federal register

THURSDAY, JULY 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 143

Pages 19951–20057

PART I

(Part II begins on page 20035)

NEW LOCATION OF FEDERAL REGISTER OFFICE

Effective Monday, July 30, 1973, the Office of the Federal Register will be located in Room 8401, 1100 L St., NW., Washington, D.C. Documents may be delivered or inspected between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays. The mail address will remain unchanged: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

HIGHLIGHTS OF THIS ISSUE

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

July 26, 1973—Pages 19951–20057

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

NATIONAL PARK SERVICE—Special regulations; Everglades National Park, Fla., fishing..... 16778; 6–26–73

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is added to show that one position of Staff Assistant to each Member of the Commission is excepted under Schedule C.

Effective on July 26, 1973, § 213.3360 is added as set out below.

§ 213.3360 Consumer Product Safety Commission.

(a) One Staff Assistant to each Member of the Commission.

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

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

[FR Doc.73-15370 Filed 7-25-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A Amendments

The purpose of these amendments is to make corrections and clarifications in the new "Stage A for Food" regulations issued on July 18, 1973.

Under the new Stage A food regulations, a special pricing rule for pork and lamb was introduced (6 CFR 130.57d(e)) which permits prices to be charged above the ceiling prices for these items to reflect increased meat raw material costs on a dollar-for-dollar basis. The formula whereby the preexisting gross margin rule was amended to permit prices to go above ceiling levels inadvertently contained a provision (no longer applicable (permitting increases in revenues derived from allowable cost increases other than meat raw material costs. For Stage A purposes (July 18–September 12, 1973), prices may not exceed ceiling prices because of increases in non-meat-raw-material costs. The inapplicable provision has been deleted from the revised § 130.57d(e)(3).

The new Stage A food regulations conton a special provision permitting price increases for food items in inventory when the average cost of a food item in inventory exceeds its freeze price. That provision permits a seller to increase his price up to the cost level to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs with respect to that food item between January 10, 1973, and the freeze base period, to the extent that those costs have not already been reflected in the freeze price. This amendment changes the "front-end" cut-off period for these costs from the freeze base period (usually June 1–8) to July 18, 1973. This change makes clear the Council's intent to apply its special inventory price adjustment rule to raw agricultural product costs of inventory received on or before July 18, 1973.

A third change eliminates the provision in 6 CFR 140.99 which limited the Stage A food recordkeeping requirements to those food firms with annual sales or revenues in excess of $50 million derived from sales of food. The Stage A food regulations are of such a nature as to require all food firms to keep records of price adjustments made under the Stage A rules.

Other changes have been made to correct inaccurate cross-references to related regulations.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the current price freeze, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489; E.O. 11730, 38 FR 19345)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective 4:00 p.m., e.s.t., July 18, 1973.

Issued in Washington, D.C., on July 24, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council, and Director, Special Freeze Group.

1. Paragraph (e)(1) of § 130.57d is amended by changing the cross-reference in the exception proviso from "paragraph (d)(3) of this section," to "paragraph (e)(3) of this section,".

2. Paragraph (e)(3) of § 130.57d is amended to read as follows:

§ 130.57d Special price adjustment rule for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products.

* * * * *

(e) *Special pricing rule for swine and sheep.* * * *

(3) Sales revenues in the period July 18-September 12, 1973, may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (e)(1) of this section if the excess results from seasonal patterns or a change in product mix. Any justification based upon seasonal patterns or a change in product mix shall be reported or retained in the records, as appropriate, and be subject to review by the Council.

* * * * *

3. Paragraph (e)(2) of § 140.93 is amended to read as follows:

§ 140.93 Special price rules.

* * * * *

(e) *Inventory price adjustments.* * * *

* * * * *

(2) If the average cost of a food item in inventory exceeds the freeze price, a seller may charge a price in excess of the freeze price for the food item in inventory to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973, and the effective date of this section with respect to that food item which is not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the average cost of the food item during its cost base period and may not reflect allowable cost increases.

* * * * *

4. The first sentence of § 140.99 is amended to read as follows:

§ 140.99 Recordkeeping requirements.

Each food firm shall maintain comprehensive records of all price adjustments made pursuant to this subpart. * * *

[FR Doc.73-15488 Filed 7-24-73; 3:15 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Leafy Greens

CLASSIFICATION OF DEFECTS

Notice of a proposal to amend the United States Standards for Grades of Canned Leafy Greens (7 CFR 52.6081–52.6094) was published in the FEDERAL REGISTER of April 13, 1973 (38 FR 9302) with a correction there to in the FEDERAL REGISTER of May 7, 1973 (38 FR 11353). Interested persons were given until June 30, 1973 to submit written

comments concerning the proposed amendments.

This amendment is issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624), which provides for the issuance of official U. S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE AMENDMENT OF THE STANDARDS

The purpose of the amendment is to expand Table III of the standards to allow for the evaluation and classification of certain quality conditions that were not evident at the time that the standards were promulgated. This expansion of Table III of the standards would provide a classification guide for conditions such as tough leaves or coarse stems or fibrous stems.

No comments were received pertaining to the Notice of Proposed Rule Making.

Therefore, the United States Standards for Grades of Canned Leafy Greens are hereby amended as proposed on April 13, 1973 as corrected on May 7, 1973.

The amendment is as follows:

Section 52.6090, Table III is revised to read:

§ 52.6090 Classification of defects.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is:			
	Adversely affected to a degree that is noticeable		×	
	Adversely affected to a degree that is objectionable			×
Character	Appearance or eating quality, due to:			
	(1) A mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems, or portions thereof; and/or			
	(2) A tough texture, coarse, or fibrous stems or portions thereof; and/or			
	(3) Any other causes, as applicable for the style, is:			
	Adversely, but not seriously, affected		×	
	Seriously affected			×
Extraneous plant material.	Root crown: Any significant portion of the solid area of the plant between the root and attached leaves.		×	
	Root stub: Any portion of the root whether or not leaves are attached.			×
	Seed head—Whole leaf; cut leaf styles: Longer than 1 inch or objectionable regardless of length.		×	
	Seed head—Chopped style—pieces affecting appearance or eating quality:			
	More than slightly but not materially	×		
	Materially		×	
	Seriously			×
Other extraneous material.	Grit, sand, silt, or other earthy material:			
	A trace that no more than slightly affects appearance or eating quality.		×	
	Presence materially affects appearance or eating quality			×

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Effective date. The amendment to the United States Standards for Grades of Canned Leafy Greens which have been in effect since May 8, 1971 shall become effective September 1, 1973.

Dated: July 19, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-15285 Filed 7-25-73;8:45 am]

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

[Valencia Orange Reg. 442]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 27-August 2, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.742 Valencia Orange Regulation 442.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is good. Prices f.o.b. averaged $3.27 per carton on a sales volume of 474 carlots during the week ended July 19, 1973, compared with $3.20 per carton on sales of 520 carlots a week earlier. Track and rolling supplies at 358 cars were up 86 cars from last week.

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

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

with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 27, 1973, through August 2, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: July 25, 1973.

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

[FR Doc.73–15551 Filed 7–23–73;12:02 pm]

[Peach Reg. 10]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Regulation by Grades and Sizes

This regulation specifies the grade, size and pack requirements applicable to the handling of Washington peaches during the remainder of the 1973 season. These requirments are designed to provide consumers with an ample supply of acceptable quality peaches. Such requirements will require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers need only meet the requirements of the Washington Fancy grade. The minimum diameter is 2⅜ inches, except the minimum diameter for Elberta peaches in any container and peaches of any variety when packed in the standard peach box or approved experimental containers is 2¼ inches. All peaches are required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs are permitted for containers of a capacity equal to that of a Western lug box if they contain 26 pounds net weight or are well filled.

Notice was published in the FEDERAL REGISTER issue of June 22, 1973 (38 FR 16362) that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation is based upon an appraisal of the current and prospective crop and market conditions. Washington's 1972 peach crop is estimated at 18,000 tons, compared with commercial production in 1972 of 13,750 tons. Total fresh market shipments are expected to be 11,200 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from said requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The grade, size, and pack requirements for peaches in the specified containers are designed to provide identifiable packs of peaches which meet trade preferences. For example, it has been found that peaches of the Washington Fancy Grade, packed in Western lug boxes or standard peach boxes, compete successfully in distant markets with peaches of similar grade in such containers from other production areas. Washington peaches, except Elberta varieties, packed in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because such peaches must compete with peaches that are produced in other areas and marketed in the standard peach box with a minimum diameter of 2¼ inches. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight or be "well filled" prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The provision that permits shipment of loose or jumble packs weighing less than 26 pounds if the containers are "well filled" reflects the fact that the larger sizes of such peaches may not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are now being made. Such peach shipments are subject to the same grade and size requirements until July 31, 1973 pursuant to Peach Regulation 9 (37 FR 12553). It is necessary to make this regulation effective on August 1, 1973, to provide for the continued regulation of the balance of the 1973 Washington peach crop;

(2) Notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 16362), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 921.310 Peach Regulation 10.

(a) Order: During the period August 1, 1973, through July 31, 1974, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (7) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a Western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Notwithstanding the provisions of subparagraphs (1) through (5) hereof, shipments of peaches may be handled in such experimental containers as may

be approved by the committee: *Provided*, That (1) such shipments are under the supervision of the committee; (2) such peaches in such experimental containers grade at least Washington Fancy; (3) such peaches in such experimental containers measure at least 2¼ inches in diameter; and (4) such experimental containers commonly known as "family packs" contain not less than 10 pounds nor more than 12 pounds, net weight, of peaches.

(7) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: July 20, 1973.

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

[FR Doc.73–15354 Filed 7–25–73;8:45 am]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Handling Regulation

This regulation, designed to promote orderly marketing of Washington potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 13, 1973 (38 FR 18670). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than July 18, 1973. None was received.

Findings. After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop of Washington potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (37 FR 13699) through July 31, 1973, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1973 crop potatoes grown in the production area will begin by the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation, which are similar to those currently in effect (37 FR 13699), has been made available to producers and handlers in the production area since June 27, 1973, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

The regulation is as follows:

§ 946.328 Handling regulation.

During the period August 1, 1973, through July 31, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) through (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade.—All varieties*—U.S. No. 2, or better grade.

(2) *Size.* (i) *Round varieties*—1⅞ inches minimum diameter

(ii) *Long varieties*—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50 pound cartons shall be U.S. No. 1, or better grade.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specific location in

Morrow and Umatilla Counties in the State of Oregon. Shipments of potatoes

for the purposes specified in paragraph (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in paragraph (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided:* That shipments pursuant to paragraph (d) (7) of this section shall comply with inspection requirements of paragraph (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by appying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipment and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a special purpose certificate to make shipments for processing;

(ii) Make shipments only to either persons whose names appear on the list of potato canners, freezers or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable special purpose certificate;

(iv) Mail to the office of the committee a copy of the bill of lading for each special purpose certificate shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for listing as a canner, freezer or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approved.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title (37 FR 2745)), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

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

Dated July 23 ,1973, to become effective August 1, 1973.

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

[FR Doc.73–15356 Filed 7–25–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71–CE–27–AD, Amdt. 39–1693]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58 and 95 Series Airplanes

Amendment 39–1350 (36 FR 22809), AD 71–24–10, applicable to Beech Models 33, 35, 36, 55, 56, 58 and 95 series airplanes is an Airworthiness Directive (AD) which requires replacement of control wheel adapters on these model airplanes with adapters containing a double weld.

Subsequent to the issuance of AD 71–24–10, the manufacturer has advised that Beech Model F33 airplanes terminated with Serial Number CD–1254 instead of Serial Number CD–1264. These later Serial Numbers were inadvertently included in the applicability statement of the original AD and should be deleted. In addition, the manufacturer has developed improved control wheel adapters

(P/N 96-524029-31 and -33) which are approved equivalents to those now required for compliance with the AD and consequently are being included in this amendment as an alternative method of compliance. Finally, Beech Service Instructions No. 0254-156, which pertains to the subject matter of AD 71-24-10, has been revised to include these later designed parts and the AD as amended will reflect approval of later revisions. Accordingly, action is taken herein to incorporate the aforementioned changes.

Since this amendment is relaxatory in nature, provides an alternate method of compliance, and is in the interest of safety it imposes no burden on any person. Consequently, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1350 (36 FR 22809), AD 71-24-10, is amended in the following respects:

1. In the first sentence of Paragraph 1 of the applicability statement referring to "Serial Numbers Affected" for Models 35-C33, E33, F33 delete "CD-1264" and substitute therefor "CD-1254".

2. Revise the second sentence of the second paragraph of the AD so that it now reads as follows: "If the stamps cannot be seen on an adapter, replace it with either Beech P/N 96-524029-15 (short) or Beech P/N 96-524029-19 (long) control wheel adapters which have the aforementioned stamps, or in the alternative with Beech P/N 96-524029-31 (short) and 96-524029-33 (long) control wheel adapters, or with any equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.".

3. In the sentence which reads: "Beechcraft Service Instruction No. 0254-156, Rev. III, pertains to this subject" delete the phrase "Rev. III" and substitute therefor the phrase "or later revision approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.".

This amendment becomes effective August 1, 1973.

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

Issued in Kansas City, Mo., on July 18, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73-15311 Filed 7-25-73;8:45 am]

[Airworthiness Docket No. 71-SW-4, Amdt. 39-1692]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

A proposal to amend § 39.13 of Part 39, Federal Aviation Regulations, Amendment 39-1280 (36 FR 17493), A.D. 71-18-4, to require the same inspection and repair of the main rotor blade, P/N 206-010-200-29, when installed on the Model 206B helicopter that is required for the Model 206A helicopters was published in 36 FR 22180.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1280 (31 FR 17493), A.D. 71-18-4 is amended by changing the applicability paragraph to read as follows:

Applies to Bell Models 206A and 206B helicopters certificated in all categories, equipped with main rotor blades, P/N 206-010-200-29.

This amendment becomes effective September 3, 1973.

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

Issued in Fort Worth, Tex., on July 13, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-15312 Filed 7-25-73;8:45 am]

[Airspace Docket No. 73-SW-29]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Federal Airways Segments and Jet Route Segments

On June 12, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 15456) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would extend several Federal Airways and Jet Routes to the United States/Mexican border.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.123 (38 FR 307 and 9488) is amended as follows:

a. In V-20 "From McAllen, Tex.," is deleted and "From Reynosa, Mex., via McAllen, Tex.;" is substituted therefor.

b. In V-163 "From Brownsville, Tex.," is deleted and "From Matamoros, Mex., via Brownsville, Tex.;" is substituted therefor.

c. In V-280 "From El Paso, Texas," is deleted and "From Ciudad Juarez, Mex., via El Paso, Tex.;" is substituted therefor. Also, "Kansas City, Mo., 274° radials; Kansas City." is deleted and "Kansas City, Mo., 274° radials; Kansas City. The airspace within Mexico is excluded." is substituted therefor.

d. V-359 is added to read: "V-359 From Nuevo Laredo, Mex., to Laredo, Tex., excluding the airspace within Mexico."

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

a. Jet Route No. 11 is amended to read:

Jet Route No. 11 From the INT of the United States/Mexican border and the Tucson, Ariz., 185° radial via Tucson; INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

b. Jet Route No. 13 is amended to read:

Jet Route No. 13 From the INT of the United States/Mexican border and the Truth or Consequences, N. Mex., 162° radial via Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.; Billings, Mont.; Great Falls, Mont.; to INT of the Great Falls 339° radial and the United States/Canadian Border.

c. Jet Route No. 22 is amended to read:

Jet Route No. 22 From Monterrey, Mexico, via Laredo, Tex.; Corpus Christi, Tex.; Palacios, Tex.; Lake Charles, La.; McComb, Miss.; Meridian, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va. The airspace within Mexico is excluded.

d. Jet Route No. 25 is amended to read:

Jet Route No. 25 From Matamoros, Mex., via Brownsville, Tex.; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn. The airspace within Mexico is excluded.

e. Jet Route No. 26 is amended to read:

Jet Route No. 26 From Ciudad Juarez, Mex., via E Paso, Tex.; INT of E Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Tex.; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill. The airspace within Mexico is excluded.

f. Jet Route No. 29 is amended to read:

Jet Route No. 29 From Tampico, Mex., via Brownsville, Tex.; INT Brownsville 357° and Corpus Christi, Tex., 179° radials; Corpus Christi; Palacios, Tex.; Humble, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind. INT Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveand, Ohio; Jamestown, N.Y.; Syracuse, N.Y.; Plattsburg., N.Y.; Bangor, Maine, to Presque Isle, Maine. The airspace within Mexico is excluded.

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

Issued in Washington, D.C., on July 19, 1973.

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

[FR Doc.73-15309 Filed 7-25-73;8:45 am]

[Airspace Docket No. 73-NE-22]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Quonset Point, Rhode Island, Control Zone (38 FR 414).

The Department of the Navy has decommissioned the Quonset Point VOR at the Naval Air Station, Quonset Point, Rhode Island. This action permits reduction of the Quonset Point, Rhode Island, Control Zone.

Since this amendment restores airspace to the public use and is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of the Quonset Point, Rhode Island, Control Zone, amends Part 71 of the Federal Aviation Administration Regulations effective on July 26, 1973, as hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Administration Regulations by deleting the existing description of the Quonset Point, Rhode Island, Control Zone and inserting the following in lieu thereof:

That airspace within a 5-mile radius of NAS Quonset Point (Latitude 41°35'55"N, Longitude 71°24'50"W), within 3.5 miles each side of the NAS Quonset Point TACAN 151° Radial, extending from the 5-mile radius zone to 7 miles southeast of TACAN, excluding that portion within the Providence, Rhode Island, Control Zone.

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

Issued in Burlington, Massachusetts on July 17, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-15307 Filed 7-25-73;8:45 am]

[Airspace Docket No. 73-EA-27]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On May 10, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 12216) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route 152 from Harrisburg, Pa., to Bucktown, Pa.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

In § 75.100 (38 FR 681) Jet Route No. 152 is rewritten as follows:

JET ROUTE No. 152

From Capital, Ill., via INT Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; Johnstown, Pa.; Harrisburg, Pa.; to INT Harrisburg 099° and Westminster, Md., 058° radials.

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

Issued in Washington, D.C., on July 19, 1973.

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

[FR Doc.73-15308 Filed 7-25-73;8:45 am]

[Docket No. 13041, Amdt. 874]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective September 6, 1973:

Madison, Wisc.—Truax Field, VOR Rwy 13, Amdt. 8
Madison, Wisc.—Truax Field, VOR Rwy 18, Amdt. 7
Madison, Wisc.—Truax Field, VOR Rwy 31, Amdt. 9
Stormville, N.Y.—Stormville Arpt., VOR-A, Amdt. 2

* * * effective August 9, 1973:

Bethel, Alas.—Bethel Municipal Arpt., VOR Rwy. 18, Amdt. 7

* * * effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., VOR/DME Rwy 8R, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPSs, effective September 6, 1973:

Madison, Wisc.—Truax Field, LOC (BC) Rwy 18, Amdt. 4

* * * effective August 30, 1973:

Bedford, Mass.—L. G. Hanscom Field, LOC (BC) Rwy 29, Amdt. 3, Canceled
Niagara Falls, N.Y.—Niagara Falls Int'l Arpt., LOC (BC) Rwy 10, Original

* * * effective July 13, 1973:

Cordova, Alas.—Cordova Mile 13 Arpt., LOC/DME Rwy 27, Amdt. 6

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 6, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan Int'l Arpt., NDB Rwy 22L, Amdt. 5
Boston, Mass.—Gen. Edward Lawrence Logan Int'l Arpt., NDB Rwy 33L, Amdt. 8
Madison, Wisc.—Truax Field, NDB Rwy 36, Amdt. 16
North Conway, N.H.—White Mountain Arpt., NDB-A, Amdt. 3
Whitefield, N.H.—Whitefield Regional Arpt., NDB Rwy 10, Amdt. 2

* * * effective August 30, 1973:

Ada, Okla.—Ada Municipal Arpt., NDB-A, Orig.

* * * effective August 9, 1973:

Bethel, Alas.—Bethel Municipal Arpt., NDB Rwy 18, Amdt. 7
Washington Court House, Ohio—Fayette County Arpt., NDB Rwy 22, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 6, 1973.

Bradford, Pa.—Bradford Regional Arpt., ILS Rwy 32, Amdt. 5
Lynchburg, Va.—Lynchburg Muncipal Preston Glenn Field, ILS Rwy 3, Amdt. 8
Madison, Wisc.—Truax Field, ILS Rwy 36, Amdt. 17

* * * effective August 9, 1973:

Bethel, Alas.—Bethel Arpt., LOC/DME Rwy 18, Original

* * * effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., ILS Rwy 8R, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective September 6, 1973:

Madison, Wisc.—Truax Field, RADAR-1, Original

* * * effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., Radar-1, Amdt. 6

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 6, 1973:

Tampa, Fla.—Tampa Int'l Arpt., RNAV Rwy 18R, Original

CORRECTIONS

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 1845 under § 97.33 effective August 23, 1973, change effective date of Miami, Fla.—Miami International Arpt., RNAV Rwy 9L, Amdt. 3, to August 30, 1973.

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 18545 under § 97.23 effective July 19, 1973, change effective date of Beatrice, Nebr.—Beatrice Municipal Arpt., VOR Rwy 13, Amdt. 8, to July 26, 1973.

