate

or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended, October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 84,770-M, Route No. 7989, filed March 30, 1973. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, INC., 624 East Morris, Wichita, Kans. 67211. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk. Between all points in that part of Kansas lying on and east and on and south of a line beginning at the Oklahoma-Kansas State line and extending north via Interstate 35W to its intersection with Kansas Highway 254, thence along Kansas Highway 254 to El Dorado, Kans., thence along U.S. Highway 54 to the western boundary of Greenwood County, Kans. (near Reece, Kans.), thence south along the western and southern boundary of Greenwood County, Kans., to the western boundaries

of Wilson and Montgomery Counties, Kans., to the intersection of U.S. Highway 160 and the western boundary of Montgomery County, Kans., thence along U.S. Highway 160 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to the Oklahoma-Kansas State line. Also, to provide service between the above-described area and the following area. Points in that part of Kansas bounded by a line beginning at the Kansas-Oklahoma State line and extending north along U.S. Highway 169 to junction U.S. Highway 160, thence west along U.S. Highway 160 to the Montgomery County line, thence along the western boundary of Montgomery and Wilson County lines to the Greenwood County line, thence along the southern and western boundaries of Greenwood County to U.S. Highway 54, thence east along U.S. Highway 54 to the Kansas-Missouri State line. Restriction: To provide no service to, from, or between the points of Arkansas City, Kans., and Oxford, Kans. Intrastate, interstate, and foreign commerce authority sought.

HEARING.—June 28, 1973, at the State office building, fourth floor, Topeka, Kans., at 10 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, fourth floor, State Office Building, Topeka, Kans., 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9733 Filed 5-15-73; 8:45 am]

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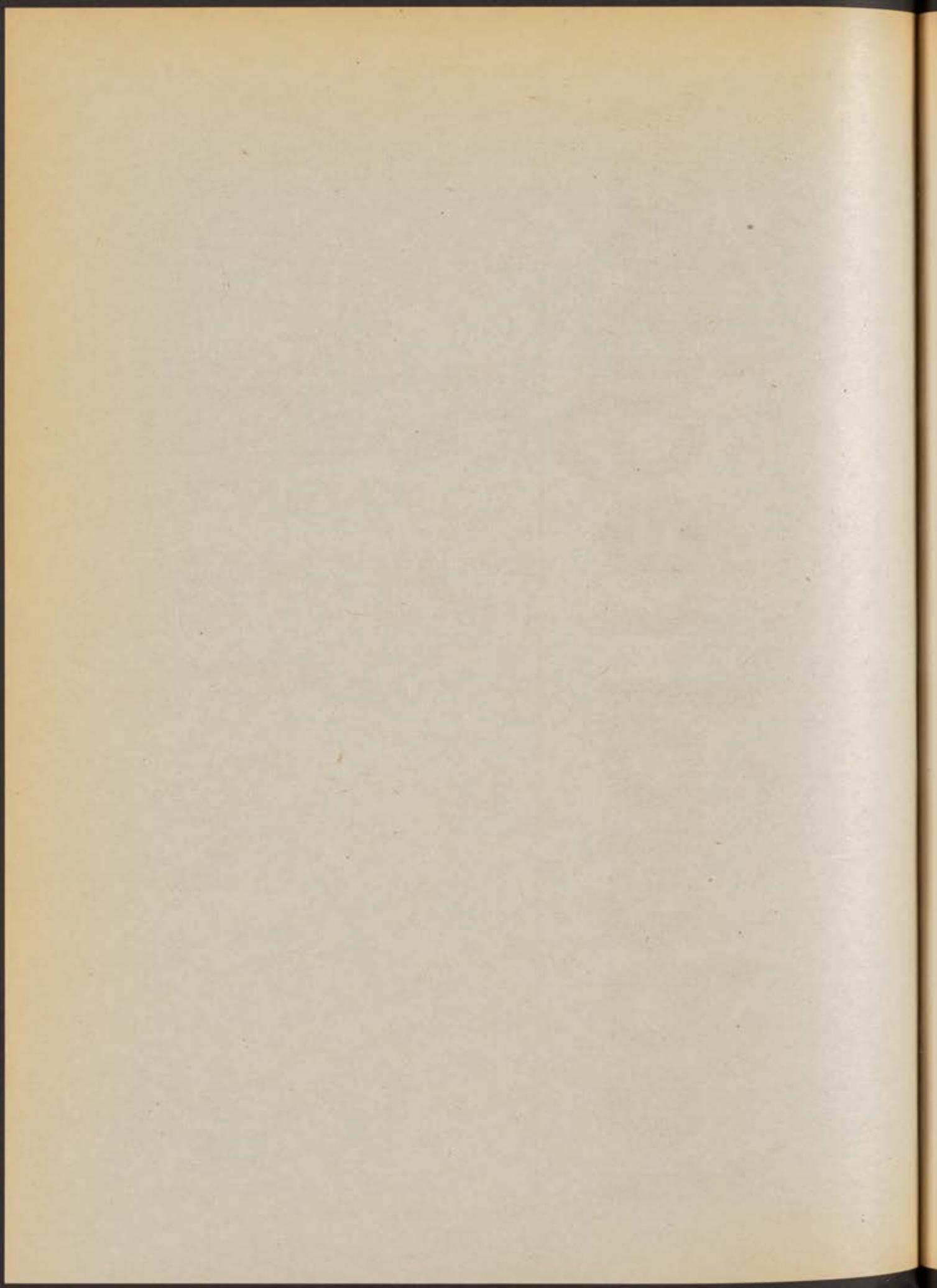
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WEDNESDAY, MAY 16, 1973

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

Ocean Dumping

CRITERIA

Title 40—Protection of Environment
 CHAPTER I—ENVIRONMENTAL
 PROTECTION AGENCY
 SUBCHAPTER H—OCEAN DUMPING
 PART 227—CRITERIA

Pursuant to title I of the Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532 (hereinafter, the Act), the Environmental Protection Agency (EPA) published on April 5, 1973, interim regulations, effective immediately, describing procedures for application for, and issuance and denial of, permits for ocean dumping under the Act. In the publication of the interim regulations, it was announced that criteria to be used in the evaluation of permit applications would be published separately in part 227 of subchapter H.

Published herewith are the aforementioned criteria for the evaluation of permit applications for ocean dumping under Public Law 92-532. These criteria also satisfy the requirement of section 403(c) of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, which require, under the heading of "Ocean Discharge Criteria," that EPA promulgate guidelines for determining the degradation of the waters of the territorial sea, the contiguous zone, and the oceans, in compliance with which permits under section 402 of Public Law 92-500 must be issued after promulgation.

These are issued as interim criteria, as part of the interim regulations published on April 5, 1973, and are subject to public comment before promulgation as part of the final regulations. Comments on the interim criteria should be submitted in writing to the Office of Air and Water Programs, Environmental Protection Agency, attention: Mr. T. A. Wastler, room 1102, Crystal Mall Building 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202, on or before June 23, 1973.

These interim criteria are also subject to revision as required by the promulgation of applicable criteria and standards by international bodies operating under the authority of international treaties and conventions to which the United States may become a party.

Comments from interested members of the public on the interim criteria will be available for public inspection at the aforementioned address during normal working hours.

These interim regulations shall become effective immediately. Public Law 92-532 became effective on April 23, 1973, and accordingly permit applications must be processed immediately. These regulations must go into effect immediately in order to be utilized for decisions on pending permit applications. For this reason, it is necessary that these regulations take effect immediately, and notice and public procedure prior to their effective date would be impracticable, unnecessary, and contrary to the public interest. These regulations will, however, be subject to

public comment and revision, as outlined above.

Dated May 9, 1973.

ROBERT W. FRI,
 Acting Administrator.

Chapter I of title 40 is amended by adding as part of "Subchapter H, Ocean Dumping," part 227, as follows:

Sec.	
227.1	General grounds for the issuance of permits.
227.2	Prohibited acts.
227.21	Materials for which no permit will be issued.
227.22	Other prohibited materials.
227.30	Strictly regulated dumping.
227.31	Materials requiring special care.
227.32	Hazards to fishing or navigation.
227.33	Large quantities of materials.
227.34	Acids and alkalis.
227.35	Containerized wastes.
227.36	Materials containing living organisms.
227.40	Emergency permits and interim special permits.
227.41	Emergency permits.
227.42	Interim special permits.
227.43	Implementation plans.
227.50	Generally regulated dumping and disposal acts.
227.51	Wastes of a nontoxic nature.
227.52	Solid wastes of natural origin.
227.60	Disposal of dredged material.
227.61	Unpolluted dredged material.
227.62	Disposal of unpolluted dredged material.
227.63	Polluted dredged material.
227.64	Disposal of polluted dredged material.
227.65	Revision of test procedures.
227.70	Definitions.
227.71	Limiting permissible concentrations.
227.72	Mixing zone.
227.73	Release zone.
227.74	Trace concentrations.
227.75	High-level radioactive wastes.
227.80	Amendment of criteria.

AUTHORITY.—Public Law 92-532; Public Law 92-500.

§ 227.1 General grounds for the issuance of permits.