DELETION

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 18545 under § 97.27 effective August 23, 1973, delete San Diego, Calif.—San Diego Int'l/Lindbergh Field, NDB Rwy 9, Amdt. 13. NDB Rwy 9, Amdt. 12 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 19, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.73-15313 Filed 7-25-73;8:45 am]

[Airspace Docket No. 73-EA-43]

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

Revocation, Alteration and Designation of VOR Federal Airways

On July 5, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17848) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would restructure 26 VOR Federal Airways in the Washington, D.C., Metropolitan Area.

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

The relocation of a portion of V-265 between Westminster, Md., and Harrisburg, Pa., was inadvertently omitted in the NPRM. Since the FAA is revoking V-143N, V-223, and the reporting point in the vicinity of the Hampton Intersection, the dogleg in V-265 is no longer required. By realigning V-265 as a direct route between Westminster and Harrisburg, the reduced mileage will improve the flow of traffic. Since this realignment is a minor change in which the public is not particularly interested, notice and public procedure thereon are unnecessary and action may therefor be accomplished in this docket.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

1. Section 71.123 (38 FR 307, 4388, 9488, 10439, 13478, 15622, and 37 FR 23631, 28502) is amended as follows:

a. In V-3 "Flat Rock; Brooke, Va.; 6-mile wide, INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, Westminster; INT Westminster 065° and Modena, Pa., 250° radials; Modena;" is deleted and "Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va.; Martinsburg, W. Va.; Westminster, Md.; Modena, Pa.;" is substituted therefor.

b. In V-4 "Herndon, Va." is deleted and "to INT Front Royal 105° and Casanova, Va., 047° radials." is substituted therefor.

c. In V-8 "INT Herndon, Va., 048° and Washington, D.C., 324° radials; Washington, including a north alternate from Grantsville to INT Washington 324° and Herndon 048° radials via Hagerstown, Md." is deleted and "to Washington, D.C., including a north alternate from Grantsville to the INT of Hagerstown, Md., 157° and the Martinsburg 130° radials via Hagerstown," is substituted therefor.

d. In V-16 "Gordonsville, Va., including a N alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a S alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg Va., 253° radials and Lynchburg; Nottingham, Md.; 6-mile wide, Kenton, Del.;" is deleted and "Lynchburg, Va.; including a S alternate via INT Pulaski 094° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.;" is substituted therefor.

e. In V-39 "INT Gordonsville, 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va.; including an E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, Va., 300° radials; Westminster, MD.;" is deleted and "Linden, Va.; including an E alternate via Casanova, Va.; Front Royal, Va.; Martinsburg, W. Va.;" is substituted therefor.

f. In V-93 "Lancaster, Pa.;" is deleted and "Lancaster, Pa.; including an E alternate via the INT of Baltimore 034° and Lancaster 181° radials;" is substituted therefor.

g. In V-123 "From Washington, D.C.," is deleted and "From" is substituted therefor.

h. In V-140 "Casanova, Va.; Herndon, Va.; INT Herndon 061° and Modena, Pa., 234° radials; Modena." is deleted and "to Casanova, Va." is substituted therefor.

i. In V-143 "Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials;" is deleted and "Lancaster, Pa.; including an S alternate via Westminster, Md.;" is substituted therefor.

j. In V-144 "Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials." is deleted and "to Linden, Va." is substituted therefor.

k. In V-155 "Gordonsville, Va.; Linden, Va.; Front Royal, Va." is deleted and "to Brooke, Va." is substituted therefor.

l. In V-157 all after Richmond, Va.; is deleted and "INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; New Castle, Del.; Robbinsville, N.J.; Colts Neck, N.J.; to Kingston, N.Y. The airspace within R-66022 is excluded" is substituted therefor.

m. In V-162 "From Harrisburg, Pa.," is deleted and "From INT Martinsburg, W. Va., 130° and Harrisburg, Pa., 204° radials; via Harrisburg;" is substituted therefor.

n. In V-174 "INT Linden 104° and Herndon, Va., 185° radials." is deleted and "INT Linden 104° and Casanova, Va., 348° radials." is substituted therefor.

o. In V-222 "INT Brooke 045° and Richmond, Va., 009° radials." is deleted and "to INT Brooke 045° and Richmond, Va., 009° radials; including an N alternate from Lynchburg via Gordonsville, Va." is substituted therefor.

p. V-223 is amended to read as follows:

"From Flat Rock, Va.; to INT Flat Rock 005° and Brooke, Va., 300° radials." is substituted therefor.

q. In V-265 "From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; Westminster; INT Westminster 346° and Harrisburg, Pa., 196° radials; Harrisburg;" is deleted and "From INT Washington, D.C., 043° and Westminster, Md., 179° radials; via Westminster; Harrisburg, Pa.;" is substituted therefor.

r. In V-286 "From Linden, Va., Casanova, Va.; INT Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; Cape Charles, Va.:" is deleted and "From INT Linden, Va., 273° and Casanova, Va., 284° radials, via Casanova; INT Casanova 142° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.:" is substituted therefor.

s. In V–308 "From INT Linden, Va., 273° and Casanova, Va., 284° radials, Casanova; INT Casanova 076° and Nottingham, Md., 271° radials; Nottingham; Sea Isle, N.J.;" is deleted and "From INT Kenton, Del., 217° and Sea Isle, N.J., 256° radials, via Sea Isle;" is substituted therefor.

t. In V–433 "From Washington, D.C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials;" is deleted and "From INT Baltimore, Md., 223° and Kenton, Del., 262° radials, via" is substituted therefor.

u. In V–501 "From Martinsburg, W. Va.," is deleted and "From Martinsburg, W. Va., via Hagerstown, Md.;" is substituted therefor.

v. "V–375 From Roanoke, Va., via Gordonsville, Va.; including a N alternate via the INT Roanoke 035° and Montebello, Va., 250° and Montebello, Va.; to INT Gordonsville 034° and Casanova, Va., 142° radials." is added.

z. "V–379 From Nottingham, Md.; to INT Richmond 009° and Nottingham, Md., 238° radials. The airspace within R–6612 is excluded." is added.

x. "V–377 From Kessel, W. Va., via INT Kessel 055° and Hagerstown, Md., 267° radials; Hagerstown; to Harrisburg, Pa." is added.

y. "V–378 From Baltimore, Md., via INT Baltimore 034° and Modena, Pa., 236° radials; to Modena." is added.

z. "V–379 From Nottingham, Md.; to Kenton, Del." is added.

2. § 71.203 (38 FR 606) is amended as follows:

a. "Hampton INT; INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials." is deleted.

b. "Herndon, Va." is deleted.

c. "Norris INT; INT Modena, Pa., 250°, Lancaster, Pa., 178° radials." is deleted.

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

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

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

[FR Doc.73–15418 Filed 7–25–73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER–808, Amdt. 18]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Deletion of Insurance Posting Requirement

In notice of proposed rulemaking EDR–247,[1] the Board proposed to amend Part 298 of its Economic Regulations (14 CFR Part 298) to delete the insurance posting requirement for air taxi operators.

The only comment in response to the rulemaking notice was filed by the National Air Transportation Conferences, Inc.,[2] and that comment supports the proposed rule. Accordingly, we have determined to adopt the rule as proposed, and we incorporate herein the tentative findings made in EDR–247.

Since this rule relieves a restriction and no person has objected to its adoption after notice and public procedure were had thereon, the Board finds that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

Amend § 298.41 by deleting and reserving paragraph (d) as follows:

§ 298.41 Basic requirements.

* * * * *

(d) [Reserved].

* * * * *

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

Adopted and Released: July 23, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–15376 Filed 7–25–73;8:45 am]

[1] May 24, 1973, 38 FR 14294, Docket 25568.
[2] The air taxi trade association whose petition initiated this proceeding.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R–463; Order No. 487]

PART 35—FILINGS OF RATE SCHEDULES

Filing of Electric Service Tariff Changes

JULY 17, 1973.

On December 14, 1972, we noticed (37 FR 28195 December 21, 1972) a proposed amendment to § 35.13 of the regulations under the Federal Power Act to require (a) all electric utilities that apply for rate increases in excess of $50,000 annually to file unadjusted cost of service data for the most recent twelve consecutive months of actual experience plus estimated cost data for the twelve month period beginning three months after the end of the twelve months of actual data and (b) to add a new § 35.8(a) to provide for the filing of a form of public notice with each tariff change.

In the notice we expressed our expectation that this proposed information would enable the Commission to consider data more suitable for the determination of rates for future use than under present methods. Section 35.13(b)(4)(iii) of our present regulations under the Federal Power Act requires a cost of service for a test period of twelve consecutive months of available actual experience and provides for the submittal of information regarding any significant changes in facilities, operations or costs which will become effective within eight months of the last month of available actual experience.

Interested persons were invited to submit on or before February 28, 1973,[1] comments or suggestions in writing regarding the proposed amendments and to indicate whether they request a conference.

Eighty-seven respondents[2] filed comments with respect to the proposed rulemaking. Among the respondents were several senators and congressmen, cooperatives, municipal systems, investor-owned utilities, and State associations many of whom submitted their comments directly or through their congressmen and senators or both.[3] In addition six trade associations, five law firms representing utilities and two individuals submitted comments on the proposed rulemaking.

The responding cities, cooperatives, and associations of cities or cooperatives expressed opposition to this proposed rulemaking. Generally these parties complain that the filing of estimated cost of service data would lead to speculative and inflated estimates, would be difficult to challenge and, would result in more complex rate cases. A few of the cities maintain that the data based on estimated costs is in violation of the Economic Stabilization Act.

Of the senators and congressmen who did respond to the rulemaking, most were referring objections filed by officials of various municipal and cooperative utilities. The comments from these officials are essentially the same as those of the municipals and cooperatives who filed their objections directly with the Commission. Five requested recision of the proposed rule.

The American Public Power Association (APPA) and Consumer-Owned Systems (COS) filed objections to the rulemaking which we summarize as follows: companies may overstate revenue requirements and selectively withhold information; the rulemaking would cause uncertainty and a flood of new cases; no method for estimation would be set forth; since all the parties may have different methods, the problems arising in interpreting actual cost data will be amplified; it is difficult to estimate allocation factors; and the data proposed in the rulemaking would involve too much "guess work".

In the alternative APPA and COS suggest that companies be required to file a billing comparison between retail and resale customers; that if a utility files for rate increases which would exceed a reasonable return the Commission must reject the filing; that actual data for the test year be served on all parties whether or not a proceeding is pending; and that

[1] The notice originally prescribed a comment date of January 29, 1973, which, upon motion of the American Public Power Association (APPA) for an extension of the date until April 30, 1973, was extended until February 28, 1973. By a notice issued on the motion of the Cities of Bedford, et al. for extension of time until March 29, 1973, was denied.
[2] See Appendix A, List of Respondents.
[3] See Appendix B.

if actual figures are less than estimated figures the Commission order immediate refunds.

The prospective test year we are proposing herein is essentially the same type of test period already provided for in our regulations under the Natural Gas Act. Under this proposal, the test period would be reasonably representative of sales, plant, depreciation and other costs when the rates become effective and will provide a test period more suitable for the determination of rates for future use than under present methods.

The effect of the Period I and Period II data will be to create a test period which in most cases will represent costs six months prior to and six months after a rate change would become effective. Parties objecting to the proposal on the grounds that the estimated cost of service data is to speculative, too easy to inflate, and too difficult to challenge overlook the fact that such problems have been avoided in the natural gas aspects of our jurisdiction. Moreover, under the Federal Power Act and current filing regulations thereunder, electric utilities are permitted to file virtually any level of costs and rates and after a period of suspension charge those rates subject to refund, pending Commission decision. If after an evidentiary hearing, decision and opinion the filed rates are determined to be unjust or unreasonable refunds will be ordered in the manner provided in the Federal Power Act.

It is also important to note, in response to the concern of many objectors to this rulemaking, that we will not approve rates based on unsubstantiated cost estimations. The burden will be on such companies to establish the validity and accuracy for each of their cost estimates. In addition, these estimates will be subject to full due process standards including discovery, presentation of evidence, briefing, decision and opinion. We are opposed to the concept inherent in each suggestion that would require automatic action on the part of companies or the Commission without benefit of an official record or opportunity for hearing. For example, the suggestion that rate increases "exceeding a reasonable return" be rejected is too restrictive and unreasonably limits our discretion as well as depriving the company of its rights to make its case. Likewise, the idea that if actual costs are less than estimated costs automatic refund of the difference be ordered is too inflexible and restrictive and would result in further prolonging rate proceedings.

In addition, the rates of utilities under our jurisdiction are subject to continual scrutiny and Section 206 of the Federal Power Act provides adequate recourse for excessive rates. Furthermore the test period approach to ratemaking has been upheld by the courts. Cf. *FPC* v. *El Paso*, 449 F2d 1245 (5 CA 1971) wherein the court said that rates based on test period methodology need not necessarily be adjusted due to the existence of actual figures.

We disagree with the complaint that this rulemaking will increase the complexity of rate proceedings. It is our goal and hope that the adoption of this proposed test year will enable us to establish rates more in line with costs and lend itself to greater rate stability thus mitigating the frequency of rate increase filings. More importantly however, we believe it is essential to the public interest that rates reflect the present costs of providing service in order that we may insure a continuing and adequate supply of electric energy to meet the public's ever increasing power requirements.

Contrary to the comments of several respondents, we are not persuaded that the use of a prospective test year will be inflationary. That argument indicates a basic misunderstanding of this rulemaking. The rate level we allow must be one in which proposed costs are supported by an evidentiary record. Moreover, since the estimated costs we may ultimately allow will be cost justified, they will be in compliance with the Economic Stabilization program.

Each of the companies filing comments expressed overall approval of the rulemaking. Generally, this approval was supported by the following rationale: the proposal would reduce the effects of regulatory lag, would place emphasis on present rather than past costs, and that during a period of increasing costs and plant expansion it is important to have such costs reflected in rates.

A few companies while expressing approval of the rulemaking said it would be hard to develop unadjusted cost of service data and that since Period II is close to Period I the benefits of the projected costs might be limited.

Several companies while indicating approval stated that the three months between Period I and Period II is too short. It was suggested that the Period II be made more flexible by limiting Period II to any twelve month period but no later than the proposed effective date. Others hoped for Period II to begin the first full month following the proposed effective date and a few companies want Period II to commence when billings under proposed rates are first made. Upon further review of the make up of Period II, we conclude that that period should be made more flexible by designating it as any twelve consecutive month period beginning after Period I but no later than the date on which the new rates become effective. This change will permit companies to file costs projected on a calendar year basis if they so desire.

Some companies recommended that Period I should be not more than four to six months prior to the filing date of a rate case. Others indicated that it would facilitate the compilation of cost of service data if Period I were the most recent calendar year and Period II were the first full calendar year after the effectiveness of the new rates. Our review of the comments which suggest changes to the proposed Period I does not alter our belief that Period I should be the most recent twelve months of actual experience. With Period I so described, we will have the most recent available data with which to analyze the normality or abnormality of estimated costs *vis a vis* actual historical experience.

EEI recommends however that Period II be the first 12 months of operations under a proposed rate. To this end EEI suggests that Period II commence 60 days after the date of filing, and in addition, the Commission adopt the use of one-day suspension periods. EEI questions whether Period I is useful and recommends that if the Period I and Period II approach is adopted, that Statements M and N be eliminated from the filing requirements under Period I. Finally EEI suggests an amendment to § 35.13 (b) (4) (iii) of the Regulations under the Federal Power Act to make it clear the Commission will entertain requests for waiver of any portion of the regulation for good cause shown. Our adoption of a Period II consisting of any twelve consecutive months after Period I but no later than the date the rates are proposed to become effective appears to include EEI's recommendation for Period I. With respect to the suggestion that Statements M and N be eliminated for Period II, we disagree as stated heretofore that for analytical and comparative purposes the filing requirements should be the same for both Periods. This rule does not increase nor diminish any parties' right to request waiver of the filing requirements for good cause.

One company suggests some relaxation of the detailed filing requirements so that forecasted Statements A, F and J be limited to major classifications. For historical data it is recommended that Schedules L, M and N be eliminated since the adjusted aspects thereof would be reflected in the estimated data. We believe that in order to adequately compare actual with estimated data it is necessary to have the detail support for both prospective and historical filing Statements.

Bangor Electric complained that the Period II filing requirement placed a heavy burden on smaller companies. We acknowledge that such a burden may exist and shall therefore make the filing requirements for Period II voluntary for companies with applications for increases less than one million dollars.

Iowa-Illinois Gas and Electric Company requests that § 35.13(b) (1) be revised so that billing data is synchronized with Period I and II. We will still request the filing data to be filed as before, since Period I and II will be utilized to ascertain the revenues effect of the proposed rate increase.

Some respondents request that the Commission adopt a one-day suspension procedure. This suggestion is outside the scope of the proposed rule. Moreover this request would restrict the breadth of our suspension authority under the Federal Power Act and unduly limit our discretion in exercising such authority.

Arizona Public Service questions whether Statement C for Period II conflicts with the Securities and Exchange Act which prohibits estimates of future earnings. Since a regulated utilities earnings depend on what the Federal Power Commission allows, an estimate of future earnings can readily be checked to see if it is unreasonably inflated *vis a vis* what the Commission has allowed other utilities. Therefore we see no conflict with the Securities and Exchange Act.

On June 5, 1973, APAA filed a document entitled "Comments on Behalf of The American Public Power Association". This filing, except for the addition of an Appendix C therein (Proposed Revision of § 35.13 of the regulations under the Federal Power Act), is essentially the same as APPA's previous filing of March 1, 1973. APPA's original written comments have already been considered. In view of this, and the untimeliness of APPA's June 5 filing, and the fact that revision of § 35.13 of the Regulations is beyond the scope of this rulemaking, comment on the June 5 filing is not necessary at this time. We recognize that review of our regulations under the Federal Power Act may be in order sometime in the future.

In light of the scope of numerous responses we have received opposing and supporting this rulemaking we believe we have had the benefit of complete commentary on all the issues and that all parties have had adequate opportunity to present their views on the rulemaking. However, in order to assure all parties an opportunity to express their views a conference was held in this rulemaking on June 5, 1973. At this conference, comments of the various parties were substantially the same as the written comments previously filed and discussed above.[4] Some parties did indicate that the filing requirements should include a provision for the filing of work papers along with the rate increase application. We believe that this may be an appropriate request. We believe that upon review of all the comments filed and those received at conference that adoption of the subject proposal is in the public interest.

In order to allow orderly transition to the prospective test period we will not make the requirements adopted herein mandatory for three months from the date of issuance of this order.

The second portion of the proposed rulemaking relates to an amendment to our Regulations under the Federal Power Act § 35.8(a) which would require each electric public utility filing any tariff change with the Commission to include in its filing a notice of the proposed change, suitable for publication in the Federal Register, which will briefly summarize the facts contained in the filing in such a way as to acquaint the public with its scope and purpose.

We believe that this amendment will facilitate the processing of tariff change filings. It is our intent that any change to a tariff on file with the Commission include the form of notice described above.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to § 35.13(b)(4)(iii) and § 35.8 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Since the amendments proposed herein make the reporting and filing process more complete and informative, good cause exists for making these amendments effective upon issuance of this order.

The Commission acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 205, 301, 303, 304 and 309 (40 Stat. 854, 855), *orders:*

(A) Section 35.13(b)(iii) and (iv) of the regulations under the Federal Power Act (Part I Chapter C Title 18 of the Code of Federal Regulations is amended by deleting present § 35.13(b)(4), parts (iii) and (iv), and substituting the following as part (iii):

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4)(iii) The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the service rendered. The statement of cost of service shall include an attestation by the chief accounting officer or other accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through O required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through O together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the "test period".

* * * * *

In Statements A, B, C, D, E, F, H, I, J, K, L, M, and N, wherever the expression "the test period" is used, substitute the expression "Periods I and II".

(B) In Statement G sections (a) and (b), change the phrase "as of the date of the most recently available balance sheet" to "as of the end of Period I and estimated to be outstanding as of the end of Period II". In section (c), change the phrase "preceding the date of the most recently available balance sheet" to "preceding the end of Period I". Provide estimates of similar data for each projected sale of common stock during the time between the end of Period I and the end of Period II, except that the data in the last three columns of the table may be omitted for this latter period.

In § 35.13(b)(5)(i), change the phrase "subparagraph (4)(iv) of this paragraph" to "subparagraph (4)(iii) of this paragraph".

(C) That the regulations under the Federal Power Act are hereby amended to add a § 35.8(a) as follows:

§ 35.8 Comments by interested parties.

(a) *Form of notice for* FEDERAL REGISTER. The public utility shall file a form of notice suitable for publication in the FEDERAL REGISTER which shall be in the following form:

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

Name of Utility) Docket No.

NOTICE OF TARIFF CHANGE

Take notice that (name of public utility), on (date), tendered for filing proposed changes in its FPC Electric Service Tariff, (Volume Nos.), [The following language in the first paragraph applies only to increased rate filings]. The proposed changes would increase revenues from jurisdictional sales and service by (amount) based on the 12 month period ending (date). [If changes other than increased rates and charges are proposed, the public utility shall concisely state the nature of these changes].

[The public utility shall briefly describe the reasons for the proposed changes in the second paragraph].

Copies of the filing were served upon the public utility's jurisdictional customers, (other parties the public utility served, *inter alia*, state public service commissions, other government agencies, etc.).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 . 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.

[4] See Appendix C, herein.