(a) It is the policy of the Environmental Protection Agency to regulate the dumping of all types of materials into ocean waters and to prevent or to regulate strictly the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities, or plankton, fish, shellfish, wildlife, shorelines, or beaches.

(b) These criteria apply to the evaluation of permit applications for the dumping of gaseous, solid, and/or liquid matter of any kind or description.

(c) The dumping of some types of waste materials into the marine environment is prohibited because explicit legislative requirements. Such prohibited waste materials are identified in § 227.2.

(d) The dumping of some types of waste materials into the marine environment is strictly regulated because of known adverse detrimental effects on the aquatic ecosystem or human health and welfare. These materials and limiting concentrations and conditions upon

the dumping of these materials are given in § 227.3. The concentrations and quantities of materials identified in this section are based on the most current scientific knowledge and will be subject to revision as more knowledge of marine processes and ecosystems becomes available. It is the goal of the ocean dumping permit program of the Environmental Protection Agency to require development of implementation plans for elimination of dumping of any materials in excess of these concentrations and quantities as rapidly as possible.

(e) The dumping of some types of waste materials is subject to general regulation and permission because of the minimal adverse environmental effects to be anticipated by reason of such disposal. These generally permitted waste materials are described in § 227.5.

(f) Irrespective of other stated specific requirements, no permit will be issued which would result in the violation of applicable existing State water quality standards.

(g) Materials may be dumped at designated disposal sites, to the extent that such materials conform to the criteria described in this part. Additional dumping sites may be approved upon receipt of information indicating that materials may be disposed of at these sites without violating the Act or the provisions of this subchapter. Wherever feasible, the Administrator shall designate locations beyond the edge of the Continental Shelf as recommended disposal sites.

§ 227.2 Prohibited acts.

§ 227.21 Materials for which no permit will be issued.

The dumping, or transportation for dumping, of the following materials will not be approved by EPA under any circumstances:

(a) High-level radioactive wastes as defined in § 227.75.

(b) Materials in whatever form (e.g., solids, liquids, semiliquids, gases, or in a living state) produced for radiological, chemical, or biological warfare.

(c) Materials insufficiently described in terms of their physical, chemical, or biological properties to permit evaluation of their impact on marine ecosystems.

(d) Persistent inert synthetic or natural materials which may float or remain in suspension in the ocean may not be dumped. They may, however, be dumped when they have been processed in such a fashion that they will sink to the bottom and remain in place.

§ 227.22 Other prohibited materials.

Subject to the exclusion of paragraph (e) of this section, the dumping, or transportation for dumping, of wastes containing more than trace concentrations of the following materials will not be approved by EPA:

(a) Organohalogen compounds and compounds which may form such substances in the marine environment.

(b) Mercury and mercury compounds.

(c) Cadmium and cadmium compounds.

(d) Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing these, taken on board for the purpose of dumping, insofar as these are not regulated under Public Law 92-500.

(e) Paragraphs (a) through (d) of this section do not apply to materials which are rapidly rendered harmless by physical, chemical, or biological processes in the sea; provided they will not, if dumped, make edible marine organisms unpalatable; or will not, if dumped, endanger human health or that of domestic animals, fish, shellfish and wildlife.

§ 227.30 Strictly regulated dumping.

The dumping, or transportation for dumping, of certain materials may be approved for ocean disposal only under special permit when it can be demonstrated that the quantities of wastes and the methods of disposal will not result in irreparable or irrevocable harmful effects on the marine environment. Until such time as specific quantitative criteria are available for guidance, EPA approval will be based on a case-by-case evaluation of each application. Evidence of the acceptability of proposed acts of dumping will be required from the applicant according to the criteria in §§ 227.31 through 227.36.

§ 227.31 Materials requiring special care.

(a) Permits may be issued for the dumping of the materials described in paragraph (b) of this section if the applicant can demonstrate:

(1) Through the use of acceptable bioassay or other scientific data that dumping of the material in the proposed quantities and qualities will have minimal adverse effects on the ocean environment; and

(2) That the material proposed for dumping contains less than the limiting permissible concentration of total pollutants as defined in § 227.71.

(b) Wastes containing one or more of the following materials shall be treated as requiring special care:

(1) The elements, ions, and compounds of:

- Arsenic.
- Lead.
- Copper.
- Zinc.
- Selenium.
- Vanadium.
- Beryllium.
- Chromium.
- Nickel.

(2) Organosilicon compounds and compounds which may form such substances in the marine environment.

(3) Inorganic processing wastes, including cyanides, fluorides, titanium dioxide wastes, and chlorine.

(4) Petrochemicals, organic chemicals, and organic processing wastes, including, but not limited to:

- Aliphatic solvents.
- Phenols.
- Plastic intermediates and byproducts.
- Plastics.
- Amines.
- Polycyclic aromatics.
- Phthalate esters.
- Detergents.

(5) Biocides not prohibited elsewhere, including, but not limited to:

- Organophosphorus compounds.
- Carbamate compounds.
- Herbicides.
- Insecticides.

(6) Oxygen-consuming and/or biodegradable organic matter.

(7) Radioactive wastes not otherwise prohibited.

As a general policy, the containment of radioactive materials (see § 227.35) is indicated rather than their direct dispersion and dilution in ocean waters.

(8) Materials on any list of toxic pollutants published under section 307(a) of Public Law 92-500, and materials designated as hazardous substances under section 311(b)(2)(A) of Public Law 92-500.

§ 227.32 Hazards to fishing or navigation.

Wastes which may present a serious obstacle to fishing or navigation may be disposed of only at dumping sites and under conditions which will insure no interference with fishing or navigation.

§ 227.33 Large quantities of materials.

Substances of a nontoxic nature which may damage the ocean environment due to the quantities in which they are dumped, or which are liable to seriously reduce amenities, may be dumped only when the quantities to be dumped at a single time and place are controlled to prevent damage to the environment or to amenities.

§ 227.34 Acids and alkalis.

In the dumping of large quantities of acids and alkalis, consideration shall be given: (a) To the effects of any change in acidity or alkalinity of the water at the disposal site; and (b) to the potential for synergistic effects or for the formation of toxic compounds in the dumping area. Dumping conditions must be such as to produce no permanent damage in the ocean environment.

§ 227.35 Containerized wastes.

(a) Wastes containerized solely for transport to the dumping site and expected to rupture or leak on impact or shortly thereafter must meet the requirements of §§ 227.22, 227.31, 227.32, and 227.36.

(b) Other containerized wastes will be approved for dumping only under the following conditions:

(1) The materials to be disposed of decay, or decompose or radiodecay to en-

vironmentally innocuous materials considering the life expectancy of the containers and/or their inert matrix; and

(2) Materials to be disposed of are present in such quantities and are of such nature that only insignificant, short-term localized adverse effects will occur should the containers rupture at any time; and

(3) Containers are disposed of at depths and locations where they will cause no threat to navigation or fishing.

§ 227.36 Materials containing living organisms.

It is prohibited to dump sewage sludge, dredged material, or any other material which would:

(a) Extend the range of biological pests, viruses, pathogenic microorganisms or other agents capable of infesting, infecting, or altering the normal populations of organisms,

(b) Degrade uninfected areas, or

(c) Introduce viable species not indigenous to an area.

§ 227.40 Emergency permits and interim special permits.

§ 227.41 Emergency permits.

After consultation with other appropriate persons, the Administrator may issue a special permit to dump materials described in § 227.22, where there is demonstrated to exist an emergency requiring the dumping of such material, which poses an unacceptable risk relating to human health and admits of no other feasible solution. Emergency refers to situations requiring action with a marked degree of urgency, but is not limited in its application to circumstances requiring immediate action. No emergency permit for the dumping of materials described in § 227.22 shall be issued without prior consultation with Department of State.

§ 227.42 Interim special permits.

It is the intent of this program to prevent or strictly regulate the disposal to the marine environment of any materials damaging to that environment. The basis for determining limiting permissible concentrations and quantities of known toxic or otherwise damaging materials, based on existing knowledge, is given in §§ 227.22 and 227.3. When an applicant wishes to dump any of the materials listed in § 227.22 or § 227.33 in concentrations in excess of the trace or limiting permissible concentrations, in addition to evaluation of potential environmental impact a thorough review of the actual need for the dumping and possible alternatives will be made in evaluating the permit application, and the decision on whether or not to grant an interim special permit will be based, in part, on consideration of the following factors relative to the need for and alternatives to dumping:

(a) Degree of treatment feasible for the waste to be dumped, and whether or

not the waste material has been or will be treated to this degree before dumping.

(b) Manufacturing or other processes resulting in the waste, and whether or not these processes are essential, or if other less polluting processes could be used.

(c) The relative environmental impact and cost for ocean dumping as opposed to land disposal, deep-well injection, or other possible alternatives, after the best practical waste treatment has been carried out.

(d) Temporary and/or permanent effect of the dumping on alternative uses of the oceans, such as navigation, living resources exploitation, nonliving resource exploitation, scientific study, and other legitimate uses of the oceans, as opposed to the impact on other parts of the environment of alternate means of disposal.

§ 227.43 Implementation plans.

In no event will an interim special permit be granted for the dumping of materials which violate the provisions of § 227.22 or § 227.3 unless the permit applicant can: (a) Demonstrate the need for the proposed dumping as compared to alternative locations and methods of disposal or recycling, (b) demonstrate that the need for the proposed dumping outweighs the potential harm which may take place as a result of such dumping, and (c) provide a satisfactory implementation plan covering future dumping activities and fully adhere to the plan. For industrial sources, any such plan shall provide for:

(a) By not later than July 1, 1977, the application of the best practicable technology currently available for the removal of such materials, as determined by the Administrator;

(b) By not later than July 1, 1983, the application of the best available technology economically available for the removal of such material, as determined by the Administrator, which will result in reasonable further progress toward the goal of achieving compliance with the requirements of this part.

§ 227.50 Generally regulated dumping and disposal acts.

§ 227.51 Wastes of a nontoxic nature.

Liquid waste phases containing none of the materials listed in §§ 227.22 and 227.31 may be regarded as basically nontoxic in the marine environment. Solid waste phases containing any or all of the materials listed in §§ 227.22 and 227.31 in forms insoluble or soluble but not exceeding the trace or limiting permissible concentrations (see § 227.71) may also be regarded as nontoxic in the marine environment.

§ 227.52 Solid wastes of natural origin.

Solid wastes of natural minerals or materials compatible with the ocean environment may be generally approved for ocean disposal provided they are insoluble below the applicable trace or limiting permissible concentrations and are rapidly and completely settleable, or they are of a particle size and density

that they would be deposited or rapidly dispersed without damage to benthic, demersal, or pelagic biota.

§ 227.60 Disposal of dredged material.

The dumping of any material dredged or excavated from the navigable waters of the United States is regulated by the U.S. Army Corps of Engineers. With respect to the dumping of such material in the ocean, the following definitions and criteria will be considered:

(a) Dredged materials are bottom sediments that have been dredged or excavated from the navigable waters of the United States. In that sediments are known to include and/or to exhibit a capacity for absorption and adsorption of a wide variety of chemical substances, including manmade pollutants, the presence or absence of pollutants within sediments may be used as an index of the history of exposure of the sediments to domestic and industrial discharges, as well as urban and agricultural runoff.

(b) Because the natural processes of sediment absorption, adsorption, deposition, resuspension, and redeposition may alter the toxic or other pollutional properties of municipal, industrial, or runoff wastes incorporated into bottom sediments, precise application of the criteria of §§ 227.22 and 227.31 is not appropriate. Consequently, the criteria of the following sections will be used in differentiating between unpolluted and polluted dredged material.

(c) The dumping of dredged material in the ocean will be permitted subject to the conditions outlined in §§ 227.61 through 227.64 unless there is evidence that the proposed disposal will have an unacceptable adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas.

(d) Decisions concerning the disposal of dredged material in the ocean will be based on considerations of the actual need for such disposal, alternatives to ocean dumping, the nature and extent of the environmental impact, and the economic costs or benefits involved.

§ 227.61 Unpolluted dredged material.

Dredged material may be classified as unpolluted based on the known primary source(s) of the sediments, the history of its exposure to pollutants, and its physical composition. If the sediments cannot be classified as unpolluted according to the following criteria, laboratory analyses will be required. Dredged material will be considered unpolluted if it meets one of the following conditions:

(a) The dredged material is composed essentially of sand and/or gravel, or of any other naturally occurring sedimentary materials with particle sizes larger than silts and clays, generally found in inlet channels, ocean bars, ocean entrance channels to sounds and estuaries, and other areas of normally high wave energy such as predominates at open coastlines.

(b) If the water quality at and near the dredging site is adequate, according

to the applicable State water quality standards, for the propagation of fish, shellfish, and wildlife, and if the biota associated with the material to be dredged are typical of a healthy ecosystem, taking into account the normal frequency of dredging, the sediments can be reasonably classified as unpolluted.

(c) If it produces a standard elutriate in which the concentration of no major constituent is more than 1.5 times the concentration of the same constituent in the water from the proposed disposal site used for the testing. The "standard elutriate" is the supernatant resulting from the vigorous 30-minute shaking of one part bottom sediment with four parts water from the proposed disposal site followed by 1 hour of letting the mixture settle and appropriate filtration or centrifugation. "Major constituents" are those water quality parameters deemed critical for the proposed dredging and disposal sites taking into account known point or areal source discharges in the area, and the possible presence in their wastes of the materials in §§ 227.22 and 227.31.

§ 227.62 Disposal of unpolluted dredged material.

Material which is determined to be unpolluted may be dumped at any site which has been approved for the dumping of settleable solid wastes of natural origin.

§ 227.63 Polluted dredged material.

Any dredged material which cannot be classified as unpolluted according to the requirements of § 227.61 is regarded as polluted dredged material.

§ 227.64 Disposal of polluted dredged material.

Polluted dredged material may be disposed of in the ocean if it can be shown that the place, time, and conditions of dumping are such as to produce a minimum impact on the marine environment. When material has been found to be polluted in accordance with § 227.61(c), bioassay tests may be performed when it can be shown that the results of such tests can be used to assist in setting disposal conditions. There is at present no adequate means to identify the potential long-range harmful effects of the leaching out of toxic and/or bioaccumulative pollutants into the marine environment after the dumping of polluted dredged material. To minimize the possibility of any such harmful effects, disposal conditions must be carefully set, with particular attention being given to the following factors:

(a) *Disposal site selection.*—(1) Disposal sites should be areas where benthic life which might be damaged by the dumping is minimal.

(2) The disposal site must be located such that disposal operations will cause no adverse effects to known nursery or productive fishing areas. Where prevailing currents exist, the currents should be such that any suspended or dissolved matter would not be carried into known

nursery or productive fishing areas or populated or protected shoreline areas.

(3) Disposal sites should be selected whose physical environmental characteristics are most amenable to the type of dispersion desired. Environmental characteristics which may promote minimum dispersion can include weak bottom currents, minimal bottom slopes, and the existence of naturally occurring fine-grained bottom sediments. Natural depressions or borrow pits may provide desirable site characteristics in some areas. Environmental characteristics which may promote maximum dispersion can include strong bottom currents, deep bottom slopes, and the existence of naturally occurring coarse-grained bottom sediments.

(b) *Dumping conditions.*—(1) Times of dumping should be chosen, where possible, to avoid interference with the seasonal reproductive and migratory cycles of aquatic life in the disposal area.

(2) If the type of material involved and the environmental characteristics of the disposal site should make either maximum or minimum dispersion desirable, the discharge from and movement of the vessel during dumping should be in such a manner as to obtain the desired result to the fullest extent feasible.

§ 227.65 Revision of test procedures.

Test procedures and values mentioned above are based on the best currently available knowledge and are subject to revision and modification based on the general increase of knowledge or specific information on the effects of the disposal of dredged materials in the ocean.

§ 227.70 Definitions.

§ 227.71 Limiting permissible concentrations.

The limiting permissible concentration is that concentration of a waste material or chemical constituent identified in § 227.31 in the material to be dumped which, on the basis of scientific data, is believed to produce no long-term adverse environmental consequences, through bioaccumulation or otherwise, or in the receiving water which, after reasonable allowance for initial mixing in the mixing zone, will not exceed 0.01 of a concentration shown to be toxic to appropriate sensitive marine organisms in a 96-hour bioassay, or 0.01 of a level otherwise shown to be detrimental to the marine environment. The 96-hour bioassay and consequent 0.01 application factor are to be the result of the testing of a specific concentration of the waste material in seawater from the dump site, or similar to water from the dump site, that causes a 50-percent mortality of appropriate sensitive marine organisms in the 96-hour test period, or that produces another identifiable reliable physiological indicator of toxicity in such animals

within the same time period. The 0.01 factor is based on the best available current experience and is subject to revision or modification based on the general increase in knowledge or specific information on the effects of a specific waste.

§ 227.72 Mixing zone.

A mixing zone is the column of water immediately contiguous to the release zone, beginning at the surface of the water and ending at the ocean floor, the thermocline or halocline, if one exists, or 20 meters, whichever is the shortest distance.

§ 227.73 Release zone.

A release zone is the area swept out by the locus of points constantly 100 meters from the perimeter of the conveyance engaged in dumping activities, beginning at the first moment in which dumping is scheduled to occur and ending at the last moment in which dumping is scheduled to occur.

§ 227.74 Trace concentrations.

Trace concentrations, for the purposes of these regulations, are those concentrations in a waste of materials identified in § 227.22 which do not exceed by one order of magnitude the concentration of the same constituent in a sample

of natural seawater at the dumping site or in an adjacent area not subject to dumping.

§ 227.75 High-level radioactive wastes.

High-level radioactive waste means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels or irradiated fuel from nuclear power reactors.

§ 227.80 Amendment of criteria.

In the event that the Administrator or his delegate concludes that it is desirable to amend this part, he shall announce his intention of doing so by publishing notice thereof in the FEDERAL REGISTER, and shall thereafter follow the procedures prescribed in section 4 of the Administrative Procedures Act (5 U.S.C. 553). Any person proposing amendments to this part shall notify the Administrator of the amendments so proposed, and the justifications supporting the amendments so proposed. Should the Administrator reject the amendments so proposed, he shall notify the proponent of such action within 30 days of the date upon which such amendments were given to him.