(D) The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

(E) The filing requirements ordered herein will become effective ninety days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Municipal Systems, Cooperatives, Investor-Owned Utilities and State Associations

ALABAMA

1 Florence
2 Foley
3 Alabama Electric Cooperative, Inc.
4 Alabama Power Co.
5 Municipal Electric Utilities Ass'n of Alabama

ARIZONA

6 Arizona Public Service Co.

CALIFORNIA

7 Lompac
8 Palo Alto
9 Riverside
10 Northern California Power Agency
11 Southern California Edison Co.

COLORADO

12 La Junta
13 Longmont

CONNECTICUT

14 Groton
15 Norwich

FLORIDA

16 Florida Municipal Utilities Association
17 Gulf Power Company

GEORGIA

18 Albany
19 Cairo
20 Griffin
21 LaGrange
22 Marietta
23 Monticello
24 Moultrie
25 Thomaston
26 Georgia Power Company

IDAHO

27 Idaho Power Company

ILLINOIS

28 Springfield
29 Commonwealth Edison Company

INDIANA

30 Argos
31 Columbia City
32 Winimac
33 The Indiana Municipal Electric Ass'n.
34 Public Service Company of Indiana

IOWA

35 Iowa-Illinois Gas & Electric Company

KANSAS

36 Garnett
37 Russell
38 Kansas Electric Cooperatives, Inc.
39 Kansas Municipal Utilities, Inc.

MAINE

40 Bangor Hydro-Electric Company

MASSACHUSETTS

41 Middleton
42 North Attleboro
43 Reading
44 Wellesley

MICHIGAN

45 Consumers Power Company
46 The Detroit Edison Company
47 Michigan Municipal Electric Association

MINNESOTA

48 Northern States Power Company

MISSOURI

49 SEMO-NEARK Municipal Electric Association

NEBRASKA

50 Auburn

NEW JERSEY

51 Public Service Electric & Gas Company

NEW YORK

52 Booneville
53 Jamestown

NORTH CAROLINA

54 Greenville
55 Electricities of North Carolina
56 EPIC
57 Carolina Power & Light Company
58 Duke Power Company

OHIO

59 The Cincinnati Gas & Electric Co.
60 The Cleveland Electric Illuminating Co.
61 Columbus and Southern Ohio Electric Co.
62 Ohio Municipal Electric Association

PENNSYLVANIA

63 Pennsylvania Power & Light Company

RHODE ISLAND

64 Rhode Island Consumers Council

TEXAS

65 Brazos Electric Power Cooperative, Inc.

UTAH

66 Utah Power & Light Company

WASHINGTON

67 Public Utility District No. 3
68 The Washington Water Power Company

WISCONSIN

69 Algoma
70 Marshfield
71 Sturgeon Bay
72 Columbus Rural Electric Cooperative
73 Municipal Electric Utilities of Wisconsin
74 Wisconsin Public Service Corporation

NATIONAL AND REGIONAL ASSOCIATIONS

75 The American Public Power Association
76 Consumer Federation of America
77 The Cooperative League of the USA
78 Edison Electric Institute
79 National Rural Electric Cooperative Association
80 Northeast Public Power Association

REPRESENTATIONS

81 *Debevoise & Liberman*
Central Vermont Public Service Corporation
Florida Power Corporation
Kentucky Utilities Company
Montaup Electric Company
New England Power Company
Public Service Company of New Hampshire

82 *Duncan & Brown*
Delaware
Dover
Newark
Seaford
Indiana
Anderson

83 *Northcutt Ely*
Virginia
Bedford
Danville
Martinsville
Radford
Salem
Richlands
Virginia Polytechnic Inst.
State University
Tex-La Electric Cooperative (Texas & Louisiana)

84 *Law Offices of George Spiegel*
California
Alameda
Anaheim
Healdsburg
Lodi
Lompoc
Riverside
Santa Clara
Ukiah
Florida Municipal Utilities Association
Indiana Municipal Electric Association
Midwest Electric Consumers Association, Inc.
Municipal Electric Association of Massachusetts
Northeast Public Power Association
Northern Michigan Electric Cooperative
Northern California Power Agency
Ohio Municipal Electric Association
New Hampshire Electric Cooperative
Electric & Water Plant Board of the City of Frankfort, Kentucky

85 *W. Truslow Hyde*
Self

86 *George E. Morrow*
Indiana
Anderson
Auburn
Avilla
Bluffton
Columbia City
Frankton
Fort Wayne
Garrett
Gas City
Mishawaka
New Carlisle
Richmond
Warren
Michigan
Niles
South Haven
Sturgis

87 *W. H. Parr, Jr.*
Self

APPENDIX B

PARTIES FILING COMMENTS THROUGH THEIR SENATORS AND/OR CONGRESSMEN

1. SEMO-NEARK Municipal Utilities Association
2. Florida Municipal Utilities Association
3. Florida Municipal Utilities Association*
4. Mississippi Public Service Commission
5. Town of Argos (Indiana)
6. Indiana Statewide Rural Electric Cooperative, Inc.
7. City of Thomaston (Georgia)
8. City of LaGrange (Georgia)
9. City of Longmont
10. Florida Municipal Utilities Association*
11. Florence Electricity Department (Florence, Alabama)
12. The Utilities Board of the City of Foley
13. Florida Municipal Utilities Association*
14. Columbia City Municipal Utilities
15. The Indiana Municipal Electric Association

*Denotes party whose comments were referred by more than one Senator or Congressman

16. North Attleborough Electric Department
17. American Public Power Association
18. Town of Reading, Municipal Light Board
19. Village of Boonville
20. City of Palo Alto
21. City of LaGrange*
22. City of Thomaston*
23. City of Cairo
24. City of Albany
25. City of Griffin
26. La Junta Utility Commission
27. City of Longmont
28. Indiana Municipal Electric Association
29. City of Springfield (Illinois)
30. Brazos Electric Power Cooperative, Inc.
31. Board of Public Works, Niles, Michigan
32. Florida Municipal Utilities Association*
33. The Tipton Utility Service Board
34. La Junta Municipal Utilities
35. Northeast Public Power Association*
36. Town of Wellesley
37. North Attleborough Electric Department*
38. Municipal Light Board, Town of Reading
39. Marshfield Electric and Water Department
40. Algoma Utility Commission
41. Muncipal Electric Utilities of Wisconsin
42. Sturgeon Bay Utilities
43. Northeast Public Power Association
44. Northeast Public Power Association*
45. Municipal Electric Utilities of Wisconsin*
46. Sturgeon Bay Utilities*
47. City of Norwich
48. Ohio Municipal Electric Association
49. Florence Electricity Department
50. The Utilities Board of the City of Foley
51. SEMO–NEARK Municipal Utilities Association*
52. Ohio Municipal Electric Association
53. City of Thomaston
54. Monticello Electric Department
55. City of LaGrange*
56. Northern California Power Agency
57. City of Norwich*
58. City of Suttenberg
59. Northeast Public Power Association*
60. The Utility Board of the City of Foley
61. Florida Municipal Utilities Association*
62. Florida Municipal Utilities Association*
63. Sturgeon Bay Utilites*
64. Agoma Utility Commission
65. Florida Municipal Utilities Association*
66. Indiana Statewide Rural Electrical Cooperative, Inc.
67. Gulf Power Company
68. North Attleborough Electric Department*
69. American Public Power Association
70. Tipton Utility Service Board
71. Ohio Municipal Electric Association
72. Florida Municipal Utilities Association*
73. City of Moultrie
74. City of Albany
75. City of Cairo
76. Village of Boonville
77. Florence Electricity Department
78. Florida Municipal Utilities Association*
79. Department of Utilites, Groton, Connecticut
80. Florida Municipal Utilities Association*
81. Ohio Municipal Electric Association

APPENDIX C

PARTIES ATTENDING RULEMAKING CONFERENCE

J. O. Tally, Jr., Tally, Tally & Bouknight, appearing on behalf of Electricities of North Carolina

Ms. Sandra J. Strebel, Spiegel & McDiarmid, appearing on behalf of American Public Power Association and the City of Alameda, California, et al.

Fred Ritts, Jay Hickey, and Steve Daniel, Northcutt Ely, appearing on behalf of Virginia Cities and Tex-La Coop

Ralph L. Heumann, Commonwealth Edison Company

W. O. Reece, appearing on behalf of The Southern Company System (Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Services, Inc., Southern Electric Generating Company)

Gerara A. Maher, LeBoeuf, Lamb, Leiby & MacRae, appearing on behalf of Edison Electric Institute

Steve C. Griffith, Jr., appearing on behalf of Duke Power Company

Harry A. Poth, Jr., and Robert T. Hall, Reid & Priest, appearing on behalf of Arkansas Power and Light Company, Carolina Power and Light, Gleveland Electric Illuminating Company, Florida Power and Light, Southern California Edison Company, and South Carolina Electric and Gas Company

William Marriott, and Robert P. O'Brien, appearing on behalf of Southern California Edison Company

George F. Bruder, Debevoise & Liberman appearing on behalf of Central Vermont Public Service Company, Florida Power Corporation, Kentucky Utilities Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire

Arnold Fieldman, appearing on behalf of the Municipal Electric Utility Association of Alabama

E.S. Kirby, J.R. Lacey, R.M. Nelson, Henry Hobson, and Harold Borden, appearing on behalf of Public Service Electric and Gas Company

Alan Propper, appearing on behalf of Consumers Power Company

Gerald Brown, appearing on behalf of the New England Power Service Company

Howard E. Wahrenbrock, Washington, D.C.

[FR Doc.73-15417 Filed 7-25-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

D&C Brown No. 1 and External D&C Violet No. 2

By an order published in the FEDERAL REGISTER on March 15, 1973 (38 FR 7006), the color additives D&C Brown No. 1 and External D&C Violet No. 2 were restored to the provisional lists and restricted to use for coloring externally-applied cosmetics.

The Commissioner of Food and Drugs finds that additional specifications are needed to define the identity of these color additives and provide certification criteria, pending determination as to the permanent listing of the additives under section 706 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2)); Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C. 376 note), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 are amended as follows:

1. In § 8.501 by amending the entry for the item, D&C Brown No. 1, in paragraph (b), and by amending the entry for the item, External D&C Violet No. 2, in paragraph (c) to read as follows:

§ 8.501 Provisional lists of color additives.

* * * * *

(b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
* * *	* * *	* * *
D&C Brown No. 1 (§ 9.230 of this chapter).	Dec. 31, 1973, or until a new closing date is established.	For coloring externally applied cosmetics.
* * *	* * *	* * *

(c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
* * *	* * *	* * *
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).	Dec. 31, 1973, or until a new closing date is established.	For coloring externally applied cosmetics.

* * * * *

2. New §§ 9.230 and 9.411 are added to read as follows:

§ 9.230 D&C Brown No. 1.

A mixture of the sodium salts of p-[[2,4 - dihydroxy - 5 - (alkylphenylazo) phenyl]azo] benzenesulfonic acids where the alkyl group is dimethyl or monoethyl.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water insoluble matter, not more than 0.2 percent.

Chlorides and sulfates (calculated as sodium salts), not more than 6.0 percent.

Subsidiary colors, not more than 1.0 percent.

Sulfanilic acid, not more than 0.2 percent.

Resorcinol, not more than 0.2 percent.

Xylidines, not more than 0.2 percent.

Disodium salt of p-[[2,4-dihydroxy-5-(4-sulfophenylazo) phenyl]azo] benzenesulfonic acid, not more than 3.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,4-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 29.0 percent and not more than 39.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,5-xylylazo) phenyl]azo] benzene sulfonic acid, not less than 12.0 percent and not more than 17.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,3-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 6.0 percent and not more than 13.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2-ethylphenylazo) phenyl]azo] benzenesulfonic acid, not less than 5.0 percent and not more than 12.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(3,4-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 3.0 percent and not more than 9.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,6-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 3.0 percent and not more than 8.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(4-ethylphenylazo) phenyl]azo] benzenesulfonic acid, not less than 2.0 percent and not more than 8.0 percent.

Total color, not less than 84.0 percent.

§ 9.411 Ext. D&C Violet No. 2.

Principally the monosodium salt of 1-hydroxy-4-(o-sulfo-p - toluidino) - anthraquinone.

Volatile matter (at 135° C.) not more than 10.0 percent.

Water insoluble matter, not more than 0.4 percent.

Chlorides and sulfates (calculated as sodium salts), not more than 8.0 percent.

1-hydroxy-anthraquinone, not more than 0.2 percent.

Quinizarin (1,4-dihydroxy-anthraquinone), not more than 0.2 percent.

p-toluidine, not more than 0.1 percent.

p-toluidine sulfonic acids, sodium salts, not more than 0.2 percent.

Subsidiary colors, not more than 1.0 percent.

Total color, not less than 80.0 percent.

Prior notice and delayed effective date are not prerequisites to the promulgation of this order since section 203(a)(2) of Title II of the Color Additive Amendments of 1960 provides for this issuance.

Effective date. This order is effective on July 26, 1973.

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

Dated: July 19, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15209 Filed 7-24-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

Subpart H—Food Additives Permitted in Food for Human Consumption, or in Contact With Food, for Limited Periods of Time

NITRITES AND/OR NITRATES COMBINED WITH SPICES IN CURING PREMIXES; CORRECTION

In FR Doc.73-14945 appearing on page 19218 in the July 19, 1973 issue of the FEDERAL REGISTER the words "a safe and suitable buffer such as" were inadvertently omitted in § 121.13(b) and § 121.4002(b) and should have appeared immediately prior to the words sodium carbonate.

The affected paragraphs are corrected to read:

§ 121.13 Nitrites and/or nitrates in curing premixes; food additive status.

* * * * *

(b) Nitrites and/or nitrates buffered with a safe and suitable buffer such as soduim carbonate may be combined with spices in curing premixes pursuant to § 121.4002 of this chapter.

§ 121.4002 Nitrites and/or nitrates in buffered curing premixes.

* * * * *

(b) The curing premix is buffered with a safe and suitable buffer such as sodium carbonate (Na_2CO_3) so that when two grams of the premix are added to 100 grams of water a pH of not less than 7.5 is obtained as measured within 5 minutes after mixing.

* * * * *

(Secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371)

Dated: July 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15318 Filed 7-25-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Extension to Canton Island of Contract Work Hours and Safety Standards Act Coverage

The Contract Work Hours and Safety Standards Act applies, inter alia, to laborers and mechanics, including watchmen and guards, employed in the performance of work under contracts covered by the Service Contract Act of 1965. Effective on July 6, 1973, the date of enactment, Public Law 93-57, 87 Stat. 140, amended the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island. Continuance of the existing administrative exemption of contract work performed on Canton Island from the coverage of the Contract Work Hours and Safety Standards Act is therefore no longer appropriate. Accordingly, pursuant to section 105 of such Act (76 Stat. 359, (40 U.S.C. 331)) and Secretary of Labor's Orders 13-71 (36 FR 8755) and 12-71 (36 FR 8754), 29 CFR 5.14(b)(5) is hereby amended as set forth below.

I find that there is good cause for not publishing notice of proposed rulemaking because this change in our regulations is necessary to afford overtime protection to service employees performing Government contracts on Canton Island as contemplated by the amendments to the Service Contract Act. I also find that delay in the effective date would be detrimental to the public interest for the reasons stated above. Accordingly, this amendment shall be effective with respect to the performance on Canton Island of work under any contract, of the character described in sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 329, 333), which is entered into pursuant to bids or proposals solicited or negotiations concluded after July 26, 1973.

Paragraph (b)(5) of 29 CFR 5.14 is amended to read as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours and Safety Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

* * * * *

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; Canton Island; and the Canal Zone.

* * * * *

(Sec. 105, 76 Stat. 359 (40 U.S.C. 331))

Signed at Washington, D.C., this 18th day of July, 1973.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

JOHN H. STENDER,
Assistant Secretary for Occupational Safety and Health.

[FR Doc.73-15359 Filed 7-25-73;8:45 am]

Title 43—Publics Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

SUMMARY DISPOSITION PROCEDURES IN CIVIL PENALTY HEARINGS

On April 24, 1973 (38 FR 10086-87), the Department issued interim procedures for the assessment of civil penalties under the Federal Coal Mine Health and Safety Act. Section 4.544 of those procedures relates to summary disposition of cases where a party has failed to answer a pleading or failed to appear at a hearing. The procedures call for an order to show cause to be issued before a party who fails to answer a pleading or pretrial order may be held in default (§ 4.544(a) and (b)). Where a party fails to appear at a hearing (§ 4.544(c)), the rule simply refers to the default procedures spelled out in § 4.544(a). This reference has caused possible confusion because § 4.544(a) requires an order to

show cause to be issued where a party fails to answer the Bureau's petition before the default procedures apply.

It was not the intention of the Department to require that where a party fails to appear at a hearing, an Administrative Law Judge must first issue an order to show cause before he may dispose of the case. Parties are given notice of the hearing by certified mail, return receipt requested, far in advance of the scheduled date. Thus, where the party charged fails to appear, the Department believes the most expeditious course is to proceed to dispose of the case either through testimony or documentary information. For this reason paragraphs (a) and (b) specifically call for an order to show cause to be issued where pleadings or response to a pretrial order are not filed, while paragraph (c) does not require such an order. However, to eliminate any possible confusion, the Department is amending § 4.544(c) to specifically state that an order to show cause is not required.

Accordingly, § 4.544(c) is amended by inserting after the last word of paragraph (c) the words, "except that no order to show cause is required." As amended, paragraph (c) reads as follows:

§ 4.544 Summary disposition.

* * * * *

(c) *Failure to appear at hearing.* Where the respondent fails to appear at a hearing, the Administrative Law Judge shall dispose of the case pursuant to paragraph (a) of this section except that no order to show cause is required.

(Sec. 508 of Public Law 91-173; 83 Stat. 742; 30 U.S.C. 957.)

It is the policy of the Department of Interior whenever practicable to afford the public an apportunity to participate in the rulemaking process. However, because this rule is of a clarifying and procedural nature, further notice and comment under 5 U.S.C. 553 are impracticable and good cause exists for making this amendment effective in less than 30 days. Accordingly, this amendment shall become effective on July 26, 1973.

Dated: July 20, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

[FR Doc.73-15348 Filed 7-25-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on July 26, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, South Dakota, is permitted from November 24, 1973 through December 31, 1973, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, South Dakota, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 439 Federal Building, P.O. Box 250, Pierre, S. Dak. 57501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, South Dakota.

JULY 17, 1973.

[FR Doc.73-15345 Filed 7-25-73;8:45 pm]

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 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Handling Limitation

This notice invites written comments relative to a proposed seasonal regulation of the grade of fresh Tokay grapes and the marking on containers used in the handling thereof. The proposed regulation, as hereinafter set forth, was recommended by the Industry Committee. The committee functions pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed regulation reflects the committee's appraisal of the 1973 crop and the current and prospective market conditions. Said regulation would contain the same requirements as were in effect for the 1972 crop and would be effective from August 11 through December 31, 1973. The proposed grade requirement, including the minimum size provisions thereof, is designed to prevent the handling of fresh Tokay grapes of lesser quality so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maintaining orderly marketing conditions in the interest of producers and consumers. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is included also to assure the availability, to consumers, of Tokay grapes of satisfactory quality. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes sufficient to fulfill the market demand. Compliance with the container marking requirement would verify inspection thus assuring compliance with the quality requirements proposed herein.

The proposed regulation is as follows:

§ 926.310 Tokay Grape Regulation 9.

(a) *Order.* During the period August 11, 1973, through December 31, 1973, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 3, 1973. All written 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)).

Dated: July 20, 1973.

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

[FR Doc.73-15355 Filed 7-25-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

STANDARDS FOR ISOLATION AND INSPECTION FACILITIES

Certain Ports of Export for Animals

The purpose of this proposed amendment is to provide standards for approved export inspection facilities; to add Richmond, Virginia, and Honolulu, Hawaii, to the list of ports of export and to delete the following ports of export from § 91.3(a) because such ports have been found to have inadequate or no export inspection facilities:

(1) *Air and Ocean ports:* Portland, Maine; Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Jacksonville and Port Everglades, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston, Texas; San Diego and Los Angeles, California; Seattle and Tacoma, Washington.

(2) *Mexican Border Ports:* Rio Grande and Roma, Texas, and Naco, Arizona.

Statement of consideration. Careful inspection of animals for export is required by statute and by regulations contained in Part 91 of this Chapter. It is not possible to provide such inspection without adequate facilities to properly handle such animals, therefore, the deletion of the named air, ocean, and Mexican Border ports from the listing of ports of export in § 91.3 of this Part would permit the exportation of animals only through those ports which have adequate inspection facilities available.

Notice is hereby given in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of August 30, 1890, as amended, the Act of February 2, 1903, as amended, the Act of March 4, 1907, as amended, the Act of August 23, 1958, as amended, and the Act of July 2, 1962 (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509 (d)), consideration is being given to amending § 91.3 of Part 91, Title 9, Code of Federal Regulations, to read as follows:

§ 91.3 Ports of export.

(a) The following ports which have facilities of the type defined in paragraph (c) of this section are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Airports.* (i) Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) *New York, New York.* Limited facilities are available for certain species of animals.[1]

(2) *Ocean ports.* (i) Richmond, Virginia; Tampa, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) *New York, New York.* Limited facilities are available for certain species of animals.[1]

(3) *Mexican border ports.* Brownsville, Hildago, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas and Nogales, Arizona; and Calexico and San Ysidro, California.