APPROVED INTERIM DUMPING SITES

EPA REGION I

Location	Size (square miles)	Depth (feet)	Primary use
<i>Latitude and longitude</i>			
44°14', 68°53'	2.0	120	Dredged materials.
43°38', 70°10'	2.0	100	Do.
42°32', 70°40'	2.0	180	Do.
42°22', 70°40'	2.0	174	Do.
41°24', 71°18'	2.0	108	Do.
41°11', 71°32'	2.0	126	Do.
41°09', 72°53'	2.0	60	Do.
42°35', 70°26'	2.0	312	Toxic waste.

EPA REGION II

Location	Size (square miles)	Depth (feet)	Primary use
<i>Latitude and longitude</i>			
40°24', 73°51'	2.0	88	Mud.
40°23', 73°49'	2.0	103	Cellar dirt.
40°28', 73°45'	2.0	90	Silt.
40°20', 73°40'	2.0	80	Waste acid.
40°18', 73°46'	2.0	200	Wreck dumping.
Manasquan River, 30° true, 600 yd from north jetty, light near 40°0', 74°2'.	2.0	20	Sand (hopper dredge).
Absecon Inlet, 140° true, 0.8 to 1.1 miles from south jetty light near 39°21', 74°23'.	2.0	20	Do.
Cold Spring Inlet, 240° true, 1.2 to 1.5 miles from west jetty light, 38°55', 74°54'.	2.0	20	Do.
106 nmi, 145° true, from Ambrose Light, 38°45', 73°15'.	624	6,000	Toxic chemical waste.
19°10' to 19°20'		6,000	Chemical waste.
66°35' to 66°50'		6,000	Do.
Approximately 123 nmi southeast of Ambrose Light, south of 39°0', north of 38°30', west of 72°0', east of 72°30'.			
18°11', 67°12'	2.0		Dredged materials.
18°30', 66°30'			Do.
17°50', 65°32'		6,000	Conventional munitions.

APPROVED INTERIM DUMPING SITES—Continued

EPA REGION III

Location	Latitude and Longitude	Site (square miles)	Depth (feet)	Primary use
	38° 55' to 39° 47'	2.0	40	Sewage sludge.
	38° 30' to 38° 50'	2.0	100	Neutralized acid wastes.
	38° 10' to 38° 30'	2.0	100	Industrial salt waste.
	38° 10' to 38° 20'	2.0	6,000	Arsenic solutions.
	38° 0' to 38° 20'	3.0	38	Sand.
	37° 50' to 38° 00'	3.0	60	Silt and sand.
	37° 50' to 38° 00'	(1)	6,000	Conventional munitions.
	37° 15' to 38° 00'		Unknown	Dredged material.

1 1/2-mile radius.

EPA REGION IV

Location	Latitude and Longitude	Site (square miles)	Depth (feet)	Primary use
Wilmington Harbor, 33° 45' to 33° 50'	33° 45' to 33° 50'	3.5	45	Sand and silt (Dipper dredge).
Morehead City, 34° 30' to 34° 42'	34° 30' to 34° 42'	11.6	38	Do.
Georgetown Harbor, 33° 11' to 33° 18'	33° 11' to 33° 18'	1.0	21	Muddy sand and shell.
Port Royal Harbor, 32° 50' to 32° 58'	32° 50' to 32° 58'	1.0	21	Do.
Port Royal Harbor, 32° 50' to 32° 58'	32° 50' to 32° 58'	1.0	21	Do.
Brunswick Bay, 31° 50' to 31° 57'	31° 50' to 31° 57'	2.0	25-35	Sand with some shell and silt.
Savannah Bay, 31° 50' to 31° 57'	31° 50' to 31° 57'	2.0	25-35	Do.
Camden Harbor, 32° 25' to 32° 33'	32° 25' to 32° 33'	1.6	31	Sand and silt.
Fernandina Harbor, 31° 45' to 31° 52'	31° 45' to 31° 52'	0.1	31	Sand, shell, and mud.
Fernandina Harbor, 31° 45' to 31° 52'	31° 45' to 31° 52'	0.1	31	Do.
Fort Pierce Harbor, 27° 27' to 27° 34'	27° 27' to 27° 34'	0.3	31	Do.
Jacksonville Harbor, 30° 23' to 30° 31'	30° 23' to 30° 31'	0.3	31	Sand and shell.
Miami Beach, 25° 45' to 25° 52'	25° 45' to 25° 52'	0.15	41-45	Do.
Palm Beach Harbor, 26° 30' to 26° 37'	26° 30' to 26° 37'	5.0	25-37	Do.
Port Everglades Harbor, 26° 30' to 26° 37'	26° 30' to 26° 37'	5.0	25-37	Do.
St. Augustine Harbor, 29° 54' to 30° 01'	29° 54' to 30° 01'	0.31	58	Fine sand.
St. Louis Inlet, 27° 10' to 27° 17'	27° 10' to 27° 17'	0.1	11	Sand and shell.
Charleston Harbor, 32° 50' to 32° 57'	32° 50' to 32° 57'	0.1	30	Silty sand and shell.
Tampa Harbor, 27° 38' to 27° 45'	27° 38' to 27° 45'	0.5	38	Finely graded sand and shell.
Tampa Harbor, 27° 38' to 27° 45'	27° 38' to 27° 45'	0.5	32	Do.
Tampa Harbor, 27° 38' to 27° 45'	27° 38' to 27° 45'	0.5	34	Do.
South of Mobile, Ala., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.8	44-48	Dredged materials (Dipper dredge).
Southwest of Gulfport, Miss., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.5	23-32	Do.
Southwest of Gulfport, Miss., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.4	23-32	Do.
South of Pensacola, Fla., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.1	30-42	Do.
South of Passaicola, Miss., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.2	30-46	Do.
South of Panama City, Fla., 30° 10' to 30° 17'	30° 10' to 30° 17'	0.5	40	Do.
Port St. Joe, Fla., 29° 50' to 29° 57'	29° 50' to 29° 57'	0.1	Unknown	Do.
Port St. Joe, Fla., 29° 50' to 29° 57'	29° 50' to 29° 57'	0.15	Unknown	Do.
South of Carrabelle, Fla., 29° 41' to 29° 48'	29° 41' to 29° 48'	1.0	86-43	Do.
South of Carrabelle, Fla., 29° 41' to 29° 48'	29° 41' to 29° 48'	1.0	86-42	Do.
31° 30' to 31° 37'		(1)	7,000	Conventional munitions.

1 1/2-mile radius.

APPROVED INTERIM DUMPING SITES—Continued

EPA REGION VI

Location	Latitude and Longitude	Site (square miles)	Depth (feet)	Primary use
Calcuton Pass, Area A, 29° 40' to 29° 47'	29° 40' to 29° 47'	1.0	6-4	Dredged materials.
Calcuton Pass, Area B, 29° 40' to 29° 47'	29° 40' to 29° 47'	1.0	6-4	Do.
Calcuton Pass, Area C, 29° 40' to 29° 47'	29° 40' to 29° 47'	5.0	34	Do.
Calcuton Pass, Area D, 29° 30' to 29° 37'	29° 30' to 29° 37'	5.0	18-4	Do.
Southwest Pass, 28° 52' to 28° 59'	28° 52' to 28° 59'	2.0	45-7	Do.
Waste disposal area, 27° 41' to 27° 48', 27° 28' to 27° 35'	27° 41' to 27° 48', 27° 28' to 27° 35'	16 miles by 15 miles.	2,400	Chemical wastes.
Waste disposal area, 28° 59' to 29° 06', 28° 33' to 28° 40'	28° 59' to 29° 06', 28° 33' to 28° 40'	20 miles by 20 miles.	2,400+	Do.
Off Sabine Pass, Tex., Area A, 29° 20' to 29° 27'	29° 20' to 29° 27'	Approximately 8.	24	Dredged materials.
Off Sabine Pass, Tex., Area B, 29° 20' to 29° 27'	29° 20' to 29° 27'	Approximately 8.	30	Do.
Off Sabine Pass, Tex., Area C, 29° 40' to 29° 47'	29° 40' to 29° 47'	Approximately 4.	6	Do.
Off Sabine Pass, Tex., Area D, 29° 40' to 29° 47'	29° 40' to 29° 47'	Approximately 4.	6	Do.
Off Galveston, Tex., Area A, 29° 10' to 29° 17'	29° 10' to 29° 17'	Approximately 3.5.	30	Do.
Off Galveston, Tex., Area B, 29° 20' to 29° 27'	29° 20' to 29° 27'	Approximately 2.5.	30	Do.
Off Galveston, Tex., Area C, 29° 10' to 29° 17'	29° 10' to 29° 17'	Approximately 7.	36	Do.
Off Galveston, Tex., Area D, 29° 22' to 29° 29'	29° 22' to 29° 29'	Approximately 8.	12	Do.

EPA REGION IX

Location	Latitude and Longitude	Site (square miles)	Depth (feet)	Primary use
	27° 14' to 27° 21'	1.0	1,000	Dredged materials.
	27° 00' to 27° 07'	2,780	2,780	Do.
	27° 00' to 27° 07'	5,100	5,100	Do.
	28° 41' to 28° 48'	4	90	Do.
	28° 00' to 28° 07'	2.6	60	Do.
	28° 00' to 28° 07'	2.6	254	Caninery wastes.
	28° 00' to 28° 07'	2.6	60	Dredged materials.
	28° 00' to 28° 07'	1.6	86	Do.
	28° 00' to 28° 07'	1,550 ft diameter	70	Do.
	28° 00' to 28° 07'	1,000 yd long bearing 45° true, 1,800 yd wide bearing 130° true.	65	Construction material.
	28° 17' to 28° 24'	2.0		Dry garbage and trash.
	28° 24' to 28° 31'	2.5		Do.
	28° 30' to 28° 37'	1,000-yd radius.		Dredged silt.
	28° 30' to 28° 37'	5-mile radius.		Tanks and chemicals.
	28° 40' to 28° 47'	500 yd.	70	Dredged materials.
	28° 40' to 28° 47'	500 yd.	90	Rocks.
	Coconut City, 210° true from Round Rocks (41° 43' 15" 12').			
	300 ft diameter.		100	Sediment erosion material.
	5,000 yds long.			
	2,800 ft south of channel 1,000 yds wide.			
	2.0.			Dredged material.
	3-mile radius.		300	Do.
	3-mile radius.		3,000	Conventional munitions.
	4.		12,000	Do.
	4.		5,000	Do.
	4.		2,000	Do.
	4.		2,000	Do.
	3-mile radius.		2,000	Do.
	3-mile radius.		4,000	Do.

RULES AND REGULATIONS

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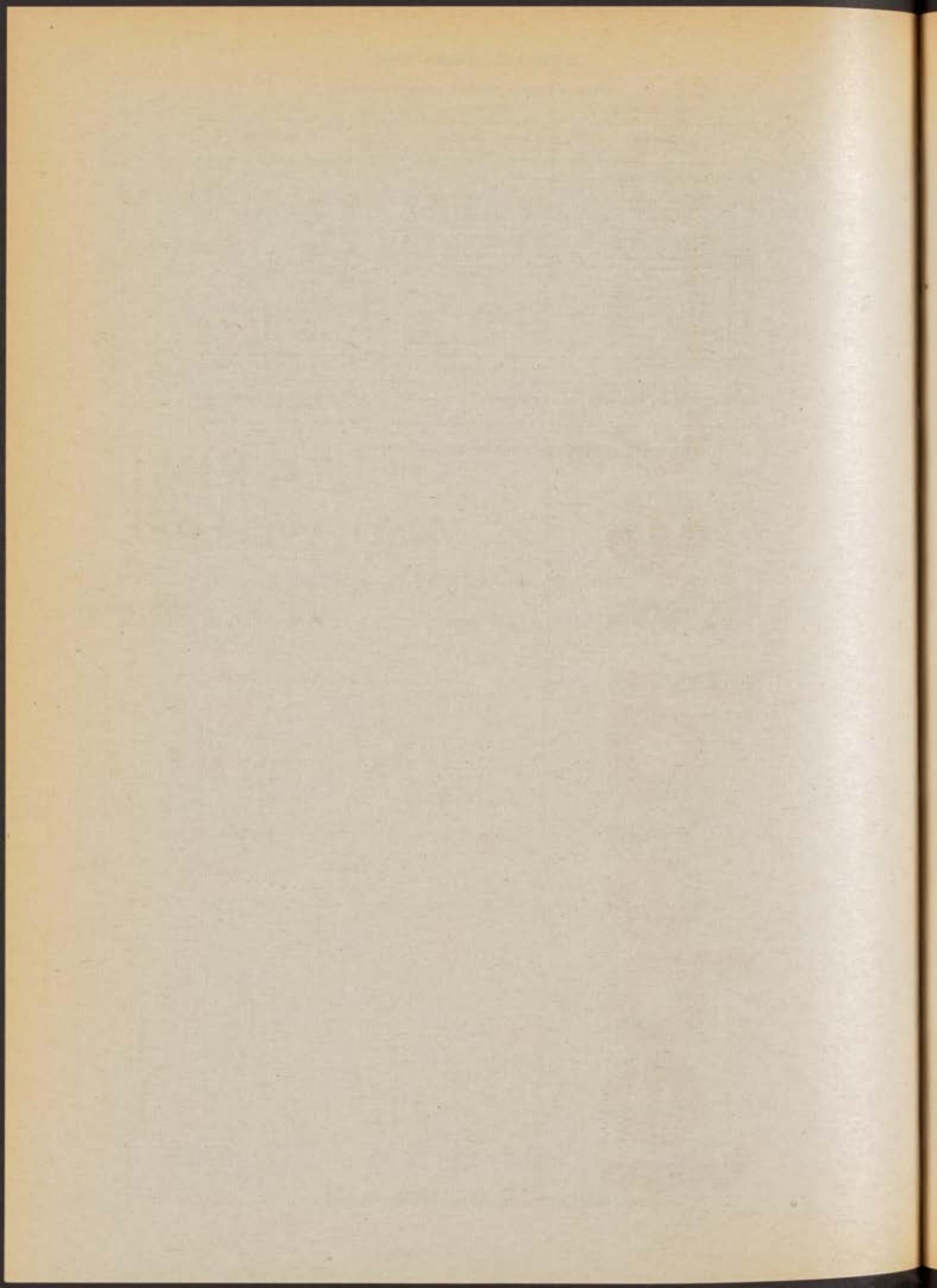
APPROVED INTERIM DUMPING SITES—Continued

EPA REGION X

Location	Size (square miles)	Depth (feet)	Primary use
<i>Latitude and Longitude</i>			
46° 14', 124° 10'	0.3	130	Sand.
46° 12', 124° 09'	0.1	125	Do.
42° 02', 124° 16'	5 acres	65	Gravel and sand.
42° 24', 124° 27'	0.2	25	Do.
43° 07', 124° 28'	0.2	50	Sand.
43° 21', 124° 22'	0.2	60	Do.
43° 40', 124° 14'	2.0	60	Do.
44° 01', 124° 09'	0.2	70	Do.
46° 42', 124° 10'	2.0	90	Dredged materials.
46° 56', 124° 07'	2.0	30-35	Do.
61° 15', 140° 54'	2.0	(1)	Do.
64° 30', 168° 27'	2.0	(1)	Do.
48° 16', 126° 58'	3-mile radius	8,300	Conventional munitions.
45° 34', 123° 59'	2.0	(1)	Dredged materials.
44° 48', 124° 04'	2.0	(1)	Do.
44° 30', 124° 00'	2.0	(1)	Do.
EPA HEADQUARTERS			
33° 55', 08° 15'	3-mile radius	6,600	Conventional munitions and dredged spoil.

¹ Not specified.

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PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

Fireworks Devices

Denial of Petition,
Proposed Classification as
Banned Hazardous Substance

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR pts. 191, 191d]

FIREWORKS DEVICES

Denial of Petition; Proposed Classification
as Banned Hazardous Substances

In the matter of classifying certain fireworks devices as "banned hazardous substances" within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

In the FEDERAL REGISTER of April 5, 1972 (37 FR 6868), the Commissioner of Food and Drugs published two proposals concerning fireworks devices. Part A of the document gave notice that a petition had been filed by the National Society for the Prevention of Blindness proposing to ban certain fireworks devices not presently classified as banned hazardous substances. The Commissioner stated that available information was insufficient to support the proposal, and invited interested persons to submit appropriate data. Part B of the document gave notice that the Commissioner proposed to revoke the exemption permitting certain fireworks devices to be used for bona fide crop protection purposes.

In the FEDERAL REGISTER of February 20, 1973 (38 FR 4666), the Commissioner published his conclusions and an order concerning part B of the proposal. The effective date of that order was confirmed by a notice published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10444). This present document concerns the petitioner's proposal.

A variety of comments were received concerning petitioner's proposal. Some comments favored banning all fireworks devices; other comments opposed such action; other comments stated that some, but not all, fireworks should be banned; and other comments expressed concern about the number and type of injuries associated with the use of fireworks. Only a few comments submitted any factual data.

The data and other available information have been reviewed, and the Commissioner concludes that they are still insufficient to support petitioner's proposal or a finding that all fireworks should be classified as banned hazardous substances. The Commissioner therefore denies the petition.

The Commissioner, however, based on fireworks injury data available from the National Electronic Injury Surveillance System reports, investigations of injuries by FDA field offices, and from other sources, concludes that certain changes in the fireworks regulations are necessary in order to adequately protect the public health and safety.

Of 216 injuries investigated by or reported to FDA, 38 were due to cherry bombs, M-80 salutes, and similar articles already classified as banned hazardous substances by 21 CFR 191.9(a)(3). In addition to these banned articles, firecrackers and bottle rockets also produced a significantly large number of injuries.

Of the 216 injuries, firecrackers and bottle rockets were found to have caused 80 (37 percent) and 24 (11.1 percent) injuries respectively. The hazard from these articles is such that it cannot be eliminated by cautionary labeling or by redesign or improved standards of construction. The Commissioner therefore concludes that all firecrackers and bottle rockets should be classified as banned hazardous substances.