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[1] Information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

(4) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Branch of the Canadian Department of Agriculture maintains veterinary inspection service.[2]

(b) In special cases other ports may be designated by the Deputy Administrator, Veterinary Services, with the concurrence of the Bureau of Customs. Such ports shall be designated only if facilities for export inspection are available at the port which meet the standards outlined in paragraph (c) of this section.

(c) Standards for approved export inspection facilities. The inspection facilities at the port of export shall meet the following requirements:

(1) *Materials.* Floors of pens, alley and chutes shall consist of concrete or other impervious materials and shall be finished so as to be skid-resistant. Fences, gates, and other parts of the facility may be constructed of wood, metal or any material that will safely and humanely hold the animals intended for export shipment.

(2) *Size.* The facility shall be large enough to accommodate all the animals in the shipment at one time. Space shall be provided at the approximate rate of 35 square feet for each 1000 pound animal and graduated up or down commensurate with the size of the animals.

(3) *Inspection implements.* A squeeze chute or similar restraining device and a crowding pen or pens shall be available for individual animal inspection and identification. The inspection portion of the facility shall be constructed to protect the animals and inspection personnel from inclement weather. Pens or yards shall be provided for appropriate segregation or treatment of animals of questionable health status apart from animals qualified for export.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected, using a disinfectant permitted for use under Part 71 of this chapter, under the supervision of a Federal inspector prior to each use as an export inspection facility. Personnel tending the export animals shall, if they come in contact with other animals, be required to change into clean outer clothing and to change or disinfect their footwear.

(5) *Feed and water.* An ample supply of potable water shall be made available and, in cold weather, kept free of ice. Adequate feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Supervision.* Access to all parts of the facility shall be afforded to a Veterinary Services inspector during each use for export purposes and arrangements for handling the species of animals involved shall be subject to the inspector's approval.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be supervised by a Veterinary Services veterinarian. Tests related to Veterinary Services animal disease programs shall be performed in laboratories approved by the Deputy Administrator, Veterinary Services.[3]

(8) *Location.* The location and the arrangement of the facilities shall provide adequate isolation of the animals intended for export from all other animals. Such isolation depends upon the species of animals involved and the determination of adequate isolation shall be made by a Veterinary Services inspector.

(9) *Approval.* Approval of each export inspection facility shall be granted by the Veterinarian in Charge, Animal Health Programs, Veterinary Services, for the State where the facility is located. Approval of an export inspection facility under § 91.3(a) may be revoked for failure to meet the above standards. A written notice of at least 60 days prior to date of revocation shall be given to the owner or operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned in order to permit such deficiencies to be corrected. Approval of an export inspection facility in connection with the designation of a port of export in a special case under § 91.3(b) shall be limited to the special case for which the designation was made.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before September 10, 1973.

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

Done at Washington, D.C., this 20th day of July 1973.

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

[FR Doc.73-15357 Filed 7-25-73;8:45 am]

[2] Information may be obtained from the Veterinary Director General, Health of Animals Branch, Department of Agriculture, Ottawa, Ontario, Canada.

[3] A list of approved laboratories is available from the Veterinary Services office in the State of origin or from the Deputy Administrator, Veterinary Services, Federal Center Building, Hyattsville, Maryland 20782.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 73-SW-46]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary joint-use restricted area in the southeastern portion of the State of New Mexico.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 27, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The Air Force has requested the establishment of a temporary joint-use restricted area during the period October 26, 1973, through October 31, 1973, in the southeastern portion of the State of New Mexico. The proposed restricted area would be utilized 24 hours per day during the six-day period for the Joint Training Exercise Brave Shield VI. The restricted airspace is required to effectively test participating tactical aircraft units under the most realistic conditions. Exercise aircraft, while engaging in combat maneuvers with raid changes in altitudes and headings, may present hazardous conditions to nonparticipating aircraft.

The air operations necessitate restricted airspace of sufficient size to accommodate high performance tactical aircraft and extensive low level tactical fixed and rotary wing aircraft under the control of a tactical air control system. The maximum number of participating aircraft is estimated at 232, approximately 50 percent each of fixed and rotary wing categories. The lateral limits of the proposed area would extend from portions of the southern boundary of New Mexico northward to south of the Fort Sumner-Cedarvale-Scholle line and from the east side of Elephant Butte Reservoir eastward to approximately 50 miles east of Roswell, New Mexico. The required altitude limits for this area are from the surface to FL 280, inclusive.

Essentially all of the restricted area volume associated with the White Sands military complex would be used for this exercise and it represents one-third (⅓) of the total requirement. Using the maximum amount of existing restricted airspace in the planning of this exercise has required the minimum of additional airspace to be proposed.

The proposed temporary area would overlie approximately 21 general aviation airports and a number of low altitude

airways and jet routes, the latter generally associated with the Roswell, N. Mex., VORTAC. Five (Alamogordo, Artesia, Carrizozo, Roswell, and Ruidoso) of the airports are publicly owned municipal airports. Ten of the sixteen remaining airports are privately owned and not open ot the public.

A reverse-charge telephone system would be made available by the Air Force for the use of general aviation pilots to request necessary clearance to operate within the restricted area on an individual basis.

Temporary rerouting procedures would be established if necessary to handle low altitude airway and jet route operations during the exercise period. Procedures and agreements would subsequently be developed to handle VFR and IFR flight operations within the area for other than exercise aircraft. Specifically, procedures would be developed to accommodate scheduled air carrier operations into and out of Alamogordo and Roswell, N. Mex. Therefore the proposed restricted area description would exclude airspace in the Roswell area from the surface to 12,000 feet MSL to accommodate these operations during specified hours.

With respect to nonparticipating aircraft operations within the VFR corridor between El Paso and Alamogordo, it is planned that communications would be established between the tactical control system and FAA facilities as necessary so that nonparticipating aircraft would be able to transit the VFR corridor with prior coordination having been accomplished.

Controls would also be exercised within the corridor to provide protection and traffic control of vehicular and railroad operations therein when combat maneuver movements are transiting the highway and railroad areas.

The military flight operations would conform to the minimum safe altitudes as described in Federal Aviation Regulations Part 91 with respect to providing altitude/distance separation from persons, assemblies, property, in congested areas, and other than congested areas.

The proposed amendment to FAR Part 73 would designate the following temporary restricted area:

R–5120 BRAVE SHIELD VI, N. MEX.

BOUNDARIES

Beginning at Lat. 33°26'50"N., Long. 107°00'00"W.; to Lat. 33°21'00"N., Long. 107°08'00"W.; to Lat. 33°14'00"N., Long. 107°10'00"W. to Lat. 32°45'20"N., Long. 106°56'45"W.; (The preceding portion is 4 miles east of and parallels V–19 (Truth or Consequences VORTAC 146° radial).); to Lat. 32°06'20"N., Long. 106°34'00"W.; then eastward along the southern boundary of R–5107A across the El Paso-Alamogordo VFR corridor to the southwest corner of R–5103 and continuing along its southern boundary to Lat. 32°00'15"N., Long. 105°56'40"W.; to Lat. 32°10'00"N., Long. 105°30'00"W.; to Lat. 32°10'00"N., Long. 104°38'00"W.; to Lat. 32°31'00"N., Long. 104°19'00"W.; to Lat. 34°10'00"N., Long. 103°41'00"W.; to Lat. 34°10'00"N., Long. 103°55'00"W.; to Lat. 34°18'00"N., Long. 103°55'00"W.; to Lat. 34°15'45"N., Long. 106°40'30"W.; to Lat. 33°56'30"N., Long. 106°44'00"W.; to Lat. 33°54'00"N., Long. 106°46'30"W.; to Lat. 33°32'45"N., Long. 106°58'45"W.; to point of beginning; excluding that airspace within a 15-nautical-mile radius of the Roswell VORTAC from the surface to 12,000 feet MSL from 0600–2200 local time daily and excluding that airspace extending from the surface to 12,000 feet during the period 0600–1800 local time daily which encompasses an area bounded by a line which is 4 miles north of an parallel to V–280 (Roswell VORTAC 051° radial) extending northeastward from the Roswell 15-mile-radius area to the eastern boundary of the proposed temporary restricted area, thence southwest along this boundary to a point 4 miles southwest of V–83 (Carlsbad 331°/Roswell 151° radial), thence northwest paralleling V–83 and terminating at the Roswell 15-mile radius, thence along the 15-mile arc to point of beginning.

Designated altitudes. Surface to FL 280, inclusive, with exceptions as stated.

Time of designation. Continuous 0001 local, October 26, 1973, to 2359 local, October 31, 1973.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Readiness Command (USAFRED), Langley Air Force Base, Virginia.

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

Issued in Washington, D.C., on July 19, 1973.

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

[FR Doc.73–15310 Filed 7–25–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R–432–(A)]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS

Notice of Proposed Rulemaking

JULY 19, 1973.

Take notice that, pursuant to 5 U.S.C. section 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act, the Federal Power Commission proposes to amend FPC Form No. 423, Monthly Report of Cost and Quality of Fuel for Steam Plant,[1] designated in 18 CFR 141.61, prescribing collection of monthly fuel costs and quality determinants of fuel received at steam generating plants of electric utilities .The Commission proposes to revise Form 423 to include monthly purchase reports for fuels which are to be used in gas turbine and internal combustion engine generation of power by electric utilities, in addition to that information presently required for steam generating plants.

As presently constituted, FPC Form 423 is designed to obtain monthly data on the cost and quality of fuels received at steam electric generating plants. A separate form is to be completed by each electric power producer for each of its steam electric generating plants having a capacity of 25 megawatts or greater during the reporting month. The completed form is due on the 45th day after the close of the reference month.

On June 7, 1972, the Commission issued Order No. 453 in Docket No. R–432 enacting the new 18 CFR 141.61 and FPC Form 423. On August 3, 1972, the Commission issued an order denying the application for rehearing in Docket No. R–432 made by the National Coal Association. This denial was appealed to the United States Circuit Court of Appeals for the District of Columbia. *National Coal Association* v. *Federal Power Commission*, No. 72–1919, D.C. Cir., filed October 2, 1972. The parties to this appeal filed, on May 14, 1973, a joint motion to withdraw the above appeal, which motion is pending action before the Court. Subsequently, on the application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued Order Denying Petition for Amendment of the Commission's Regulations with Respect to Form No. 423, in Docket No. R–432. An Order Denying Rehearing in this matter was issued on April 16, 1973, and this denial has been appealed to the Circuit Court of Appeals for the District of Columbia. *Alabama Power Company, et al.* v. *Federal Power Commission*, No. 73–1436, D.C. Cir. filed April 25, 1973.

The proposed amendments in this Docket would proffer no substantive changes in the information required to be reported monthly on FPC Form 423. Certain stylistic changes in the Form are made to increase clarity. Primarily the amendments will operate to expand the number of electric utilities which are subject to the filing requirements by including those electric utilities which generate power in gas turbine and internal combustion engines. Such utilities would be required by the proposed amendments herein to file monthly reports on FPC Form 423 for each of the subject plants it operates.

Gas turbines and internal combustion engines burn gas, kerosine and distillate oil which have been in short supply in the past year. Approximately seven per cent of the gas and two-thirds of the distillate oil delivered to utilities are used in these types of generation. The Commission feels that the proposed amendments are necessary: (1) To provide monthly information on the availability of these fossil fuels to electric utility companies for use in current analyses of the energy and fuel supply situation and the effects on the cost of electric power; and (2) to provide timely data on a comparable basis for each type of fuel by quality determinants, thus facilitating the evaluation of developments in fuel supply which may affect the reliability of electric service, emergency preparedness, and the environmental improvement programs for the different air quality control regions in the United States. In general, the

[1] Filed as part of the original document.

Commission feels that the new information derived from the operation of these amendments will assist in its proper administration of the Federal Power Act.

A number of modifications are suggested to accomplish the stated purpose of the proposed amendments to 18 CFR § 141.61, to wit:

(1) The addition of Column "0" to the left of Column "1," Column "0" is entitled "Type Plant" and Instruction "0" will be added to, "Report separately for each purchase the quantity of fuel that is to be used for (S) steam turbine, (GT) gas turbine, or (IC) internal combustion engine." *See Attachment A.*

(2) Because Form 423 will no longer be limited to steam generating plants, all language in Form 423 which qualifies "electric plant" or "electric generating plant" should be clarified to insure the understanding that the type of generating facilities subject to the reporting requirements is not limited to steam generating plants.

(3) In "General Instructions", No. 1, the 25 megawatt limitation should be clarified by substituting the phrase "total combined capacity" for "capacity". *See Attachment A.*

(4) Because a significant portion of gas other than LNG used as fuel will be imported, the second part of the heading of Column 6 of the Form should read, "for gas show pipeline (supplier) or distributor, producing area by state, or port of entry.

(5) In order to facilitate an orderly collection of fuel cost data on the proposed Form, under Subsection (3) of the Instructions the abbreviation "KER (for all kerosene-type fuels)" will be added. This change also emphasizes the Commission's intent to include within the data subject to the reporting requirements of the proposed Form kerosene and jet-type fuels used in gas turbine plants. The separately designated abbreviation will segregate such data from "X—other * * *", requested in the same subsection.

Any interested person may submit to the Federal Power Comission, Washington, D.C. 20426, not later than September 4, 1973, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment to FPC Form No. 423, pursuant to 44 U.S.C. sections 3501-3511, may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for conference.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15412 Filed 7-25-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 139]

DIRECTOR OF INTERNATIONAL OPERATIONS AND CERTAIN DISTRICT DIRECTORS

Delegation of Authority

Authority to extend the correction period and the allowable distribution period relating to private foundation matters.

1. Pursuant to the provisions of 26 CFR 53.4941(e)-1(d), 26 CFR 53.4941(f)-1, 26 CFR 53.4942(a)-1(c), 26 CFR 53.4944-5, and 26 CFR 53.4945-1(e), the authority vested in the Commissioner of Internal Revenue to:

(a) Extend the correction period for acts of self-dealing, failures to distribute income, jeopardy investments, and taxable expenditures; and

(b) Extend the allowable distribution period for failures to distribute income is delegated to the Director of International Operations and to the District Director of Internal Revenue for each of the following Districts:

Atlanta	Detroit
Austin	Los Angeles
Baltimore	Manhattan
Boston	Philadelphia
Chicago	St. Louis
Cincinnati	St. Paul
Cleveland	San Francisco
Dallas	Seattle

2. The authority delegated herein may be redelegated only by the officials specified in this order and may not be further redelegated.

Date of issue: July 13, 1973.

Effective date: July 13, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-15349 Filed 7-25-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

SCIENTIFIC ADVISORY GROUP TO THE JOINT STRATEGIC TARGET PLANNING STAFF

Notice of Meeting

The sixteenth meeting of the Scientific Advisory Group to the Joint Strategic Target Planning Staff will be held from August 21 to 23, 1973 at Offutt Air Force Base, Nebraska, and in the interest of national security the meeting shall be closed to the public. Subject matter is classified.

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

JULY 23, 1973.

[FR Doc.73-15372 Filed 7-25-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-5]

THOMAS E. WOODSON

Revocation of Certificates of Registration

On February 1, 1973, the Acting Director of the Bureau of Narcotics & Dangerous Drugs issued three (3) Orders to Show Cause to Thomas E. Woodson, D.O., as to why his Certificates of Registration, issued on April 28, 1972, should not be revoked for the reasons that the respondent:

(a) * * * [was] not authorized, licensed, registered or otherwise permitted, under the laws of the State of Washington, to dispense controlled substances, by the Washington State Board of Pharmacy, and/or the Division of Professional Licensing, Department of Motor Vehicles, State of Washington.

(b)[1] * * * materially falsified * * * [his] Application[s] for Registration, executed on April 21, 1972, requesting registration to dispense controlled substances, listed in Schedules II, III, IV and V.

The subject Certificates of Registration are as follows:

(1) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
6th Avenue & Highway 12 Rm. 20
Prosser, Washington 99350
BNDD Registration #AW4452544

(2) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
1719 Hewitt Street
Everett, Washington 98201
BNDD Registration #AW4452532

(3) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
1020 Joshua Green Building
Seattle, Washington 98101
BNDD Registration #AW4452366

In addition, and in accordance with the provisions of section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)), and pursuant to the authority granted to him under § 0.100, as amended, Title 28, Code of Federal Regulations, the Director coincident with the issuance of these Orders to Show Cause, ordered the immediate suspension of the above BNDD Registrations. This action was taken in view of the nature of these material misstatements and falsifications, and therefore, the Director determined that for the respondent to retain his Certificates of Registration during the pendency of these proceedings would result in imminent danger to the public health and safety.

Thereafter, the respondent requested a hearing in the matter and, on April 16, 1973, that hearing was held before Arthur S. Present, Administrative Law Judge. Following that hearing, proposed findings of fact and conclusions of law were submitted to Judge Present by Counsel for the Government and R.R. Bob Grieve, Counsel for the respondent.

On May 31, 1973, Judge Present filed the following recommended decision with the Bureau of Narcotics & Dangerous Drugs:

In view of the discussion herein [the Administrative Law Judge's recommended findings of fact and conclusions of law] and after consideration of all the evidence and contentions of the parties, it is recommended that:

1. The Show Cause Orders dated February 1, 1973, issued by the Acting Director of the Bureau of Narcotics & Dangerous Drugs and amended on April 16, 1973 [immediately suspending and], proposing to revoke the BNDD Rigistrations of Dr. Thomas E. Woodson be vacated;

2. The Bureau of Narcotics & Dangerous Drugs return the BNDD Registrations of Dr. Thomas E. Woodson to the respondent; and

3. This proceeding be terminated.

After reviewing the transcript of testimony of the hearing, the exhibits introduced, the findings of fact, conclusions of law, and memoranda of law proposed by counsel for the Government and the respondent, the Administrator hereby adopts the recommended decision of the Administrative Law Judge; however, in accordance with the provisions of §§ 301.57 and 316.66 of Title 21, Code of Federal Regulations, this Final Order shall take effect on September 24, 1973.

This action is being taken in light of (a) certain testimony elicited from the respondent during the aforementioned administrative proceedings, and (b) a thirty-nine Count Indictment returned on June 5, 1973, in the United States District Court, Western District of Washington, at Seattle, Washington, wherein the respondent, Thomas E. Woodson, is named as the defendant.

Specifically, the respondent, as he testified on cross-examination (and as enumerated in the Government's Proposed Findings of Fact and Conclusions of Law) admitted to the following facts:

[1] On April 16, 1973, the subject Orders to Show Cause were amended by deleting the above paragraph (b).

a. A multiple-city osteopathic practice wherein he dispenses amphetamines (Schedule II) and amphetamine combination products to approximately 80 to 400 patients per day.

b. A patient "history taking" and initial examination which would take approximately ten minutes per individual, reexaminations requiring approximately the same amount of time.

c. His lack of familiarity with the Controlled Substances Act and implementing Administrative Regulations, to wit, conducting research with controlled substances was not deemed by him to be a separate and independent activity, requiring a separate BNDD Registration.

In criminal indictment number 176-73D2, the Respondent is charged, by a Federal Grand Jury, with the following violations of the Controlled Substances Act of 1970:

1. Section 401(a)(1)—the unlawful manufacturing of controlled substances listed in Schedule II (9 counts).

2. Section 303(e)—the unlawful obtaining of controlled substances listed in Schedule II for a purpose other than their use, distribution, dispensing or administration in the course of the respondent's professional practice or research (9 counts).

3. Section 401(a)(1)—the unlawful possession with intent to distribute controlled substances listed in Schedule II (8 counts).

4. Section 308(a)—the unlawful transfer of controlled substances listed in Schedule II without having first executed written order forms for such transfer as required by law (6 counts).

5. Section 307(a)(3)—the failure to prepare and maintain, on a current basis, a complete and accurate record of each controlled substance sold, delivered, or otherwise disposed of (2 counts).

6. Section 305(c)—the unlawful dispensing of controlled substances without labels containing a clear, concise warning that it is a crime to transfer such substances to any person other than the patient (2 counts).

7. Section 1010(a)(1) [of the Controlled Substances Import & Export Act of 1970]—the unlawful exportation of controlled substances listed in Schedule II without having registered as an exporter under said statute (1 count).

8. Section 401(a)(1)—the unlawful distribution of controlled substances listed in Schedule II (2 counts).

Therefore, in accordance with the provisions of §§ 301.57 and 316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion:

* * * that [the] respondent's State License or Registration has not been suspended, revoked, or denied by competent State authority and the he continues to be authorized by State law to engage in the dispensing of controlled substances.

Accordingly, in view of the foregoing, it is hereby ordered that the Orders to Show Cause dated February 1, 1973, and amended on April 16, 1973, be withdrawn and vacated, effective on September 24, 1973.

In addition, upon the effective date of this Order, it is hereby ordered that the Certificates of Registration, and any unused BNDD Official Order Forms, seized, coincident with the service of the above Orders to Show Cause upon the respondent, be returned to him on that date.

Therefore, under the authority vested in the Attorney General by Section 304 of the Comprehensive Drug Abuse Prevention & Control Act of 1970 (21 U.S.C. 824) and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the above Orders to Show Cause (as amended on April 16, 1973) which provided the basis for the foregoing administrative proceedings be, and hereby are vacated, effective sixty days from the publication hereof.

Dated: July 19, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73-15360 Filed 7-25-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HORICON NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. October 9, at Horicon City Hall, Horicon, Wisconsin, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Horicon Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Horicon National Wildlife Refuge, which is located in Dodge and Fond Du Lac Counties, State of Wisconsin.

A study summary containing a map and information on the Horicon Wilderness proposal may be obtained from the Refuge Manager, Horicon National Wildlife Refuge, Route 2, Mayville, Wisconsin 53050, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 9, 1973.

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

JULY 20, 1973.

[FR Doc.73-15336 Filed 7-25-73;8:45 am]

RICE LAKE NATIONAL WILDLIFE REFUGE AND MILLE LACS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. September 27, 1973, at the McGregor High School Auditorium, McGregor, Minnesota, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Rice Lake National Wildlife Refuge and Mille Lacs National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 1,406 acres located in Aitkin and Mille Lacs Counties, Minnesota.

A study summary containing a map and information about the Rice Lake and Mille Lacs Wilderness Proposal may be obtained from the Refuge Manager, Rice Lake National Wildlife Refuge, McGregor Minnesota 55760, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 29, 1973.

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

JULY 20, 1973.

[FR Doc.73-15337 Filed 7-25-73;8:45 am]

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9:00 a.m. on September 22, 1973, at the Ramada Inn, 2900 Harrison Avenue, Butte, Montana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Red Rock Lakes National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 28,850 acres located in Beaverhead County, Montana.

A study summary containing a map and information about the Red Rock Wilderness Proposal may be obtained from the Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, Montana 59739, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, Portland, Oregon 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to

the Regional Director at the above address by October 22, 1973.

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

JULY 24, 1973.

[FR Doc.73-15534 Filed 7-25-73;10:22 am]

Office of the Secretary

[INT FEES 73-36]

GREEN LAKE NATIONAL FISH HATCHERY, MAINE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed construction at the Green Lake National Fish Hatchery in Hancock County, Maine.

The project includes the construction and operation of a national fish hatchery in Hancock County, Maine for the propagation of Atlantic salmon. The fish produced will be utilized to supplement natural stocks and restore Atlantic salmon in waters of New England where they were once abundant.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
Room 805
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Craig Brook National Fish Hatchery
East Orland, Maine 04431

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: July 17, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary, Program Development and Budget.

[FR Doc.73-15347 Filed 7-25-73;8:45 am]

[INT FES 73-38]

NORTH SIDE COLLECTION SYSTEM, FRYINGPAN-ARKANSAS PROJECT COLORADO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement for continued construction of the North Side Collection System, an authorized feature of the Fryingpan-Arkansas Projeect. This Environmental Statement concerns construction of diversion dams, buried conduits and tunnels and appurtenant facilities. The principal function of the system is to intercept and transport an average annual 18,400 acre-feet of runoff from tributaries of the Fryingpan River to the control structure of Charles H. Boustead Tunnel.

Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-3007

Office of the Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-4441

Project Manager, Fryingpan-Arkansas Project, P.O. Box 515, Pueblo, Colorado 81002 Telephone (303) 544-5277

Single copies of the Final Environmental Statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the Statement number above.

Dated: July 19, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-15346 Filed 7-25-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ROUTT NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Routt National Forest Multiple Use Advisory Committee will meet at 9:00 a.m. July 29, 1973 outside at the Stagecoach Development Headquarters, Oak Creek, Colorado 80467. If inclement weather dictates, the meeting will be held at 10 a.m. July 29, 1973 in the meeting room at the Yampa Valley Electric Association Building, 32 10th Street, Steamboat Springs, Colorado 80477.

The purpose of this meeting is to: Discuss the existing and pending subdivisions adjacent to and within the boundaries of the Routt National Forest and their effect on National Forest Lands. Discuss the role of the Routt National Forest in working with land developers and cooperating with counties in fulfilling the multiple use aspect of National Forest Management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, PO. Box 1198, Steamboat Springs, Colorado 80477, phone number 879-1722. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

JOHN D. GROVER,
Acting Forest Supervisor.

JULY 17, 1973.

[FR Doc.73-15267 Filed 7-25-73;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOCIATION

Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with the use of available loan funds by Cooperative Power Association, 6700 France Avenue, South Minneapolis, MN 55435. This action will finance the construction of a switching station, a substation, and approximately 12 miles of 230 kV transmission line from a location near Henning to a location near Rush Lake. Both locations are in Otter Tail County, Minnesota.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 20th day of July, 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-15358 Filed 7-25-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00459-65-46040. Applicant: University of Illinois at Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Electron microscope, model JEM 200 and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in various research projects involving the following:

(1) Examination of metals containing carbides,

(2) Examination of hydrides in structural materials,

(3) High temperature deformation mechanisms in some intermetallic compounds and ceramic materials.

(4) Precipitation of hydrides in Nb alloys and a TEM study of hydrogen embrittlement in Nb and Nb alloys,

(5) Precipitation and work hardening in V-N alloys,

(6) Examination in situ at high and low temperatures in the following investigations;

a. Martensitic transformation in thin films.

b. Ordering reactions in thin films.

c. Hydride formation in V and Zr.

d. Pre-transformation and "streaming" phenomena.

e. Low temperature redistribution of carbon in martensite.

f. Omega-phase transformations.

(7) Studies of anodic film growth and pitting,

(8) Projected work on dislocation distributions in the matrix of deformed fiber composites, especially near the fiber-matrix interface,

(9) Study of surface films formed on several alpha-phase copper alloys (CU-Zn, Cu-Ni, Cu-Al, etc.) by exposure to ammoniacal solutions,

(10) Study of the microstructure of the hydration products of calcium silicates constituents, of Portland Cement, and

(11) Study of wear processes in cemented carbides.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified maximum accelerating voltage of 100 kilovolts.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 5, 1973 that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic.

For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-15317 Filed 7-25-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-149N]

BUSH RIVER, MD.

Drawbridge Operation Regulations; Notice of Denial

This notice announces that requests received by the U.S. Coast Guard to change the operation regulations of the Bush River, Maryland, drawbridge are denied. A public hearing, announced by 36 FR 796 (January 16, 1971), was held on February 18, 1971, to receive public comment on the request of the legal liaison officer of the Bush River Yacht Club to increase the frequency of openings of the Penn Central Railroad Bridge across Bush River, Maryland. Further, the Maryland General Assembly, by Joint Resolution No. 37, passed in 1971, requested the regulations be changed to provide that the drawbridge open on signal at any time. At 49 CFR 1.46 the Secretary of Transportation delegated his power to carry out the law related to drawbridge regulations (Sec. 5 of the Act of August 18, 1894, 28 Stat. 362, 33 U.S.C. 499) to the Commandant of the Coast Guard; but major transportation policy questions require that the decision in this case be made by the Secretary of Transportation. In making this decision the Secretary considered the Coast Guard docket including the transcript of the public hearing of February 18, 1971, and memoranda from the Coast Guard Commandant and the Federal Railroad Administration. The Secretary informed the Coast Guard Commandant of his decision by memorandum on January 18, 1973. Copies of the Secretary's memorandum may be obtained by writing Commandant (GCMC/82), U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590.

The Secretary determined that although present regulations could be altered to require more frequent or even unlimited openings of the draw of this bridge, as a matter of transportation policy a change should not be made at this time.

This determination was reached by balancing the interests of recreational pleasure boat owners whose enjoyment is diminished by the existing bridge opening schedule against the interests of rail passengers whose journeys would be delayed and the interests of the railroad which would experience considerable delays in the movement of passengers and freight. The record of the public hearing and Department of Transportation agency recommendations led him to the conclusion that the interest of boat owners is far outweighed by the needs for expeditious movement of passengers and freight.

The requests of the legal liaison officer of the Bush River Yacht Club, and of the Maryland General Assembly, are denied. The regulations governing the operation of this drawbridge shall continue to be as stated in 33 CFR 117.245(f)(3).

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

JULY 11, 1973.

[FR Doc.73-15362 Filed 7-25-73;8:45 am]

[CGD 73-151 PH]

IDAHO STATE HIGHWAY DEPARTMENT MEMORIAL HIGHWAY BRIDGE CLEARWATER RIVER, MILE 2.0 LEWISTON, IDAHO

Notice of Public Hearing Concerning Proposed Bridge Alteration

Notice is hereby given that a public hearing regarding the Idaho State Highway Department Memorial Highway Bridge across the Clearwater River, mile 2.0, at Lewiston, Idaho will be held on Wednesday, September 5, 1973 at 7:00 p.m. at the Lewis-Clark Hotel, Lewiston, Idaho. This hearing is being held under the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs act) 54 Stat. 498, 33 U.S.C. 513; section 4(f), 80 Stat. 934, as amended, 49 U.S.C. 1653(f); Section 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6).

The existing bridge, which is a multi-span fixed bridge, provides a horizontal clearance of 100 feet in the several

spans. The vertical clearance is dependent upon which opening is being navigated due to the Lewiston end of the bridge being higher than the north bank end. The vertical clearances through the third and ninth spans counted from the Lewiston end of the bridge, having the deepest usable channels at the time of construction, now provide 35.6 feet and 26.5 feet respectively at low water elevation 724.2 feet. These spans will provide 21.8 feet and 12.7 feet respectively at the projected controlled level at elevation 738 feet after the flooding of Lower Granite Dam pool, scheduled for 1975. Complaints have been received alleging that the bridge will become unreasonably obstructive to navigation with the flooding of the pool. The purpose of the hearing is to determine whether alteration of the bridge is needed and if so what alteration is required, having due regard for the necessity of free and unobstructed navigation upon the river. The needs of highway traffic will also be considered.

The public is requested to submit comments views and data on whether or not it will be necessary to alter the bridge in order to provide for the reasonable needs of navigation, which, after the flooding of the Lower Granite Dam pool, can be expected to pass through or under the bridge. Information is also desired concerning the size and type of vessels which will be operated on the waterway, the character and amount of commerce expected, the clearances necessary in order to render navigation through or under the bridge reasonably free, easy and unobstructed, and the impact such alteration may have on the quality of the human environment.

Any person who wishes to appear and be heard at this Public Hearing may do so. Persons planning to appear and be heard are requested to notify the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Limitations of time allocated, if required, will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to Commander, Thirteenth Coast Guard District.

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

July 20, 1973.

[FR Doc.73-15363 Filed 7-25-73;8:45 am]

[CGD 73-128]

PROVIDENCE RIVER, RHODE ISLAND

Notice of Public Hearing on Proposed Changes to Aids to Navigation

Notice is hereby given that a public hearing will be held by Commander, First Coast Guard District regarding proposed major changes in aids to navigation marking the navigation channel from Providence River approach through East Passage up to the city of Providence, Rhode Island. The hearing will be held on Wednesday, August 1, 1973 at 10 a.m. in Room 332, Federal Building, U.S. Post Office (Annex), Exchange Terrace, Providence, Rhode Island.

Specific details of the proposed changes in aids to navigation are contained in a Special Local Notice to Mariners dated June 28, 1973 and published by Commander, First Coast Guard District. Interested persons may obtain copies from the Coast Guard Marine Inspection Office, 104 John E. Fogarty Federal Building, Providence, Rhode Island 02903 or from Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

The hearing will be informal. It will be conducted by a representative of the Commander, First Coast Guard District, who will make an opening statement presenting a brief summary of the proposed changes. Interested persons will then have an opportunity to present their oral statements. Additional procedures for conducting the hearing will be announced at the hearing. A summary of the hearing will be made available to the public.

Interested persons may submit written data, views, or arguments to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the subject, state his views on the effect the proposed changes will have on safety to navigation, commerce and the public interest, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District. Written comments may also be submitted at the public hearings.

(Sec. 1, 63 Stat. 500, 80 Stat. 937; 14 U.S.C. 91, 81, 49 U.S.C. 1655 (b)(1); 33 CFR 62.01-1, 62.05-1 49 CFR 1.46 (b))

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

July 23, 1973.

[FR Doc.73-15361 Filed 7-25-73;8:45 am]

ATOMIC ENERGY COMMISSION

LIGHT-WATER-COOLED NUCLEAR POWER REACTOR EFFLUENTS

Notice of Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission in 10 CFR Part 50, Appendix D, notice is hereby given that a final environmental statement related to the issuance of proposed amendments to 10 CFR Part 50 of the Commission's Regulations to provide numerical guidance defining "as low as practicable" levels of radioactive material in light-water-cooled nuclear power reactor effluents has been prepared by the AEC Regulatory Staff and is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545.

A notice concerning the proposed amendments to the Commission's regulations was published in the Federal Register on June 9, 1971 (36 FR 11113).

On January 16, 1973, the Commission published a notice of availability of the Draft Environmental Statement and request for comments in the Federal Register (38 FR 1616). Comments were received from 36 Federal and state agencies and interested persons on the Draft Environmental Statement, and these comments are included in Volume 3 of the Final Environmental Statement.

Single copies of the Commission's Final Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Dated at Bethesda, Md., this 24th day of July 1973.

For the Atomic Energy Commission.

Lester Rogers,
Director of Regulatory Standards.

[FR Doc.73-15538 Filed 7-25-73;10:46 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24875 etc.]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference

Suspension or deletion of Paris, Texas, Docket 24875; Suspension, deletion or redesignation of Muskogee, Oklahoma, Docket 24659; Suspension or deletion of McAlester, Oklahoma, Docket 24991.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 23, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 9, 1973, and the other parties on or before August 16, 1973. The submissions of the other parties shall be limited to points on which

they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 20, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-15373 Filed 7-25-73;8:45 am]

[Docket No. 25206]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference

Application for the amendment of its certificate of public convenience and necessity for Route 73 so as to delete Moab, Utah therefrom.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 22, 1973, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 9, 1973, and the other parties on or before August 16, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 20, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-15374 Filed 7-25-73;8:45 am]

[Docket Nos. 25583, 25603; Order 73-7-96]

LIQUIGAS, S.p.A. ET AL.

Order of Consolidation and Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1973.

By application filed May 31, 1973, Liquigas, S.p.A. (Liquigas), Liquifin Aktiengesellschaft (Liquifin), and First National Bank of Washington (FNBW) request that the Board disclaim jurisdiction over, grant exemptions with respect to, or approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), transactions relating to the acquisition of control of Ronson Corporation (Ronson) and its wholly-owned subsidiary, Ronson Helicopters, Inc.

On June 18, 1973,[1] counsel for Ronson and Ronson Helicopters filed an answer requesting that the Board deny the application or set the matter for hearing. Subsequently, on June 26, 1973, applicants filed a reply accompanied by a motion for leave to file an otherwise unauthorized document. A supplemental answer was filed on July 6, 1973.

In the interim, on June 21, 1973, Aviation Consumer Action Project (ACAP) requested permission to file comments in opposition to the application, including a recommendation that the Board enter a temporary cease and desist order to prevent Liquigas from proceeding with the acquisition of Ronson stock.[2] On June 25, 1973, applicants filed an "answer" in opposition to ACAP's motion.[3]

By application filed in Docket 25603 on June 7, 1973, FNBW, and Messrs. Arthur M. Becker, Arleigh A. Burke, and William B. Wolf, Sr. request that the Board disclaim jurisdiction over, or approve, pursuant to section 409 of the Act, certain interlocking relationships involving, on the one hand, FNBW, and/or its parent company, Financial General Bank Shares, Inc. (Financial General) and, on the other hand, various common carriers and persons engaged in a phase of aeronautics.[4]

On June 18, 1973, Ronson and Ronson Helicopters filed a response requesting that the proceeding be held in abeyance pending applicants' conformity with Part 251 of the Board's Economic Regulations relating to information requirements in section 409 applications.[5]

Liquigas is an Italian industrial concern which, together with its subsidiaries, is engaged in various types of business relating to liquid fuels, refined chemicals, petro-chemicals, household equipment and cattle ranches. Liquifin is a Liechtenstein corporation formed by Liquigas as a wholly-owned subsidiary for the exclusive purpose of acquiring and holding the stock of Ronson.

FNBW is a national banking association, organized under the National Banking Act, whose President and two-thirds of its directors and other managing officials are citizens of the United States, and whose voting stock, in excess of 75 percent, is owned or controlled by U.S. citizens. FNBW is an 88.9-percent-owned subsidiary of Financial General, a Virginia corporation, and a citizen of the United States within the meaning of section 101(13) of the Act.

Ronson is a New Jersey corporation which directly, or through subsidiaries, engages in the manufacture and sale of lighters, gas and electrical appliances, and rare earth metals and alloys. Ronson Hydraulic Units Corp. and Ronson Hydraulic Units (N.C.) Corp. (collectively referred to as Ronson Hydraulics) are wholly-owned subsidiaries of Ronson and are primarily engaged in the design, engineering, manufacture and sale of hydraulic pneumatic valves, activators, and servo-mechanisms which are sold generally to aircraft manufacturers and used on aircraft and helicopters for the operation of landing gear, steer mechanisms, flight controls, and doors.

Ronson Helicopters, another wholly-owned subsidiary of Ronson, is an air taxi operator registered under Part 298 of the Board's Economic Regulations. It owns approximately ten helicopters, operates an airwork service station for Allison turbine engines and a service station for Bell and Hughes helicopters, and in addition to its air taxi operations, conducts fleet contract charter services, ground school and flight training, safety patrol and traffic survey activities.

The transactions which constitute the subject matter of the application begin with the announcement by Liquifin of a public offer to acquire at least 51 percent of the common shares of Ronson. Under the terms of Liquifin's offer, the tendered shares of Ronson upon acceptance will be transferred directly into a voting trust pursuant to a trust agreement entered into between Liquifin/Liquigas and FNBW, the trustee. Following receipt of the Ronson stock, the trustee will undertake to cause Ronson to transfer its Ronson Helicopters stock to the trustee, and thereupon transfer the Ronson stock to Liquifin. The Ronson Helicopter stock will remain in trust until the trust is terminated.

The trust agreement provides, among other things for the exercise by the trustee of various powers, and for the termination of the trust. For example, during the period in which Ronson shares would be held in trust, the trustee is prohibited from exercising any right of control over the subsidiaries of Ronson or changing or interfering with the existing management of Ronson, and is prevented from attending any Ronson shareholders' meeting which is to consider, inter alia, merger, sale of assets, or basic corporate changes. In other respects, the trust agreement provides that the trustee may

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[1] A request for extending the time to answer the application due on June 11, 1973, was granted over the objections of applicants.

[2] In this respect, we note that a Federal District Court in New Jersey, in a contemporaneous court proceeding involving the same transaction, has issued a preliminary injunction which, effective July 16, 1973, enjoins Liquifin from, inter alia, acquiring additional Ronson stock pending a decision of the case on the merits.

[3] ACAP's motion to file an otherwise unauthorized document was filed pursuant to Rule 302.4(f) of the Board's Rules of Practice which prohibits the filing of an answer.

[4] The applicant's request is contingent upon a determination by the Board in Docket 25583, that FNBW has acquired control of Ronson Helicopters, and upon the Board's exemption or approval of such acquisition.

[5] In view of our decision herein to consolidate the proceedings in Dockets 25583 and 25603 and to set the matters for hearing, we will dismiss the motion without prejudice to renew the same at the hearing.

vote the stock held in trust in its discretion. The trust would terminate at such time as (a) termination is required by the Board or other government agency, (b) the Board authorizes the transfer of the ownership and control of Ronson Helicopters by the trustee to citizens of the United States, (c) Ronson Helicopters is no longer subject to the jurisdiction of the Board and the Federal Aviation Administration, or (d) twenty-one years have expired.

Applicants contend that by reason of the trust agreement no acquisition of control of Ronson Helicopters, directly or indirectly, is accomplished, either by FNBW, the trustee, or by Liquifin/Liquigas at any stage of the successive steps involved in the transaction from tender offer to divestment of Ronson's stockholding in Ronson Helicopters. Applicants also contend, in the alternative, that no sound regulatory reasons appear for not exempting or approving FNBW's acquisition of the stock of Ronson Helicopters.

In opposition, Ronson's and Ronson Helicopters' answer contends that the application should be denied because the voting trust agreement does not insulate Liquifin/Liquigas from control of Ronson Helicopters; that, even assuming that the voting trust agreement vests control of Ronson Helicopters in FNBW, exemption or approval of the acquisition should be denied as contrary to the public interest; and that, if the application is not denied, the matter should be set for hearing.

Upon consideration of the application in Docket 22583, the Board has concluded that Ronson Helicopters, by reason of its air taxi operations, is an air carrier, that Ronson Hydraulics are persons engaged in a phase of aeronautics, and that Liquigas, Liquifin and FNBW are each "persons" within the meaning of section 408(a)(5) of the Act, and that the acquisition of control of Ronson Helicopters directly, or indirectly through the acquisition of control of Ronson, by FNBW and/or Liquigas/Liquifin creates control and common control relationships which are subject to that section of the Act.

It appears that pursuant to its public offer Liquifin will acquire at least 51 percent of Ronson's common stock, which will be transferred directly into a voting trust with FNBW as trustee and Liquifin as the beneficial owner of the acquired stock. The terms of the trust may be relevant, of course, to determining who, among the parties to the trust agreement, has acquired control of Ronson's (or Ronson Helicopters') stock. However, we are not prepared to find, absent further development of the underlying facts relating to the issue, that the voting trust agreement by its own terms insulates the acquisition of control of Ronson Helicopters from the Board's jurisdiction under section 408(a)(5) of the Act.[6] We conclude, therefore, that a disclaimer of jurisdiction would not be warranted.