A review of the details of other fireworks accidents reveals that many of them were caused by malfunction of the device or by the individual's behavior. The Commissioner concludes that if certain devices are constructed according to reasonable safety standards, the hazards can be greatly reduced or eliminated. Typical changes which will be required by these standards are the use of safety fusing on all articles which employ fusing and the adherence to minimum wall thickness specifications on tubular articles where burnout or blowout has been a problem. The standardization of labeling requirements will alert parents to the potential danger of all fireworks devices and the need for close adult supervision of children while handling these articles.

Accordingly, the Commissioner finds that the degree or nature of the hazard involved in the presence or use of certain fireworks devices in the household is such that the objective of the public health and safety can be adequately served only by keeping them out of the channels of interstate commerce. All fireworks devices for which safety standards are not provided in proposed part 191d or that are not otherwise exempted are classified as banned hazardous substances by this proposal.

The proposed safety standards will apply equally to imported fireworks devices as well as domestically manufactured articles. Bona fide public display devices are not covered by this proposal since they fall outside the scope of the act.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304-1305; 15 U.S.C. 1261) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise paragraph (a)(3) of § 191.9, to revoke paragraph (a)(2) of § 191.65 and to add a new part 191d to title 21, chapter I, as follows:

§ 191.9 Banned Hazardous Substances.

(a) * * *

(3) All fireworks devices, except fireworks devices that comply with the requirements of part 191d of this chapter or fireworks devices which meet all of the following conditions:

(1) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or

local government agencies); and

(4) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate.

§ 191.65 Exemption from classification
as banned hazardous substances.

(a) * * *

(2) [Revoked]

PART 191d—FIREWORKS DEVICES

Sec.		
191d.1	Scope.	
191d.2	Prohibited chemicals.	
191d.3	Fuses.	
191d.4	Bases.	
191d.5	Cone fountains.	
191d.6	Cylindrical fountains.	
191d.7	California candles.	
191d.8	Spike and handle fountains.	cylindrical
191d.9	Roman candles.	
191d.10	Skyrockets with sticks.	
191d.11	Wheels.	
191d.12	Illuminating torches.	
191d.13	Gold sparklers.	
191d.14	Colored (nongold) sparklers.	
191d.15	Mines and shells.	
191d.16	Whistles without report.	
191d.17	Toy smoke devices and flitter devices.	
191d.18	Helicopter-type rockets.	
191d.19	Party poppers.	
191d.20	Missile-type rockets.	
191d.21	Caps.	

AUTHORITY.—Sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended; 80 Stat. 1304-1305; 15 U.S.C. 1261 and sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e).

§ 191d.1 Scope.

This part 191d prescribes requirements for certain fireworks devices. Such devices shall comply with the general requirements established by §§ 191d.2 through 191d.4 and the specific requirements applicable to the particular type of device established by §§ 191d.5 through 191d.21. Any fireworks device which fails to conform to these requirements is a banned hazardous substance and prohibited from the channels of interstate commerce. In addition, those fireworks devices for which specific requirements are not established (including but not limited to firecrackers, cherry bombs, M-80 salutes, silver salutes, aerial bombs, bottle rockets, and devices that may be confused with candy or other food such as "dragon eggs" and "cracker-balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks) are also banned hazardous substances and prohibited from the channels of interstate commerce.

§ 191d.2 Prohibited chemicals.

Fireworks devices included in this part 191d shall not contain any of the following chemicals:

- (a) Arsenic sulfide, arsenates, or arsenites.
- (b) Boron.
- (c) Chlorates, except in colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is incorporated.
- (d) Gallates or gallic acid.
- (e) Magnesium.
- (f) Mercury salts.
- (g) Phosphorus (red or white).
- (h) Picrates or picric acid.
- (i) Thiocyanates.
- (j) Titanium, except in particle size greater than 100-mesh.
- (k) Zirconium.

§ 191d.3 Fuses.

(a) Fireworks devices included in this part 191d that require a fuse shall:

(1) Utilize only a safety fuse; that is, a thread-wrapped black powder train which has a minimum of two wraps of thread in opposite directions and which has been coated at time of manufacture with a cellulose acetate solution or similar nonflammable coating.

(2) Utilize a fuse of sufficient length to burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached, utilizing glue or other adhesive, so that it will support either the weight of the fireworks device plus 8 oz of dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

(c) The outside end of the fuse shall be protected against accidental ignition by a covering of paper, tape, or other suitable material.

§ 191d.4 Bases.

Fireworks devices included in this part 191d that require a base shall utilize a base of wood or plastic (nonbrittle, medium-impact styrene). The minimum horizontal dimension or the diameter of the base shall be equal to at least one-third of the height of the device. The thickness of the base shall be at least one-half inch for any device 5 inches or more in height and at least one-fourth inch for smaller devices.

§ 191d.5 Cone fountains.

Cone fountains shall be constructed and labeled as follows:

(a) The cones shall be made of chipboard and shall be thick enough to allow functioning without burnout or blowout.

(b) The height of the cone shall not exceed 12 in.

(c) The pyrotechnic composition shall be rammed or tamped so that it does not come loose during handling.

(d) The cone, upper and lower ends, shall be sealed in a manner that prevents leakage of the pyrotechnic composition.

(e) The cone shall contain a fiber or chipboard closure disk, of such diameter as to have a minimum of $\frac{1}{16}$ -inch lip against the cone wall, placed firmly against the bottom of the composition and sealed to the wall by means of silicate, dextrine, or other suitable adhesive.

(f) The cone height-to-base-diameter ratio shall be not more than 3-to-1 (for example, a 9-inch cone shall have at least a 3-inch-diameter base).

(g) The shower height of the cone shall not be greater than 12 ft (no more than 10 percent of the sparks may exceed a height of 12 ft), and the fire height shall not be greater than 6 in when measured from the tube orifice.

(h) Pyrotechnic composition shall not exceed 50 g per fountain.

(i) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Place on level surface.
Light fuse and get away.

§ 191d.6 Cylindrical fountains.

Cylindrical fountains with base shall be constructed and labeled as follows:

(a) The tubes shall be made of convolute or spiral wound chipboard, jute, or kraft, or combinations of these, tightly wound and glued between all plies and shall be thick enough to allow functioning without blowout or burnout.

(b) The inside diameter of the tube shall not exceed 0.750 in.

(c) The height of the fountain, excluding base, shall not exceed 10 in.

(d) All composition shall be solidly rammed to prevent loosely compacted charges.

(e) Cylindrical fountains shall have a clay backing at least as thick as the inside diameter of the cylindrical tube.

(f) Clay used as a backing shall be sufficiently moistened with kerosene, linseed oil, lube oil, or other suitable binder to insure permanent effective adhesion inside the tube.

(g) Fountains shall have a stable base of wood or plastic (see § 191d.4) unless the ratio of tube height to outside diameter is 2 to 1 or less.

(h) Pyrotechnic composition shall not exceed 75 g per fountain.

(i) The shower height of the fountain shall not be greater than 12 ft (no more than 10 percent of the sparks shall exceed a height of 12 ft), and the fire height shall not be greater than 6 in when measured from the tube orifice.

(j) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Place on level surface (or—keep away from clothing and other flammable material).
Light fuse and get away.

§ 191d.7 California candles.

California candles shall be constructed and labeled as follows:

(a) Tubes shall be made of convolute or spiral wound chipboard, jute, or kraft, or a combination of these, tightly

wound and glued between all plies and shall be thick enough to allow functioning without burnout or blowout.

(b) The inside diameter of the tube shall not exceed 0.750 in.

(c) A clay backing shall be formed in place inside the composition tube by ramming the clay backing charge firmly against the previously rammed composition. The clay charge shall be at least 1 inch long and shall withstand four drops onto a hard surface (with the clay end down) from a height of 3 ft without cracking, crumbling, or coming loose.

(d) Clay used as a backing shall be sufficiently moistened with kerosene, linseed oil, lube oil, or other suitable binder to insure permanent effective adhesion inside the tube.

(e) All composition shall be solidly rammed to prevent loosely compacted charges.

(f) The inner tube shall be firmly glued to the outer tube (approximately 75 percent adhesion) in a manner that allows a minimum void of 4 inches at the bottom of the outer tube, which will serve as a handle.

(g) Pyrotechnic composition shall not exceed 75 g per candle.

(h) The shower height of the candle shall not be greater than 12 ft (no more than 10 percent of the sparks shall exceed a height of 12 ft), and the fire height shall not be greater than 6 inches when measured from the tube orifice.

(i) No chokes or muzzle restrictions shall be used.

(j) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

Use only under close adult supervision.
For outdoor use only.
Hold in hand at bottom of tube.
Point away from body so that neither end points toward body.
Light fuse.

§ 191d.8 Spike and handle cylindrical fountains.

Spike and handle cylindrical fountains shall be constructed and labeled as follows:

(a) Tubes shall be made of a convolute or spiral wound chipboard, jute, or kraft, or a combination of these, tightly wound and glued between all plies and shall be thick enough to allow functioning without burnout or blowout.

(b) The inside diameter of the tube shall not exceed 0.750 in.

(c) The fountain's height shall not exceed 10 in.