Under the terms of the proviso to section 408(a)(5), the Board may exempt the acquisition of a noncertificated air carrier from the requirements of Board approval "to the extent and for such periods as may be in the public interest." Applicants' request involves complex issues of fact, law, and Board policy relating to such matters as the qualification of Ronson Helicopters, following its acquisition, to engage as a citizen of the United States in air transportation,[7] the Board's policy regarding foreign ownership or control of a U.S. air carrier,[8] and the adequacy of the trust agreement herein to insulate the air carrier, Ronson Helicopters, from the ownership and control of Liquigas/Liquifin. Under all the circumstances, we are not persuaded that, on the basis of the application in Docket 25583 and other documents before us, a sufficient showing of public interest has been made to warrant the grant of an exemption under section 408(a)(5) in respect to the transaction herein.[9] Therefore, applicants' request for exemption will be denied.

In light of this determination, applicants' request for approval of the transaction requires that the matter be set for hearing, since the transaction involves, inter alia, the acquisition of control of an air carrier directly engaged in air transportation. The scope of the hearing is expected to include, but not be restricted to the issues herein discussed.[10]

Pursuant to Rule 12 of the Board's Procedural Regulations, we have decided to consolidate for hearing the proceeding in Docket 25603 involving section 409 interlocking relationships with the proceeding in Docket 25583 involving section 408 control relationships.[11] The proceedings involve closely related issues, and the Board finds that such consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceedings.

Applicants' motion for leave to file a reply in Docket 25583 is predicated upon representations which are intended to controvert various allegations of fact contained in the answer to the application. Rule 6(b) of the Board's rules of practice prohibits the filing of such responsive document. Since nothing contained in the reply would otherwise alter our decision herein to set the matter for hearing, we will deny this motion and the motion to file a supplemental answer.

ACAP's motion for leave to file comments and requesting collateral action is untimely, and fails to establish good cause for late filing. Moreover, there are serious procedural problems inherent in its request for a cease and desist order by summary procedure, and the question of a preliminary injunction is being litigated in another appropriate forum. Accordingly, we will dismiss ACAP's motion.[12]

Accordingly, it is ordered, That:

1. Applicants' requests for disclaimer of jurisdiction and exemption pursuant to the proviso of section 408(a)(5) in respect to the acquisition and control relationships in Docket 25583, be and they hereby are denied;

2. Applicants' requests for disclaimer of jurisdiction over or approval of the interlocking relationships in Docket 25603, and for approval of the acquisition and control relationships in Docket 25583, be and they hereby are set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

3. The proceedings in Dockets 25583 and 25603 be and they hereby are consolidated;

4. The motion of the applicants for leave to file a reply and the motion of Ronson Corporation and Ronson Helicopters, Inc. for leave to file a supplemental answer, respectively, in Docket 25583, be and they hereby are denied;

5. The motion of the Aviation Consumer Action Project for leave to file comments and request for collateral action be and it hereby is dismissed without prejudice; and

6. The request of Ronson and Ronson Helicopters, Inc. to hold in abeyance the proceeding in Docket 25603, be and it hereby is dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15375; Filed 7-25-73;8:45 am]

[6] Pan American World Airways, Inc. and National Airlines, Inc. Agreements, 27 CAB 611 (1958). See also, Toolco-Northeast Control Case, 42 CAB 822 (1965) and West Coast Airlines, Inc. Enforcement Case, 42 CAB 561 (1965).

[7] As defined by section 101(13) of the Act, a citizen of the United States includes a corporation in which, among other requirements, "at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions."

[8] See Willy Peter Daetwyler d/b/a Interamerican Airfreight Co., Order 71-10-114, October 23, 1971.

[9] Obviously, a clear showing of control and unfettered ownership by FNBW of Ronson Helicopters could present a situation which would warrant a grant of the exemption. See The Union Corporation, Acquisition of Prinair, Order 69-11-5, November 4, 1969.

[10] For example, an additional section 408 issue may involve the common control of Ronson Helicopters and Ronson Hydraulics.

[11] The applicants are of course not precluded from pursuing any issues underlying requests for disclaimer of jurisdiction over any interlocking relationships involved in Docket 25603, or acquisitions and control relationships involved in Docket 25583.

[12] ACAP may of course seek to avail itself of Rule 15 of the Board's Rules of Practice as an intervenor in this proceeding before the Administrative Law Judge.

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:30 p.m. on Monday, August 6, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73–15369 Filed 7–25–73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 9:30 a.m. on Wednesday, August 8, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73–15368 Filed 7–25–73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Wednesday, August 1, 1973, at 10 a.m. in Room S–124 of the Capitol.

The purpose of the meeting is to discuss alternative plans for the realignment of the judicial circuits. In this connection the Commission will consider and discuss various factors relevant to realignment of the judicial circuits and to the creation of new circuits.

The Commission will also discuss research plans relevant to redistricting and to the internal procedures and structure of the Federal Courts of Appeal System.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

JULY 17, 1973.

[FR Doc.73–15321 Filed 7–25–73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

1973 PROCUREMENT LIST

Notice of Addition

Notice of proposed addition to the Initial Procurement List August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following service is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

SERVICE	
Industrial Class 0782	*Price*
Grounds Maintenance, Naval Air Station, Whidbey Island, Washington (RP)---	$8,487.37 per month

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73–15475 Filed 7–25–73;8:45 am]

COMPTROLLER GENERAL

USE OF COMMUNICATIONS MEDIA

1973 Federal Election Expenditure Limitations

Title I of the Federal Election Campaign Act of 1971 (Public Law 92–225) imposes a spending limitation on candidates for Federal elective office (President of the United States, Senator and Representative in, or Resident Commissioner or Delegate to, the Congress of the United States) for campaign use of communications media. Under the Act and the Regulations of the Comptroller General, 11 CFR Ch. 1, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

In accordance with section 104(a)(4) of the Act, the Secretary of Labor has certified to the Comptroller General and published in the FEDERAL REGISTER [1] that the U.S. City Average All Items Consumer Price Index (1967=100) increases 7.7 percent from its 1970 annual average of 116.3 to its 1972 annual average of 125.3. As provided in section 104(a)(5) of the Act, the Secretary of Commerce has certified to the Comptroller General and published in the FEDERAL REGISTER [2] the "Estimate of Voting Age Population" of each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, and of each congressional district on July 1, 1972. The estimate shows that no congressional district has a voting population in excess of 500,000, except the District of Columbia and Puerto Rico.

Under the statutory limitation formula, the communications media spending limitation applicable to each congressional district for each election during 1973 (except the District of Columbia and Puerto Rico) is $53,850, of which no more than $32,310 may be spent for the use of broadcasting media.

On the basis of the certifications received from the Secretary of Labor and the Secretary of Commerce, the spending limitations applicable to each Federal election held during 1973 in each State and in the United States are set forth in Appendix A.

The voting age population estimates for Guam, Puerto Rico, and the Virgin Islands are not included in the total for the United States since their residents do not vote in presidential elections.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[1] 38 FR 4443, February 14, 1973.

[2] 38 FR 18476, July 11, 1973.

State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
United States	139,172,000	14,988,824	8,993,295
Alabama	2,294,000	247,064	148,238
Alaska	194,000	53,850	32,310
Arizona	1,262,000	135,917	81,550
Arkansas	1,326,000	142,810	85,686
California	13,910,000	1,498,107	898,864
Colorado	1,560,000	168,012	100,807
Connecticut	2,083,000	224,339	134,603
Delaware	369,000	53,850	32,310
District of Columbia	527,000	56,758	34,055
Florida	5,087,000	547,870	328,722
Georgia	3,067,000	330,316	198,190
Hawaii	526,000	56,650	33,990
Idaho	487,000	53,850	32,310
Illinois	7,508,000	808,612	485,167
Indiana	3,477,000	374,473	224,684
Iowa	1,924,000	207,215	124,329
Kansas	1,538,000	165,643	99,386
Kentucky	2,191,000	235,971	141,582
Louisiana	2,348,000	252,880	151,728
Maine	683,000	73,559	44,135
Maryland	2,679,000	288,528	173,117
Massachusetts	3,937,000	424,015	254,409
Michigan	5,876,000	632,845	379,707
Minnesota	2,542,000	273,773	164,264
Mississippi	1,426,000	153,580	92,148
Missouri	3,223,000	347,117	208,270
Montana	468,000	53,850	32,310
Nebraska	1,021,000	109,962	65,977
Nevada	347,000	53,850	32,310
New Hampshire	513,000	55,250	33,150
New Jersey	4,986,000	536,992	322,195
New Mexico	657,000	70,759	42,455
New York	12,626,000	1,359,830	815,892
North Carolina	3,468,000	373,504	224,102
North Dakota	411,000	53,850	32,310
Ohio	7,130,000	767,901	460,741
Oklahoma	1,797,000	193,537	116,122
Oregon	1,487,000	160,150	96,090
Pennsylvania	8,174,000	880,340	528,204
Rhode Island	668,000	71,944	43,166
South Carolina	1,719,000	185,136	111,082
South Dakota	444,000	53,850	32,310
Tennessee	2,710,000	291,867	175,120
Texas	7,614,000	820,028	492,017
Utah	690,000	74,313	44,588
Vermont	304,000	53,850	32,310
Virginia	3,182,000	342,701	205,621

State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
Washington	2,310,000	248,787	149,272
West Virginia	1,209,000	130,209	78,126
Wisconsin	2,965,000	319,331	191,598
Wyoming	236,000	53,850	32,310
Guam	45,000	53,850	32,310
Puerto Rico	1,619,000	174,366	104,620
Virgin Islands	42,000	53,850	32,310

[FR Doc.73-15248 Filed 7-25-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from July 2 through July 6, 1973.

NOTE: At the head of the listing of statement received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447-7803

FOREST SERVICE

Draft — *Date*

Sipsey River, William B. Bankhead N.F. — 07/17
Alabama
County: Lawrence, Winston
The statement refers to the proposed legislative designation of the Sipsey River Eastern Wilderness. The area will consist of 9,360 acres of the William B. Bankhead National Forest. With the ceasing of management practices there will be changes in wildlife habitat. There will be reductions in consumptive use of timber, wildlife, and minerals found in the area. (24 pages)
(ELR ORDER # 31185) (NTIS ORDER # EIS 73 1185D)

SOIL CONSERVATION SERVICE

Draft — *Date*

Twelve Mile Creek Watershed — 07/17
Iowa
County: Union, Adair, Ringgold
The statement refers to a proposed watershed protection project. The project is intended to reduce flood damages by 85% on 2,272 acres, and prevent gully erosion on 3,255 acres, as well as to provide water supply for the City of Creston. Project measures will include land treatment, 11 grade stabilization structures, and one multiple purpose reservoir. Adverse impact will include the permanent inundation of 924 acres; the periodic flooding of 662 acres; the relocation of 5 families and effect upon 5 farm operations; and the closing of 4 roads. (22 pages)
(ELR ORDER # 31182) (NTIS ORDER # EIS 73 1182D)

Sledge Bayou Watershed — 07/17
Mississippi
County: Quitman
Proposed is a protection project on the 9,208 acre watershed, in order to reduce floodwater damage on 7,707 acres by 55%, and to reduce erosion and sedimentation by 15%. Project measures include land treatment and 32 miles of channel work. Agricultural production and wildlife habitat will be eliminated on 20 acres which will be used in the channel modification. (19 pages)
(ELR ORDER # 31183) (NTIS ORDER # EIS 73 1183D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Deputy Assistant Secretary for Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 967-4335

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft — *Date*

Dam and Reservoir, Bayou Loco — 07/18
Texas
County: Nacogdoches
The statement refers to a proposed dam and 2,210 acre municipal lake on Bayou Loco, 10 miles west of the City of Nacogdoches. The purposes of the project are those of water supply, flood control, and recreation. Project measures will include a pumping station, water treatment plant, storage tanks, and transmission lines. Adverse impact will include the inundation of 2,210 acres, including 1,300 acres of bottomland hardwood. There will be pollution potential from submerged gas and oil pipelines. (112 pages)
(ELR ORDER # 31192) (NTIS ORDER # EIS 73 1192D)

Final — *Date*

Elk Mountain Road — 07/17
New Mexico
County: San Miguel
The statement refers to the proposed construction of 33 miles of 2 lane all weather roadway, in order to improve access to a proposed winter recreation area which is intended to stimulate local economic conditions. Approximately 240 acres of timberland, 32 acres of rangeland, and 300 acres of wildlife habitat will be required for right-of-way. (217 pages)
COMMENTS MADE BY: DOI EPA USDA state and regional agencies and concerned citizens
(ELR ORDER # 31184) (NTIS ORDER # EIS 73 1184F)

DELAWARE RIVER BASIN COMMISSION

Final — *Date*

Trout Run Earthfill Dam — 07/16
Pennsylvania
County: Berks
Proposed is the construction of an earthfill dam, and Trout Run Reservoir. The facility will include a multi-leveled intake tower, bottom outlet, pumping station, spillway and stilling basin, and transmission line. A total of 42 acres of land will be inundated by the project. Adverse impacts stemming from the project are loss of land and associated wildlife cover. (Approximately 200 pages)
COMMENTS MADE BY: HEW HUD COE TREA USCG AHP USDA state agencies and concerned citizens
(ELR ORDER # 31176) (NTIS ORDER # EIS 73 1176F)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft — *Date*

Butler Valley Dam and Blue Lake — 07/17
California
County: Humboldt
The statement refers to a proposed multipurpose water storage project, including a 326 foot high embankment dam on the Mad River. The reservoir will drain an area of 352 square miles. Adverse impact includes the inundation of 2360 acres of land and 11 miles of stream in one of the few remaining small coastal valleys in northern California. Archeological sites in an area once occupied by the Whilkut Indians will be lost. (San Francisco District) (278 pages)
(ELR ORDER # 31180) (NTIS ORDER # EIS 73 1180D)

Bushley Bayou Flood Control Project — 07/11
Louisiana
The statement considers the advisability of providing backwater flood protection to the Bushley Bayou area by means of a loop levee, gravity floodgate, internal drainage canal and a 1,500 cubic-foot-per-second pumping station. Three thousand acres of suitable wildlife lands and water supply and control facilities will be acquired to mitigate project induced fish and wildlife losses. Adverse effects of the action are loss of 5,900 acres of bottomland hardwood forests, loss of fish and wildlife habitat and possible damage to Indian mounds of archeological value. (70 pages)
(ELR ORDER # 31158) (NTIS ORDER # EIS 73 1158D)

Whitewater Creek — 07/16
New Mexico
The statement refers to the proposed channelization and excavation of 1.6 miles of Whitewater Creek near Glenwood, in order to reduce the threat of flooding. Adverse impact will include the loss of riparian wildlife habitat; short term increase in sediments into the San Francisco River; and possible effects on underground water. (Los Angeles District) (21 pages)
(ELR ORDER # 31174) (NTIS ORDER # EIS 73 1174D)

Draft — *Date*

Deep Fork Logjam, Deep Fork River — 07/11
Oklahoma
County: Creek Oktuskee
The proposed project consists of removing a logjam from the Deep Fork Canadian River. The removal of the Logjam will cause an increase in turbidity. (8 pages)
(ELR ORDER # 31160) (NTIS ORDER # EIS 73 1160D)

National Recreation Area System, Oklahoma — 07/13
Oklahoma
County: several
The statement refers to the proposed establishment of a 4 lake area in northeastern Oklahoma as part of a National Recreation Area. Parts of 190,600 acres of Federally owned lands would be made available for recreation development. Construction would include 11 public use areas, 52 miles of motor bike trails, 25 miles of bicycle trails, 60 miles of hiking trails, and 32 miles of nature trails. Some native areas and wildlife habitat will be lost.
(ELR ORDER # 31172) (NTIS ORDER # EIS 73 1172D)

Flood Control, Wyoming Valley — 07/13
Pennsylvania
County: Luzerne
The statement refers to proposed modifications to existing flood control features in the Wyoming Valley. Basic elements include the raising of 64,000 linear feet of levees to heights dictated by the requirement that adequate flood protection constitutes levee raising to the June, 1972 Hurricane Agnes flood height. There will be adverse impact upon aesthetics and ecological habitats and patterns. (121 pages)
(ELR ORDER # 31173) (NTIS ORDER # EIS 73 1173D)

Strip Mine Demonstration Reclamation Project — 07/11
West Virginia
The project consists of a program to provide erosion and sedimentation control through land stabilization to areas disturbed by coal extraction; provision of water quality control

by rehabilitating 10.5 miles of stream channel and institution of a floodplain management program; provision of water quality control by recommending a pilot demonstration project for acid mine drainage abatement; provision of domestic waste treatment and reuse; improvement of existing water supplies; provision of mini day-use parks and public hunting areas; and removal of dilapidated buildings, and a general clean-up of the watershed. Increased noise, dust pollution and water turbidity will occur. (ELR ORDER # 31159) (NTIS ORDER # EIS 73 1159D)

NAVY

Contact: Mr. Joseph A. Grimes, Jr.
Special Civilian Assistant to the Secretary of the Navy
Washington, D.C. 20350
(202) 697-0892

Final — *Date*
Multi-Purpose Target Range, Meridian — 07/18
Mississippi
County: Noxubee
Proposed is the acquisition of 500 acres, and easements on 2400 acres, in order to establish an air-to-ground target range for use by the Naval Air Station, Meridian. Target preparation will include the clear-cutting of 500 acres of saw timber and pulpwood. Adverse impacts will include soil disruption and deposits of metal fragments, and increases in ambient noise and air pollution levels. No live rockets, bombs or incendiary ordnance will be used. (47 pages)
COMMENTS MADE BY: EPA DOC DOI
(ELR ORDER # 31190) (NTIS ORDER # EIS 73 1190F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders
Executive Director of Environmental Affairs
General Services Administration
18th and F Streets, N.W.
Washington, D.C. 20405
(202) 343-4161

Draft — *Date*
Federal Youth Center, Richmond — 07/18
Florida
County: Dade
The statement refers to the proposed construction of a 15 building complex on a 205 acre wooded site. The complex will house a Federal Youth Center for correctional purposes, to be operated by the Bureau of Prisons. There will be construction disruption from the project. (51 pages)
(ELR ORDER # 31186) (NTIS ORDER # EIS 73 1186D)

Federal Office Building, Atlanta — 07/18
Georgia
Proposed is the construction of a courthouse and Federal office building which will provide space for 3,000 employees. The facility will have a gross area of 1,208,175 square feet in 24 stories, on a 4.139 acre site. Parking will be provided for 310 vehicles. There will be construction disruption; economic growth in the central business district may be spurred. (43 pages)
(ELR ORDER # 31191) (NTIS ORDER # EIS 73 1191D)

Federal Office Building, Saginaw — 07/16
Michigan
Proposed is the construction of a new Federal Office Building, of 126,000 sq. feet. The building is intended to serve as an environmental demonstration laboratory, with a solar collector, a waste and rain water collection system, extensive use of recycled building materials, and landscaped lawn and roof areas. Adverse impact will include construction disruption. (49 pages)
(ELR ORDER # 31175) (NTIS ORDER # EIS 73 1175D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

Draft — *Date*
Legislation to Deregulate Natural Gas — 07/18
The statement refers to proposed legislation which would amend the Natural Gas Act of 1938 to remove the pricing of "new" natural gas in interstate commerce from regulation by the Federal Power Commission, and subject it to the forces of the free market. Deregulation of natural gas prices may lead to changes in production by consumption. Potential impact from increased production would include: 1) activities associated with exploration, production, transportation, distribution and combustion; 2) those which do not take place because gas displaces other energy forms; and 3) those which arise from changes in the uses of natural gas.
(ELR ORDER # 31196) (NTIS ORDER # EIS 73 1196D)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft — *Date*
Proposed Rice Lake Wilderness Area — 07/18
Minnesota
County: Aitkin Mille Lacs
The statement refers to the proposed legislative designation of 1,406 acres of the Rice Lake National Wildlife Refuge and 0.6 acre (two small islands) of the Mille Lacs National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Some future management options will be removed. (32 pages)
(ELR ORDER #31195) (NTIS ORDER # EIS 73 1195D)

Proposed Red Rock Lakes Wilderness — 07/18
Montana
County: Beaverhead
The statement refers to the proposed legislative designation of 28,850 acres of the Red Rock Lakes National Wildlife Refugee as wilderness within the National Wilderness Preservation System. (27 pages)
(ELR ORDER #31187) (NTIS ORDER # EIS 73 1187D)

Final — *Date*
Warm Springs Indian Reservation — 07/18
Oregon
County: Wasco
The statement refers to the proposed construction and operation of a fish hatchery for the propagation of Chinook salmon, and steelhead and rainbow trout. Waste water and constructure will affect the Warm Springs River. (71 pages)
COMMENTS MADE BY: USDA DOC DOI EPA agencies of Washington and Oregon
(ELR Order # 31194) (NTIS ORDER # EIS 73 1194F)

DEPARTMENT OF JUSTICE

Contact: Mr. William Cohen
Land and Natural Resources Division
Room 2129
Department of Justice
Washington, D.C. 20530
(202) 737-2730

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Draft — *Date*
Pasadena Police Heliport — 07/18
California
The statement refers to the proposed construction of the Pasadena Police Heliport, a project which is partially funded by LEAA. There will be installation of fuel and landing pads, fencing, night lighting, utilities, and related works. There will be annoyance to neighborhood residents, and disturbance to some wildlife. (85 pages)
(ELR ORDER # 31193) (NTIS ORDER # EIS 73 1193D)

NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Ralph E. Cushman
Special Assistant, Office of Administration
NASA
Washington, D.C. 20546
(202) 962-8107

Draft — *Date*
Viking 1975 Program — 07/18
The statement refers to the Viking Program, which is part of an overall NASA program designed to explore the planet Mars with automated spacecraft. In 1975 two Viking spacecraft, with Lander Capsule and Orbiter, will be launched from the Air Force Eastern Test Range by Titan/Centaur vehicles, to conduct orbital, upper atmospheric, and surface investigation of Mars. (33 pages)
(ELR ORDER # 31189) (NTIS ORDER # EIS 73 1189D)

DEPARTMENT OF TRANSPORTATION

Contract: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

Draft — *Date*
Interstate Route 80, Auburn — 07/10
California
County: Placer
Proposed is the addition of two lanes to the existing four lane facility and an auxiliary eastbound lane for trucks on a 2.1-mile segment of Interstate Highway 80. The project extends from the Auburn Ravine Undercrossing and ends 0.6 mile east of the east Auburn Overhead in the City of Auburn. Adverse impacts stemming from the project include the commitment of 26 acres of land to right-of-way; the relocation of part of a cemetery; the displacement of 60 residential units and several businesses; and encroachment on Section 4(f) land from Historic Old Auburn, a registered historic site. (85 pages)
(ELR ORDER # 31145) (NTIS ORDER # EIS 73 1145D)

Troy Avenue, Pueblo — 07/10
Colorado
County: Pueblo
Proposed is the construction of a 1.9 mile arterial linking Fourth Street (State Highway 96) and State Highway 47 in the City of Pueblo. Construction of the project will affect traffic flow, land use and the existing neighborhood environment. (65 pages)
(ELR ORDER # 31146) NTIS ORDER # EIS 73 1146D)

Iowa Route 2 — 07/10
Iowa
County: Page
Proposed is the relocation and reconstruction of 4.7 miles of Iowa 2 from its junction with US 71 eastward to the Taylor County Line. Approximately 50 acres of agricultural land will be committed to highway use. Wildlife habitat would be disrupted; 10 rural homes would be displaced. Erosion potential and water pollution through sedimentation would increase during construction; the noise level will increase. (33 pages)
(ELR ORDER # 31153) (NTIS ORDER # EIS 73 1153D)

US 24, Kansas City — 07/02
Kansas
County: Wyandotte
The proposed action is the upgrading of 1.089 miles of US 24 in Kansas City. The project (associated with Urban Renewal Plan Number Kansas R-28) begins on State Avenue west of 11th Street and ends on Washington

Blvd. at 5th street. Section 4(f) land from Big Eleven Park and the John F. Kennedy Recreation Area will be affected. Two businesses and one house will be displaced; the noise level will increase. (26 pages)
(ELR ORDER # 31096) (NTIS ORDER # EIS 73 1096D)

S.T.H. 56, Wisconsin 07/12
Wisconsin
County: Richland
The proposed project consists of replacing a deficient bridge and reconstructing 0.32 miles of approaches on Highway 56. Nine to twelve trees will be removed; 2.9 acres of cropland will be acquired for right-of-way. (11 pages)
(ELR ORDER # 31164) (NTIS ORDER # EIS 73 1164D)

S.T.H. 81, Wisconsin 07/13
Wisconsin
County: Grant LaFayette
Proposed is the reconstruction of S.T.H. 81 from its intersection with S.T.H. 80 in Grant County to 1.8 miles east of Seymour Corners in LaFayette County. Project length is 19.8 miles (exempted from the improvement is 0.7 mile constructed in 1967). Approximately 45 acres of agricultural land will be committed to the action. Adverse effects include possible siltation to streams with resultant effect on fish and wildlife and increased air and noise pollution for vehicular traffic. (15 pages)
(ELR ORDER # 31171) (NTIS ORDER # EIS 73 1171D)

Final *Date*
California Route 20 07/13
California
County: Colusa Sutter
The project consists of improving and realigning a 1.8 mile segment of S.R. 20. The project will take 52 acres of agricultural land for right of way. A bridge will be constructed over the Sacramento River (replacing an older bridge) near Meridian. Construction of the bridge will cause water pollution. Also crossed will be the Meridian Farm Lands Water Company's irrigation ditch. There will be an increase in noise levels. (96 pages)
COMMENTS MADE BY: USDA DOT COE EPA state and regional agencies
(ELR ORDER # 31170) (NTIS ORDER # EIS 73 1170F)

FAU Route 8825 07/16
Illinois
County: Winnebago
The proposed project is the construction of 0.455 miles of FAU Route 8825. Land acquisition will include 6.4 acres. Increases in noise, air and water pollution are expected after construction. One hundred and fifty trees will be removed, causing displacement of wildlife. (80 pages)
COMMENTS MADE BY: USDA HUD DOI DOT EPA COE state and local agencies
(ELR ORDER # 31177) (NTIS ORDER # EIS 73 1177F)

Maryland Route 135 07/12
Maryland
County: Garrett
Proposed is the reconstruction and relocation of a 3.6 mile segment of Maryland Route 135 between Route 38 and Route 495. Two-12 foot hard surface lanes, 12 foot truck lanes where needed, and 10 foot shoulders will be constructed within a minimum 120 foot right of way. Adverse effects of the action are acquisition of 74 acres of land through 16 improved properties, increased air pollution and loss of aesthetic values. (160 pages)
COMMENTS MADE BY: DOI DOT state and local agencies
(ELR ORDER #31168) (NTIS ORDER # EIS 73 1168F)

US 550—Shiprock East to Farmington 07/16
New Mexico
County: San Juan
The proposed project is the construction of a 4 lane divided highway along existing US 550. Project length is 24.85 miles Forty acres of irrigated farmland and 50 acres of range land will be acquired from the Navajo Indian Tribal Reservation. Another 15 acres of farmland and 160 acres of range land will be acquired outside the Reservation. Displacements will include 10 families and 3 businesses. The construction of the project will also destroy a large number of petroglyphs in the area. The relocation of numerous utilities will be required. (80 pages)
COMMENTS MADE BY: USDA COE HEW DOI EPA AHP state agencies
(ELR ORDER # 31178) (NTIS ORDER # EIS 73 1178F)

Pedestrian Park, I 5 07/16
Washington
The statement refers to the proposed construction of a pedestrian Park Structure over Interstate Highway 5 in Seattle approximately 225 feet wide, between Spring and University Street. Construction at the park will allow multiple use of existing right-of-way, will provide a port in an area devoid of parks, and separate pedestrian and freeway traffic. (90 pages)
COMMENTS MADE BY: COE EPA HEW HUD DOI state and local agencies
(ELR ORDER # 31179) (NTIS ORDER # EIS 73 1179F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-15381 Filed 7-25-73;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., August 6-7, 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 and review of hexachlorobenzene, review of the noise program, progress on herbicide study, Science Advisory Board and Organization of Office of Research and Development, progress on the nitrogen study, member items of interest, reports and comments by program liaison representatives.

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, Acting Staff Director, Hazardous Materials Advisory Committee, (703) 557-7720.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Development.

JULY 24, 1973.

[FR Doc.73-15499 Filed 7-25-73;8:45 am]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Attorney
Hill, Betts & Nash
26 Broadway
New York, New York 10004

Agreement No. 10040-1, a cooperative working arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Pan American Mail Line, Inc. (PAM) modifies the basic agreement by expanding its geographic scope to provide for a through intermodal service via the ports of Santo Tomas de Castella in Guatemala and Puerto Cortez, Honduras to and from inland points in Guatemala, El Salvador and Honduras.

Dated: July 23, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15377 Filed 7-25-73;8:45 am]

MEDITERRANEAN-U.S.A. GREAT LANES WESTBOUND FREIGHT CONFERENCE

Modification of Conference Agreement

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, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference
10 Place de la Joliette
Marseilles, France

Agreement No. 8260-14 among the member lines of the above-named Conference modifies the basic agreement to (1) except Black Sea ports from the requirements applicable to the hiring of vessels on a charter or tramp basis for full homogeneous cargoes and (2) provide that a carrier whose cargo is consigned to the country of his vessel's registry may accept freight payment in that country's national currency, even though such currency is not freely convertible or readily transferable.

It also deletes Zim Israel Navigation Company as a member and adds Black Sea Canada Line.

Dated: July 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15378 Filed 7-25-73;8:45 am]

[Independent Ocean Freight Forwarder License 536]

P. JOHN HANRAHAN, INC.

Order of Revocation

P. John Hanrahan, Inc., 9 Maiden Lane, New York, N.Y. 10038, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 536 for revocation.

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(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 536 be and is hereby revoked effective July 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon P. John Hanrahan, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-15380 Filed 7-25-73;8:45 am]

STEAMSHIP OPERATORS INTERMODAL COMMITTEE

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, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Executive Secretary
Steamship Operators Intermodal Committee
Atlantic Regional Committee
67 Broad Street
New York, New York 10004

Agreement No. 9735-6, between the member lines of the Steamship Operators Intermodal Committee, provides for an indefinite extension of the agreement.

The basic agreement, as amended, which is now scheduled to terminate on September 2, 1973, pursuant to the Commission's Order of Approval in Agreement No. 9735-5, is a cooperative working arrangement which allows the parties to discuss matters enumerated in the agreement to try to arrive at a common position to be taken in consultation with governmental agencies or private associations, and in appearance at hearings and other public or private proceedings.

Dated: July 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15379 Filed 7-25-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JULY 16, 1973.

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

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

William A. Lyons
Member, Chairman and Chief Executive Officer,
New York State Electric and Gas Corporation

Mr. Lyons replaces Mr. James A. O'Neill.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15392 Filed 7-25-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON FINANCE

Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., August 1, 1973, 9:30 a.m., e.d.t., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of May 31, 1973 meeting.
B. Report on June 26 Coordinating Committee and June 27 Executive Advisory Committee meetings.
C. Further report of Task Force on Future Financial Requirements and discussion of write-up of Task Force model.
D. Further report on future financial requirements of the public and cooperative sectors.
E. Reports on other assignments.
F. Review of proposed outline of final report.
G. Discussion of draft material for final Committee report.
H. Other business.
I. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the

meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15390 Filed 7-25-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY DISTRIBUTION RESEARCH

Agenda of Meeting

Agenda. For a meeting of the Technical Advisory Committee on Research and Development Task Force on Energy Distribution Research to be held at the Federal Power Commission Offices 825 North Capitol Street, NE., Washington, D.C. 20426, August 16, 1973, 10:00 a.m., Room 5200.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting:
A. Approve minutes of June 25 & 26, 1973 meeting.
B. Final review of all previous work.
C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15389 Filed 7-25-73;8:45 am]

[Docket No. E-8305]

ALLEGHENY POWER SERVICE CORP.

Notice of Exchange Agreement

JULY 13, 1973.

Take notice that on July 5, 1973, Allegheny Power System (Allegheny) tendered for filing on behalf of Monongahela Power Company (Monongahela), The Potomac Edison Company (PE), West Penn Power Company (West Penn) and Virginia Electric and Power Company (VEPCO) Amendment No. 1 to an agreement dated January 1, 1973, designated PE FPC No. 33, West Penn FPC No. 31, Monongahela FPC No. 32, and VEPCO FPC No. 99. Allegheny states that the amendment to said agreement adds Schedule E—Diversity Power and Exchange Agreement to be effective as of such date as the schedule is accepted for filing by the Commission. Allegheny submits that the filing is made to establish a program of exchange of energy commencing in 1975 between the Allegheny System, a winter peak system, and VEPCO, a summer peak system.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 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 July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15298 Filed 7-25-73;8:45 am]

[Docket No. RI74-8]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing

JULY 13, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I] and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until the shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-8	Atlantic Richfield Co.	492	[1] 21	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex.—Permian Basin).		6-14-73	7-15-73	[4] Accepted			
	do		[2] 22	do	(3)			12-15-73	17.9023	35.0	RI71-373.

* The pressure base is 14.65 p.s.i.a.
[1] Amendatory agreement.
[2] No current deliveries.
[3] Applicable to sales made pursuant to Supplement No. 21 only.
[4] Accepted to be effective as of the date shown in the "Effective Date" column.

Since the proposed rate exceeds the rate limit for a one day suspension, it is suspended for five months.

Atlantic's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondent of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-15416 Filed 7-25-73;8:45 am]

BACA GAS GATHERING SYSTEM, INC.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that on June 25, 1973, Baca Gas Gathering System, Inc. (Baca) tendered for filing FPC Gas Tariff, Original Volume No. 3 to be effective as of May 17, 1973.

Baca states that the filing is in accordance with paragraph (D) of the Commission's order issued May 16, 1973, in Docket No. CP73-141 authorizing the sale of natural gas under the terms and provisions of a contract dated October 17, 1972, between Baca and Panhandle Eastern Pipe Line Company.

All persons desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commissions rules of practice and procedure. All such petitions and protests should be filed on or before August 2, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. 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.73-15393 Filed 7-25-73;8:45 am]

[Docket No. E-7709]

BANGOR HYDRO-ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that Bangor Hydro-Electric Company (Bangor) on July 2, 1973, tendered for filing proposed changes in its FPC Rate Schedules 1, 2, 4, 5 and 7, as a revision of proposed changes filed by the Company on February 11, 1972, and refiled on February 26, 1973. The proposed changes would increase revenues from jurisdictional sales and service by $67,948 based on a volume of sales for the 12 month period ending June 30, 1972. The proposed rate change is described in the Company's tranmittal letter as resulting from increased operating costs. The proposed effective date is September 1, 1973.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE. 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 July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15394 Filed 7-25-73;8:45 am]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on June 25, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Original Sheets Nos. 397-425 to its FPC Gas Tariff, Original Volume No. 2. The proposed changes would result in $22,836 in revenues from jurisdiction sales based on a total volume of 14,675,999 Mcf for the 12 month period ending October 31, 1973.

Consolidated states that the filing is the result of Commission order of April 6, 1973, in Docket No. CP73-146, authorizing Consolidated to transport for Texas Gas Transmission Corporation (Texas Gas), on a firm basis, a contract demand volume of 51,000 Mcf daily at 14.73 psia. This application constitutes the transportation agreement instituting the Commission order.

Consolidated also requests a waiver of the notice requirements of § 154.22 of the Commission's regulations so that the effective date of the agreement may be November 2, 1972. Consolidated states that on November 2, 1972, it notified the Commission that it was commencing the subject transportation service on behalf of Texas pursuant to § 157.22 of the Regulations. The sixty-day notice limitation imposed by the section was extended by Commission letter order of January 11, 1973. Consolidated asserts that on February 9, 1973, Texas Gas invoked § 157.22 of the regulations with regard to the transportation service. Consolidated believes, therefore, that it is appropriate to prescribe an effective date of November 2, 1972, for its application.

All parties to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, NE. Washington, D.C. 20426 in accordance with the Commission rules of practice and procedure. All such petitions or protests should be filed on or before August 3, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make the 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15396 Filed 7-25-73;8:45 am]

[Rate Schedule No. 115]

CONTINENTAL OIL CO.

Notice of Rate Change Filing

JULY 20, 1973.

Take notice that the producer listed in the Appendix attached below has filed a proposed increased rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 30, 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.

APPENDIX

Filing Date	Producer	Rate schedule No.	Buyer	Area
July 13, 1973...	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	115	United Gas Pipe Line Co ...	Southern Louisiana.

[FR Doc.73-15395 Filed 7-25-73;8:45 am]

EL PASO NATURAL GAS CO.

Notice of Revised Exhibits

JULY 13, 1973.

Take notice that on July 5, 1973 El Paso Natural Gas Company tendered for filing revised Exhibits A and B, each dated April 16, 1973 to the firm Service Agreement dated August 15, 1970 between El Paso and Arizona Public Service Company (APS). El Paso states that this filing is made to reflect changes authorized by Commission order issued March 6, 1972 in Docket No. CP72-39,

granting El Paso the right to abandon by Assignment to APS the Bowie Nos. 1 and 2 Meter Stations, the Wenden Meter Station and the Salome Meter Station and to construct and operate the Bowie Master Meter Station and the Wenden-Salome Master Meter Station. An effective date of August 4, 1973 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15299 Filed 7-25-73;8:45 am]

[Docket No. CP70-138]

EL PASO NATURAL GAS CO.

Order Permitting Interventions, Providing for Hearing and Establishing Procedures

JULY 13, 1973.

On March 27, 1973, El Paso Natural Gas Company (El Paso) filed a petition requesting the Commission to modify El Paso's import authorization, issued in Docket No. CP70-138, to conform to the provisions of the Third Amending Agreement (TAA) to its Fourth Service Agreement (FSA) entered into on March 1, 1973, between El Paso and Westcoast Transmission Company, Limited (Westcoast).

By Commission order issued in this docket on May 12, 1970, (in Docket No. CP70-138), as amended by order on February 9, 1971, El Paso was authorized to import natural gas from Canada, to be purchased from Westcoast, in accordance with the terms and conditions set forth in the FSA, dated October 10, 1969. The Commission's order of May 12, 1970, provides that El Paso cannot "* * * materially change or alter its import operations without first obtaining the permission and approval of the Commission".

The TAA modified the FSA in four respects. First, the commodity charge adjustment provision is expanded to permit Westcoast to charge El Paso, commencing March 1, 1973, its allocable share of Westcoast's increases in actual costs of gas purchased above the estimates of such costs. This would in effect give Westcoast a purchased gas rate adjustment clause without the unit limitations currently in effect. Second, Westcoast is permitted to undertake an advance payment program and adjust the commodity charge of El Paso's rate to recover certain costs arising from Westcoast's advance payments program. Third, El Paso has agreed to permit Westcoast to further increase the commodity charge of its rate by 1.5 cents per Mcf until November 1, 1975, as an incentive to Westcoast to acquire new gas reserves and secure authorizations for the export and sale of additional gas to El Paso. Under certain conditions this increase will continue until November 1, 1976, and under certain other conditions the increase or a portion thereof would continue throughout the remaining term of the FSA. Fourth, the TAA changes the currency adjustment provisions of the FSA to conform to the other changes in the pricing provisions.

The filing was noticed on April 26, 1973, with comments, protests and/or petitions to intervene due on or before May 18, 1973. Timely petitions to intervene were filed by the APCO Group, Colorado Interstate Gas Company, Northwest Natural Gas Company, California-Pacific Public Utilities Company and Southwest Gas Corporation. Notices of Interventions were filed by the People of the State of California and the Public Utilities Commission of the State of California and the Public Utility Commissioner of the State of Oregon. An untimely petition to intervene was filed by the Intermountain Gas Company.

The proposed amendment has not been shown to be in the public interest and good cause exists to enter upon a hearing concerning El Paso's requested amendment.

The Commission finds.

(1) Although the petition to intervene of Intermountain Gas Company was not timely filed, good cause exists for permitting such intervention since its participation will not delay the disposition of this proceeding.

(2) It is desirable and in the public interest to permit all of the above named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged right and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(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 Commission enter upon a hearing concerning the above-mentioned matters and establish the procedures for said hearing as hereinafter set forth.

The Commission orders:

(A) The above-named petitioners to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interevnors shall be limited to matters affecting rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 3, 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, (18 CFR Ch. I) a public hearing shall be held on August 28, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved herein.

(C) The case-in-chief of El Paso, and that of any supporting intervenor, including prepared testimony and exhibits, shall be filed with the Commission and served on all parties on or before July 31, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15397 Filed 7-25-73;8:45 am]

[Docket No. E-8293]

FLORIDA POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

JULY 13, 1973.

Take notice that Florida Power and Light Company (Florida) on June 19, 1973, tendered for filing proposed changes in its Rate Schedule FPC Nos. 8-16 to become effective August 18, 1973. Florida asserts that the changes are necessary to eliminate the Commodity Adjustment Clauses as directed by the Commission.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 26, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. 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.73-15300 Filed 7-25-73;8:45 am]

[Docket No. E-8303]

GEORGIA POWER CO.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that on June 27, 1973, Georgia Power Company (Georgia) tendered for filing a rate schedule representing a contract between Georgia and Savannah Electric and Power Company to be effective June 1, 1973.

Georgia states that the new rate schedule supplants "Georgia FPC Rate Schedule No. 729" which expired May 31, 1973. The new contract sets out specific amounts of capacity purchases and sales, based on presently estimated loads and stated reserves. Georgia states the changes in the new contract are necessary to provide for revised rates for capacity and various types of energy.

Georgia claims that no estimate of billing capacity or revenues is possible because of the indefiniteness of the energy transactions; however capacity charge to Georgia for the twelve months following June 1, 1973, will be $240,000.

Any person desiring to be heard or protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, NE., Washington, D.C. 20426 in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15385 Filed 7-25-73;8:45 am]

[Docket No. E-8307]

GEORGIA POWER CO.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that Georgia Power Company (Georgia) tendered for filing on July 2, 1973, proposed changes in FPC Electric Rate Schedule No. 747. The filing consists of a letter agreement dated May 24, 1973, between Georgia and Crisp County Power Commission (Crisp County) which supplements the existing agreement between the parties dated May 31, 1969. Georgia states that under the supplemental agreement it will provide 5,000 kilowatts of short-term capacity to Crisp County at the rate of $1.80 per kilowatt per month from June, 1973, to November, 1973, and such energy as may be required. Georgia requests that the Commission waive the notice requirements of § 35.3 of the Commission's regulations and permit the changes to be effective June 1, 1973, since the service was made available to Crisp County on that date.