(d) A clay backing shall be formed in place inside the composition tube by ramming the clay charge firmly against the previously rammed composition. The clay charge shall have a minimum finished thickness equal to the inside diameter of the tube and shall withstand four drops onto a hard surface (with the clay end down) from a height of 3 ft without cracking, crumbling, or coming loose.

(e) Clay used as a backing shall be sufficiently moistened with kerosene, lin-

seed oil, lube oil, or other suitable binder to insure permanent effective adhesion inside the tube.

(f) All composition shall be solidly rammed to prevent loosely compacted charges.

(g) Spikes and handles inserted into cylindrical fountains shall be made of wood, plastic, or tightly wound paper with a minimum flat on the protruding end of one-eighth inch providing a blunt tip. The spike or handle shall be inserted into the fountain not less than 2 inches and cemented firmly against the clay backing. Spikes or handles shall have an exposed length of at least 4 in.

(h) No chokes or muzzle restrictions shall be used.

(i) Pyrotechnic composition shall not exceed 75 g per fountain.

(j) The shower height of the fountain shall not be greater than 12 ft (no more than 10 percent of the sparks shall exceed a height of 12 ft) and the fire height shall not be greater than 6 inches when measured from the tube orifice.

(k) Each device shall bear the following cautionary labeling:

(1) Spike fountains:

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

Use only under close adult supervision.
For outdoor use only.
Stick firmly in ground in an upright position.

Do not hold in hand.
Light fuse and get away.

(2) Handle fountains:

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS

Use only under close adult supervision.
For outdoor use only.
Hold in hand—point away from body.
Light fuse.

§ 191d.9 Roman candles.

Roman candles shall be constructed and labeled as follows:

(a) The candle shall contain no more than 10 balls.

(b) Tubes shall be made of tightly glued, convolute wound chipboard with the inside flap deckled and tightly glued.

(c) Tube dimensions shall be:

Tube	Inches		
	5-ball	8-ball	10-ball
Maximum inside diameter	0.438	0.438	0.438
Minimum wall thickness	¹ 0.136	² 0.147	² 0.147
Length	10.5 to 12	14 to 15	17 to 18

¹ With a minimum of 6 wraps of chipboard paper.
² With a minimum of 7 wraps of chipboard paper.

(d) A clay protective charge dampened with kerosene, linseed oil, lube oil, or other suitable binder shall be rammed into the base of the candle in no less than two increments. The total clay charge shall be at least 1 in long and shall withstand 4 drops onto a hard surface (with the clay end down) from a height of 3 ft without cracking, crumbling, or coming loose.

(e) A portion of the base of the candle shall be left unloaded so that the empty tube and clay protective charge are no less than 3½ in (5-ball), 6 in (8-ball), 7 in (10-ball) in total length.

(f) The candle shall be loaded by pressing or ramming so that the candle mix between stars is tightly consolidated and will provide a time interval between stars of at least 1 but not more than 2 seconds.

(g) The stars must be of proper size and firm enough to allow complete burn-out before one-half of the descent from the apogee has been completed when launched from a 75° to 90° angle.

(h) The top of the tube shall be left unloaded for at least 1 in.

(i) If the roman candle has a spike, the spike shall be a wooden dowel at least 5 in long with at least 2 in protruding from the base of the tube. A minimum flat of one-eighth in on the protruding end shall provide a blunt tip. The spike shall be glued securely in the tube.

(j) Pyrotechnic composition shall not exceed 20 g per candle.

(k) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

SHOOTS FLAMING BALLS

Use only under close adult supervision.
For outdoor use only.

Stick butt end in ground.
Do not hold in hand.
Light fuse and get away.

§ 191d.10 Skyrockets with sticks.

Skyrockets with sticks shall be constructed and labeled as follows:

(a) Tubes shall be made of tightly glued, convolute wound chipboard with the inside flap deckled and tightly glued.

(b) The sticks shall be attached to the driver by means of glue, staples, or wire and shall be secure enough to prevent the stick from falling off during transportation, handling, or functioning.

(c) The rocket's cone shall be securely glued to the tube.

(d) The propellant charge shall be firmly pressed into the tube in a manner that insures adequate lift-off and height of functioning without ground bursts.

(e) The choke shall be made of fire-proof material and shall be sturdy enough to insure proper functioning.

(f) Skyrockets containing stars shall be so designed that the stars ignite near the apogee of the rocket's flight.

(g) Rockets shall be not less than 3 inches or more than 6 inches long, excluding sticks.

(h) To provide a stable flight and eliminate premature bursts, the dimensions of the body tube and stabilizing stick shall be as follows:

	No. 2		No. 3		No. 4		No. 6	
	Inches		Inches		Inches		Inches	
Minimum tube wall thickness	0.140 ¹		0.140 ¹		0.140 ¹		0.140 ¹	
Tube length	3 to 3.5		3 to 4.5		5 to 5.5		5.5 to 6	
Stick ²	¾ by ¾ by 18		¾ by ¾ by 15-16		¾ by ¾ by 16-19		¾ by ¾ by 18-19	

¹ Approximately 6 wraps of chipboard paper.
² The stabilizing stick should have a square end, and a minimum of 10-12 inches of the stabilizing stick should extend below the tube.

(i) Pyrotechnic composition shall not exceed 20 g per rocket.

(j) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE

Use only under close adult supervision.
For outdoor use only.
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.

Do not hold in hand.
Light fuse and get away.

§ 191d.11 Wheels.

Wheels shall be constructed and labeled as follows:

(a) Tubes shall be of such heavy wall or high-grade paper construction so that rupture will not occur during loading or functioning.

(b) Inside diameter of the tubes shall not exceed one-half inch.

(c) Drivers shall be securely attached to the wheel by adhesive, wire, or staples so that they will not come loose in handling or functioning.

(d) The hole in the wheel shall be grommeted with metal, plastic, or wood. A mounting nail of proper diameter

shall be attached. Wheel items, such as ground spinners, designed to function on a flat surface are not required to have a grommet or nail.

(e) Quick match or similar material may be used as communication between drivers and must be covered with paper or other suitable material.

(f) Pyrotechnic composition shall not exceed 60 g per driver or 240 g per wheel.

(g) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).
Light fuse and get away.

§ 191d.12 Illuminating torches.

Illuminating torches shall be constructed and labeled as follows:

(a) Tubes shall be of such design and construction as to function safely and reliably.

- (b) Composition shall be firmly compressed by tamping, ramming, or rolling.
- (c) The torch and its wrapping shall be constructed in a manner that prevents powder leakage.
- (d) Pyrotechnic composition shall not exceed 100 grams per torch.
- (e) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.

Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).

Light fuse (or light fuse and get away, if more descriptive).

§ 191d.13 Gold sparklers.

Gold sparklers shall be constructed and labeled as follows:

- (a) Gold sparkler composition shall not contain chlorate or perchlorate.
- (b) Dimensions shall be as follows:

	Type 8	Type 10	Type 14	Type 20	Type 36
Minimum thickness of wire (gauge) ¹	20	20	16	15	10
Minimum length of handle (inches).....	3	3	5	6	10
Minimum length of item (in inches).....	7	9	13	18	34
Minimum number of items per package.....	6	8	6	None	None

¹ Steel wire is recommended; however, fireproofed paper, plastic, bamboo, and wood and wire of less diameter or lower melting point shall be acceptable if, in burning, the hot composition does not drop off but remains more or less intact and can be safely disposed.

- (c) Each package of sparklers shall bear the following cautionary labeling:
- (1) On the front and back panels:

WARNING (OR CAUTION)
FLAMMABLE

See side panels for other cautions.

- (2) On the side panels:

CAUTION

Use only under close adult supervision.
For outdoor use only.
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).
Hold in hand with arm extended away from body.

Keep burning end or sparks away from wearing apparel or other flammable material.

§ 191d.14 Colored (nongold) sparklers.

- (a) Colored (nongold) sparklers shall be constructed and labeled in accordance with § 191d.13, except that:
 - (1) The sparkler composition may contain perchlorate.
 - (2) The device shall not be more than 10 inches long.
- (b) A colored sparkler, or combination colored and gold sparkler, that contains perchlorate shall not exceed 5 g in total weight of pyrotechnic composition.

§ 191d.15 Mines and shells.

Mines and shells shall be constructed and labeled as follows:

- (a) Tubes shall be made of convolute or spiral wound shipboard, jute, or kraft, or a combination of these, tightly wound and glued between all plies, and shall be thick enough to allow functioning without blowout or burnout.
- (b) Mines and shells shall have a stable base complying with § 191d.4.
- (c) The lift charge shall be sufficient to project the insert into the air and have the insert function near the zenith of the flight so that no burning material will come close to the ground. Not more than 35 g of black powder shall be used for propelling the insert.
- (d) Tube and base shall be of such construction that an excess of 50 percent over the normal lift charge and regular insert will not rupture the base or tube.

- (e) Outside diameter of the insert tube shall fit in mortar well enough to achieve insert function near the zenith of the flight without an excessive amount of black powder.
- (f) Safety fuses complying with § 191d.3 shall be used between tubes on multiple-tube units as well as for initial ignition.
- (g) Delay fuses of the inserts shall be long enough to allow functioning near the zenith, and shall be suitably constructed to allow ignition from the lift charge and transferral to function the insert.
- (h) Item length shall not be greater than 12 inches and diameter shall not be greater than 2½ inches. Ratio of tube length to inside diameter shall be at least 4-to-1 for proper lift.

(i) There shall be a minimum throat of mortar above the top of the insert of 1 inch.

(j) The insert shall be constructed to allow projection without deformation and/or premature functioning.

(k) Pyrotechnic composition shall not exceed 40 g per device.

(1) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Place on hard smooth surface (or place upright on level ground, if more descriptive).
Do not hold in hand.
Light fuse and get away.

§ 191d.16 Whistles without report.

Whistles without report shall be constructed and labeled as follows:

- (a) Tubes shall be made of plastic or convolute or spiral wound paper, tightly wound and glued, and shall be thick enough to prevent bursting.
- (b) Pyrotechnic composition shall be pressed or rammed to prevent premature deflagration.
- (c) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE

Shoots whistle in air (if applicable).
Use only under close adult supervision.
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

§ 191d.17 Toy smoke devices and flitter devices.

Toy smoke devices and flitter devices shall be constructed and labeled as follows:

(a) Toy smoke devices shall be so designed that they will neither burst nor produce external flame on functioning.

(b) Cylindrical tubes shall be made of chipboard, jute, or kraft and shall be tightly wound and glued.

(c) Smoke or flitter devices shall not have a red or silver exterior, except spherical flitter devices may have a silver exterior.

(d) Plastic shall not be used as an exterior material for toy smokes if the composition comes in direct contact with the plastic.

(e) When potassium chlorate is used in the composition, at least an equal amount of sodium bicarbonate shall be an integral part of the mixture.

(f) Each immediate container (or each individual device is not sold in a package) shall bear the following cautionary labeling.

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

§ 191d.18 Helicopter-type rockets.

Helicopter-type rockets shall be constructed and labeled as follows:

(a) Tubes shall be made with a strong, high quality paper or plastic, such as pressboard, wallet, or kraft (wax-dipped), and shall be tightly convolute wound, and thick enough to prevent burnout or blowout.

(b) The plastic or metal wing shall be of sufficient size and/or proper design to lift the device within 2 seconds.

(c) The wing shall be attached securely to the tube by means of notching, gluing, wiring, or rubberband so that it will not come off during transportation, handling or functioning.

(d) The powder charge shall be sufficiently pressed into the tubes and dense enough to achieve proper liftoff and height of functioning without duds or ground bursts.

(e) Pressed, dampened clay protective charges shall have dimensions and density that provide safety for the user and shall withstand four drops onto a hard surface from a height of 3 ft without cracking, crumbling, or coming loose.

(f) The height of flight should be such as to produce any visible effect close to the apogee of flight.

(g) A standard helicopter rocket tube shall be 2.5-5 inches long with at least 0.125-inch-thick wall and no more than 0.75-inch inside diameter.

PROPOSED RULES

(h) Helicopter rockets less than 2.5 inches long and/or with less than 0.125-inch-thick wall shall not require a safety fuse but shall comply with all the other requirements for these devices.

(i) Pyrotechnic composition of helicopter rockets shall not exceed 20 g.

(j) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

§ 191d.19 Party poppers.

Party poppers (also known by other names such as "Snappers," "Champagne Party Poppers," and "Party Surprise Poppers") shall be constructed and labeled as follows:

(a) Such devices shall consist of a hollow tube of plastic, chipboard, or other suitable material containing a small charge of friction-sensitive pyrotechnic composition.

(b) Body tubes shall be constructed in such manner as to prevent rupture or bursting when the device is activated.

(c) Each device shall not contain more than 0.25 gr of pyrotechnic composition.

(d) Devices may contain soft paper or cloth inserts such as confetti, streamers, or party hats, provided any such inserts are treated so as to be flame retardant.

(e) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE

Use only under close adult supervision.
Do not point either end toward face or other person.

Hold in hand—jerk string.

§ 191d.20 Missile-type rockets.

Missile-type rockets shall be constructed and labeled as follows:

(a) Tubes shall be made with a strong, high quality paper or plastic, such as pressboard, wallet, or kraft (wax-dipped), and shall be tightly convolute wound, and thick enough to prevent burnout or blowout.

(b) The plastic or metal fins or other stabilizers shall be of such material and dimensions as to prevent breakage or warping.

(c) The fins or other stabilizers shall be attached securely to the tube by gluing.

(d) The cone shall be securely glued to the tube so that leakage of powder will not occur during shipment or handling.

(e) The powder charge shall be sufficiently pressed into the tubes and dense enough to achieve proper liftoff and height of functioning without duds or ground bursts.

(f) The choke shall be made of fire-proof material and sturdy enough to insure proper functioning.

(g) The height of the flight shall be

such that stars or other effects will be ignited near the apogee.

(h) The tube shall have a minimum wall thickness of one thirty-second inch and a maximum inside diameter of 0.900 inch and shall not be greater than 8 inches in length (excluding fins and nose cone).

(i) Each device shall bear the following cautionary labeling:

WARNING (OR CAUTION)

FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under close adult supervision.
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

§ 191d.21 Caps.

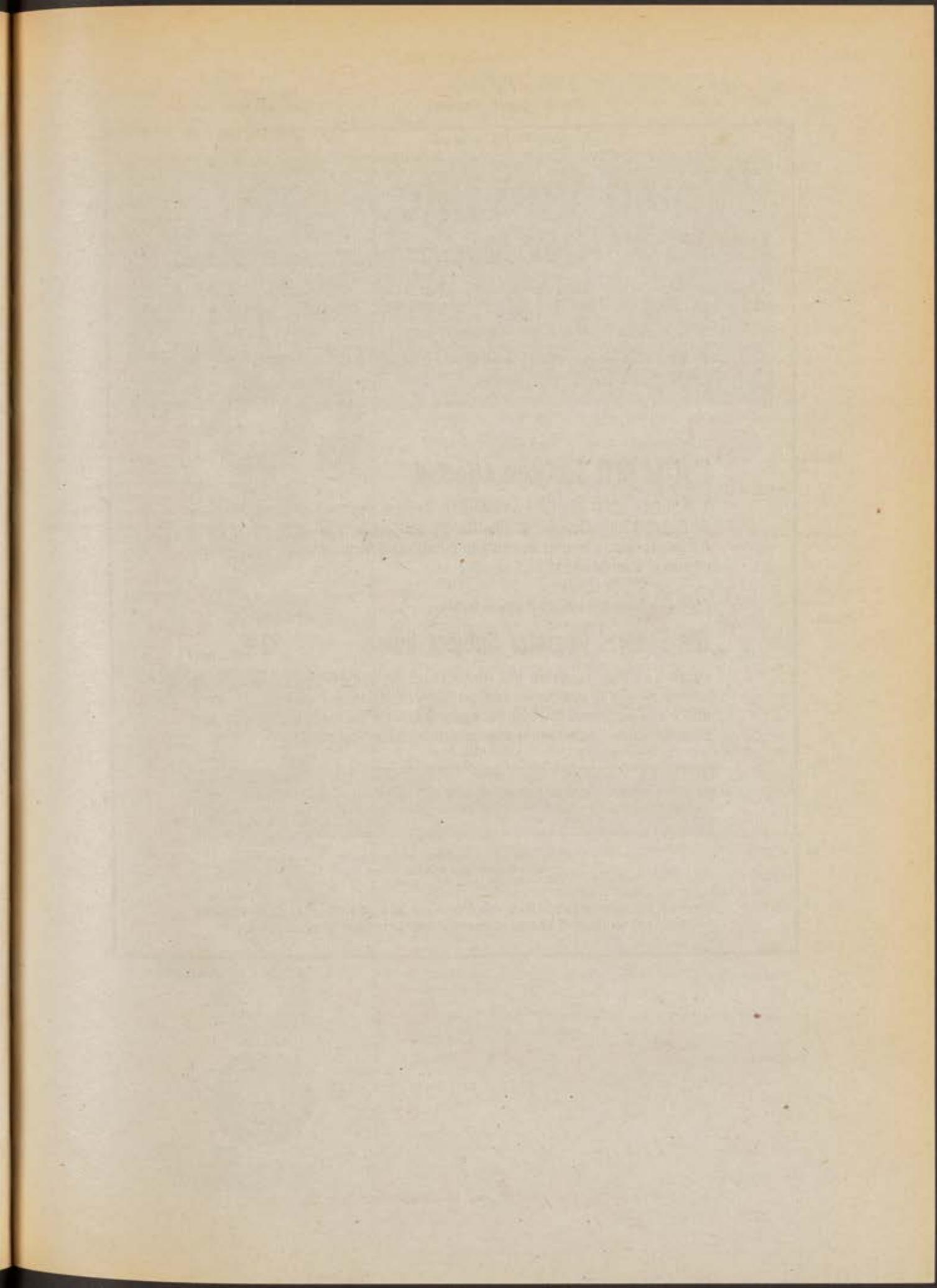
Caps (paper or plastic) shall comply with the requirements of § 191.65a(a)(6) of this chapter.

Interested persons may on or before July 16, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support hereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 9, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.73-9540 Filed 5-15-73; 8:45 am]



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