Georgia states that in submitting this filing it does so without prejudice to its right to question the Commission's jurisdiction to require filing of this agreement and it reserves the right to deny the Commission's jurisdiction.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 July 31, 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.73-15398 Filed 7-25-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on July 9, 1973, Gulf States Utilities Company (Gulf States) filed a notice of rate increase which the Company states it gave on June 21, 1973, to the Kirbyville Light and Power Company (Kirbyville) pursuant to the Commission's June 14, 1973, order in this docket in which the Commission allowed a rate increase, applicable to Kirbyville, filed in this docket to become effective subject to refund, upon the contractually specified date and proper notice of such being filed with the Commission. Tendered for filing under Gulf States' FPC Schedule No. 81 (Kirbyville Light and Power Company) is revised schedule 423 "Other Electric Corporations For Resale". The proposed effective date of the revised schedule is August 21, 1973, which Gulf States indicates is the anniversary date specified by its contract with Kirbyville, as later amended by the parties, upon which changes in rates could be put in effect after giving notice of such change within a contractually specified period. Gulf States further states that it gave notice, on June 21, 1973, of termination of the service contract with Kirbyville but such notice was rejected. The Company indicates that it reserves all rights based on such termination. The Company also states that it is understood that the implementation of the rate increase is also subject to applicable regulations as may be promulgated under the President's Economic Stabilization Program announced June 13, 1973.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15400 Filed 7-25-73;8:45 am]

[Docket No. CI71-889]

HARVEY BROYLES

Notice of Petition to Amend

JULY 20, 1973.

Take notice that on June 18, 1973, Harvey Broyles (Petitioner), P.O. Box 1511, Shreveport, Louisiana 71165, filed in Docket No. CI71-889 a petition to amend further the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to sell natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from the Bryceland Field, Bienville Parish, Louisiana, for an additional period of time at an increased price, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order, as amended, issuing the certificate in the subject docket authorizes Petitioner to sell gas to Texas Eastern through August 11, 1973, at a rate of 35.0 cents per Mcf at 15.025 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretation (18 CFR 2.70). Petitioner proposes to continue said sale for six months commencing August 12, 1973, at the rate of 45.0 cents per Mcf.

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 petition to amend should on or before August 3, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15384 Filed 7-25-73;8:45 am]

[Docket No. CI74-16]

JOHN H. HENDRIX ET AL.

Notice of Application

JULY 19, 1973.

Take notice that on July 5, 1973, John H. Hendrix (Applicant), 403 Wall Towers West, Midland, Texas 79701, filed in Docket No. CI74-16 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Skelly Oil Company (Skelly) from the Drinkard Pool, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of casinghead gas to Skelly made under a percentage-of-proceeds casinghead gas contract within the contemplation of § 154.91(e) of the regulations under the Natural Gas Act (18 CFR 154.91(e)). Applicant states that Skelly processed the gas and sold the residue to Northern Natural Gas Company (Northern) and El Paso Natural Gas Company. Applicant states further that the subject gas is produced from wells reclassified from oil wells to gas wells by the New Mexico Oil Conservation Commission and that said gas will now be sold to Northern under an existing contract pursuant to Applicant's small producer certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15401 Filed 7-25-73;8:45 am]

[Docket No. E-8300]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

JULY 13, 1973.

Take notice that on June 29, 1973, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 125,000 shares of Cumulative Preference Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The Cumulative Preference Stock will be issued on approximately September 20, 1973. The Cumulative Preference Stock is subject to the prior rights and preferences of the existing outstanding classes of the Company's Cumulative Preferred Stock. The rate of dividend on the Cumulative Preference Stock will be determined by competitive bidding and redemption prices and amount payable in event of voluntary liquidation will be determined by agreement between the Company and the person or persons offering the best price for the Cumulative Preference Stock based upon the rate of dividend and the public offering price.

According to the Applicant, the purposes for which the Preference Stock is to be issued include the construction, completion, extension and improvement of facilities. The estimated construction program for 1973 totals $53,077,000 and includes the expenditure of $42,530,000 for its share of the cost of construction of a 550,000 KW nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 20% and 10% undivided ownership, respectively, in this plant and its generating capacity.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15296 Filed 7-25-73;8:45 am]

[Rate Schedule Nos. 1, etc.]

KERR-McGEE CORP., ET AL.

Notice of Rate Change Filings

JULY 19, 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 vintaging 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 filings should on or before July 27, 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.

APPENDIX

Filing Date	Producer	Rate schedule Nos	Buyer	Area
July 9, 1973	Kerr-McGee Corp., McGee Tower, Oklahoma City, Okla. 73102.	1	United Gas Pipe Line Co	Other southwest area.
Do	H. H. Phillips, Jr., Milam Bldg., San Antonio, Tex. 78205.	4	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[FR Doc.73-15402 Filed 7-25-73;8:45 am]

[Docket No. CI73-783]

LONE STAR EXPLORATION, INC.

Notice of Amendment to Application

JULY 13, 1973.

Take notice that on July 9, 1973, Lone Star Exploration, Inc. (Applicant), 2010 Republic National Bank Tower, Dallas, Texas 75201, filed in Docket No. CI73-783 an amendment to the application filed on May 14, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Southwest Tatum, Hosston-Cotton Valley Field, Rusk County, Texas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application of May 14, 1973, Applicant stated that it received no tax reimbursement for the gas sold to United. Applicant now states that it is to be reimbursed for all gathering, transportation, and handling taxes which are levied upon it as a result of the proposed sale. It is estimated that such reimbursement will be 3.0 cents per Mcf and that the total price will be 43.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment.

Since the proposed sale is to be made within the contemplation of § 2.70 of the Commisison's general policy and interpretations (18 CFR 2.70), it appears reasonable and consistent with the public interest 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, as amended, should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15301 Filed 7-25-73;8:45 am]

[Docket No. CI73-501]

LOUISIANA LAND AND EXPLORATION CO.

Order Amending Order Granting Intervention and Fixing Date for Hearing

JULY 13, 1973.

By an order entitled "Order Granting Intervention And Fixing Date For Hearing" issued in this proceeding on July 6, 1973, we sought to fix dates for the submission of evidence, the commencement and conclusion of a hearing, the date of an initial decision, and the date for submission of briefs on exceptions to the Presiding Administrative Law Judge's decision.

However, inadvertently, a finding clause waiving the intermediate decision was included in the order. We did not intend that the intermediate decision be waived in this proceeding, and we shall amend our order of July 6, 1973, to delete that clause which waived the intermediate decision.

The order of July 6, 1973, is further amended to provide that the hearing in this proceeding shall be completed on or before August 3, 1973. It is necessary that the hearing be completed by that date so that an initial decision and a final decision upon the application in this proceeding may be issued before September 2, 1973, since LALEXCO could start to collect the contract rate on that date under the provisions of § 2.75h (18 CFR 2.75h).

The Commission finds.

(1) It is in the public interest that the order issued July 6, 1973, in this proceeding be amended as set forth below.

The Commission orders.

(A) The order entitled "Order Granting Intervention And Fixing Date For Hearing" issued in this proceeding on July 6, 1973, is hereby amended as follows:

Page 6, Paragraph (3):

Delete "Good cause exists for the waiver of the intermediate decision procedure in view of the imminent expiration of the six-month period in this proceeding from the commencement of deliveries under § 2.75o".

Page 6, Ordering Paragraph (A), Line 7: Change "July 31, 1973, at 10:00 a.m. (EDST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426" to "July 31, 1973, at 10:00 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, and shall be completed on or before August 3, 1973."

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15391 Filed 7-25-73;8:45 am]

[Docket No. CP73-254]

McCULLOCH INTERSTATE GAS CORP.

Amendment to Application

JULY 13, 1973.

Take notice that on June 4, 1973, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP73-254 an amendment to the application filed on March 30, 1973, in said docket pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, for 12 months from the date of any order in this proceeding rather than from April 1, 1973, through March 31, 1974, and the operation of certain gas purchase facilities within the contemplation of § 157.7(b) of the regulations under the Natural Gas Act (18 CFR 157.7(b)) in order to take into its certified main pipeline system natural gas which will be purchased from producers thereof. In addition, Applicant now requests authorization for the construction and for permission and approval of the abandonment, for a 12-month period, of certain field gas compression and related metering and appurtenant facilities within the contemplation of § 157.7 (g) of the regulations (18 CFR 157.7(g)). Applicant's proposals are more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The purpose of this budget-type amendment under § 157.7(g) of the regulations is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's salable capacity or service from that authorized prior to the filing of the instant amendment. Applicant states that the total cost of the proposed construction and abandonment under this authorization will not exceed $500,000 and the cost for any single project will not exceed $150,000.

In its application of March 30, 1973, Applicant proposes to construct the gas purchase facilities at a total cost of $175,000 with the cost of any single project not to exceed $44,000. These costs will be financed from available funds supplemented, as necessary, by short term loans.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before August 6, 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 or petitions to intervene need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15403 Filed 7-25-73;8:45 am]

[Docket No. E-8298]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Memorandum to Electric Service Agreement

JULY 19, 1973.

Take notice that on July 2, 1973, Northern Indiana Public Service Company

(Northern Indiana) tendered for filing Memorandum No. 57 to Northern Indiana Rate Schedule FPC No. 8 to be effective July 1, 1973, subject to the Economic Stabilization Act.

Northern Indiana states that Memorandum No. 57 relates to the release of capacity by Northern Indiana to Commonwealth Edison of Indiana, Inc. The electrical capacity subject to the memorandum was contracted for in an agreement contained in the above mentioned Rate Schedule FPC No. 8. The company also asserts that Sections IV and II of Memorandum No. 57 have had costs adjusted to reflect increases in fuel costs.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. 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.73-15404 Filed 7-25-73;8:45 am]

[Docket No. RP73-116]

PACIFIC GAS TRANSMISSION CO.

Notice of Change in Tariff

JULY 13, 1973.

Take notice that on June 27, 1973, Pacific Gas Transmission Company (Pacific Gas) tendered for filing Original Sheet Nos. 16A, 16B and 16C in Rate Schedule PL-1 of its FPC Gas Tariff Original Volume No. 1. Pacific Gas states that this rate schedule is available only to Pacific Gas and Electric Company (PG&E) and that this filing is made to establish a general procedure for the inclusion of advance payments for exploration, development, and production of natural gas in Pacific Gas' rate base for computation of charges to PG&E. An effective date of August 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 July 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15302 Filed 7-25-73;8:45 am]

[Project No. 943]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Notice of Further Extension of Time

JULY 13, 1973.

On June 27, 1973, Public Utility District No. 1 of Chelan County, Washington filed a motion for an extension of time to answer petitions to intervene filed by Public Utility District No. 2 of Grant County, Washington, and Washington Department of Game and Washington Department of Fisheries. The motion states that counsel for the above petitioners advised that they have no objection to the request.

Upon consideration, notice is hereby given that the time is extended to and including July 31, 1973, within which answers may be filed to the above petitions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15303 Filed 7-25-73;8:45 am]

[Docket No. CI74-20]

SKLAR & PHILLIPS OIL CO.

Notice of Application

JULY 19, 1973.

Take notice that on July 12, 1973, Sklar & Phillips Oil Co. (Applicant), 2925 Mansfield Road, Shreveport, Louisiana 71103, filed in Docket No. CI74-20 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 Arkansas Louisiana Gas Company (Arkla) from the Danville Area, Bienville Parish, Louisiana, 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 intends to commence the sale of gas on or about September 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-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 Mcf of gas per month at 58.3 cents per Mcf at 15.025 p.s.i.a., including 3.3 cents per Mcf tax reimbursement. It is stated that the buyer will dehydrate the gas at the point of delivery and, if necessary, will compress at the point of delivery at a charge of 0.75 cent per Mcf to the seller per stage of compression.

Applicant also states that it has entered into an agreement with Arkla giving Arkla first option, after expiration of the proposed one year sale, to purchase all the gas from Applicant's acreage subject to this application on a long term basis of up to 20 years by meeting the best offer then available to Applicant from any other pipeline buyer. If Applicant does not receive any better offers than the price for the sale herein proposed, the long term agreement will be at the same price as the proposed one-year sale, plus an escalation of 1.0 cent per Mcf per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15405 Filed 7-25-73;8:45 am]

[Docket Nos. RP73-7, RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Presiding Administrative Law Judge's Certification of Motion to Terminate Proceedings

JULY 20, 1973.

Take notice that on July 2, 1973, the Presiding Administrative Law Judge certified to the Commission, in this docket, a motion by South Texas Natural

Gas Gathering Company that the proceedings be terminated and that any obligation for refund also be terminated. The certification states that the motion was made at a prehearing conference held on June 19, 1973, at which time the prepared testimony of the Commission's Staff witnesses was placed in evidence, and further states that those parties present at the prehearing conference supported granting the motion and no party spoke in opposition. Accompanying the motion was the complete record in the proceeding.

Any person desiring to be heard or to protest said certification should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., 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 protests should be filed on or before August 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of the certification are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15399 Filed 7-25-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Amendment of Agreement

JULY 19, 1973.

Take notice that on July 3, 1973, Tennessee Gas Pipeline Company (Tennessee) tendered for filing Sixth Revised Volume No. 2, to be effective June 20, 1973.

Tennessee states that the filings reflect an amendatory agreement between Trunkline Gas Company (Trunkline) and Tennessee dated October 17, 1972. The amendment provides for an extension of the term of the original contract and the inclusion of a new delivery point at the tailgate of Texaco, Inc's Henry Gas Plant, Vermilion Parish, Louisiana, in the basic agreement (Tennessee's Rate Schedule X-35).

Tennessee requests waiver of the thirty day notice requirement as provided in 18 CFR 154.51 so that the agreement might become retroactively effective.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15406 Filed 7-25-73;8:45 am]

[Docket No. RP74-2]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Declaratory Order

JULY 18, 1973.

Take notice that on July 5, 1973, Texas Eastern Transmission Corporation, Post Office Box 2521, Houston, Texas 77001 (Texas Eastern) petitioned the Federal Power Commission for an order pursuant to sections 4 and 16 of the Natural Gas Act and § 1.7 of its rules of practice and procedure permitting Texas Eastern to include purchases of substitute natural gas (SNG) from Algonquin Gas Transmission Company (Algonquin) in the Purchase Gas Cost Adjustment (PGA) provisions of Texas Eastern's FPC Gas Tariff.

Texas Eastern has entered into an agreement with Algonquin providing for the sale by Algonquin and purchase by Texas Eastern of the difference between the 120,000 Mcfd output of Algonquin's regular customers from time to time. Purhases under Algonquin's Rate Schedule SNG-1 for the 1973-74 winter will be 28,539 Mcfd and under its Rate Schedule SNG-2 for the summer of 1974 will be in the range of 110,000 to 120,000 Mcfd. Texas Eastern alleges that the purchase of SNG is needed to help reduce the level of its curtailments during the coming heating season and in the future.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 31, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15383 Filed 7-25-73;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Certification of Proposed Settlement

JULY 19, 1973.

Take notice that on June 26, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above entitled proceeding together with the record relating thereto. The proposed settlement agreement and related record are on file with the Commission and available for public inspection.

Any person wishing to do so may file comments in writing with the Commission concerning the proposed settlement. Such comments should be filed on or before August 3, 1973. All comments received will be considered by the Commission in determining the appropriate action to be taken with respect to the proposed settlement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15407 Filed 7-25-73;8:45 am]

[Docket No. CS69-26]

TRIBUNE OIL CORP.

Notice of Petition to Amend

JULY 19, 1973.

Take notice that on July 11, 1973, Tribune Oil Corporation (Petitioner), 230 Park Avenue, New York, New York 10017, filed in Docket No. CS69-26 a petition to amend the order issuing a small producer certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder (18 CFR 157.40) by authorizing Petitioner to continue the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation at Egan, Louisiana, from properties acquired from Sack Properties, Inc., and Donald H. Loomis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that sales from the properties of its assignors were made under Sun Oil Company FPC Gas Rate Schedule No. 257. Sun Oil Company is a large producer. Section 157.40(c) states that the authorization to sell gas under a small producer certificate shall not apply to any jurisdictional sale made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15408 Filed 7-25-73;8:45 am]

[Docket No. CP73-58]

TRUNKLINE GAS CO.

Notice of Further Extension of Time

JULY 18, 1973.

On July 6, 1973, Trunkline Gas Company requested a further extension of

time within which to submit the tabulation and market data requested by letter dated April 16, 1973, in conjunction with the pending application of Trunkline in Docket No. CP73-58 and Coastal States Energy Company in Docket No. CP73-67.

Upon consideration, notice is hereby given that the time is further extended to and including August 20, 1973 within which to submit the tabulation and market data required by the letter of April 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15409 Filed 7-25-73;8:45 am]

[Dockets Nos. CP72-297, CP73-11, CP73-55]

TRUNKLINE GAS CO.

Notice of Cancellation

JULY 13, 1973.

Take notice that on July 2, 1973 Trunkline Gas Company (Trunkline) tendered for filing the following sheets to Trunkline's FPC Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 331—Cancellation of Rate Schedule E-6
First Revised Sheet No. 355—Cancellation of Rate Schedule E-7
First Reivsed Sheet No. 359—Cancellation of Rate Schedule E-8

Trunkline states that this filing is made to report the termination of agreements for exchange of natural gas, by their own terms. An effective date of August 1, 1973 is requested.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestant 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.73-15304 Filed 7-25-73;8:45 am]

[Docket No. E-8276; etc.]

VIRGINIA ELECTRIC POWER CO., ET AL.

Notice of Application

JULY 18, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before August 13, 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). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No. E-8276; filing date, June 18, 1973; name of applicant, Virginia Electric Power Company.

By request dated June 13, 1973, Applicant seeks permission to provide the Prince William Electric Cooperative with an additional delivery point in Prince William County, designated as the Woods Delivery Point. The projected connection date for this delivery point is in August, 1973. Applicant requests effectiveness on the date that the facilities are connected with the understanding that the Applicant will notify the Commission of that date.

Docket No. E-8277; filing date, June 14, 1973; name of applicant, The Superior District Power Company.

Applicant's letter dated June 12, 1973, requests permission to effect a special temporary minimum charge under its contract with the Bayfield Electric Cooperative, Telemark Connection, Point of Delivery No. 9. The installed 5,000 kVA in transformer capacity at this delivery point is more than twice the kVA capacity presently needed. Bayfield has agreed to a minimum charge based on 2,500 kVA capacity plus a flat charge of $50 per month to approximate the cost of unmetered transformer losses. It is requested that the proposed temporarily reduced minimum charge be effective with the date of connection for the Telemark Point of Delivery.

Docket No. E-8278; filing date, June 15, 1973; name of applicant, Gulf States Utilities Company.

Pursuant to agreement with Cajun Electric Power Cooperative Inc., Applicant has filed the June 11, 1973 notice of conversion of the Morganza Metering Point, at Morganza, Louisiana from 13.2 Kv. to 34.5 Kv.

Docket No. E-8279; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

By letter dated June 8, 1973, Applicant filed a change in the rate schedule applicable to its agreement with the New Hampshire Electric Cooperative, Inc., for Partial Requirements Resale.

Docket No. E-8279; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

Service, dated December 1, 1972. This rate schedule replaces the rate schedule filed December 23, 1971, which has not been accepted for filing by the Commission.

The proposed changes delete all reference to deliveries of power from the Vermont Yankee Nuclear Power Corporation to the New Hampshire Electric Cooperative, Inc. The list of delivery points to which the Cooperative has requested delivery of its entitlement of power from the Maine Yankee Atomic Power Company has also been revised as has been the rate schedule set forth on Exhibit C, 1st Revised Sheet No. 1, dated June 15, 1972, filed as a rate increase in Docket No. E-7742. Applicant requests that the proposed rate schedule be made retroactive to December 1, 1972.

Docket No. E-8281; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

By letter dated June 7, 1973, Applicant filed a change in the rate schedule pursuant to its agreement with the New Hampshire Electric Cooperative, Inc. Deletion of the Plymouth No. 1 delivery point is proposed effective as of October 1, 1970. Deletion of delivery point at Plymouth No. 2, Rumeny, Sunapee and Thornton is also proposed effective December 1, 1972. These delivery points have been deleted here because they have been added to a filing made concurrent with this one, Docket No. E-8279, Partial Requirements Resale Service.

Docket No. E-8283; filing date, June 13, 1973; name of applicant, Mississippi Power & Light Company.

Applicant filed by letter dated June 11, 1973, notice of agreement with the Delta Electric Power Association, Capline Substation, Carroll County, Mississippi, for sale of electrical power. The Applicant's rate schedule, REA-11, is on file with the Commission. Applicant requests that this filing be made effective at the earliest permissible date.

Docket No. E-8291; filing date, June 25, 1973; name of applicant, Washington Water Power Company.

Applicant filed interconnection agreement between itself and Portland General Electric Company dated May 11, 1973. Applicant is to wheel energy generated by the Idaho Power Company and purchased by the Portland General Electric Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15410 Filed 7-25-73;8:45 am]

[Docket No. E-8290]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement for Establishment of New Delivery Point

JULY 13, 1973.

Take notice that on June 22, 1973, Virginia Electric and Power Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, a contract supplement, dated April 4, 1973, to the Agreement designated as Applicant's Rate Schedule FPC No. 87-15

between Applicant and Virginia Electric Cooperative. Said supplement requests Commission authorization for a new point of delivery—designated Orchid Delivery Point—located on the southwest side of U.S. Highway 522, approximately one quarter mile northwest of Route 601, in or near Louisa, Virginia. The application requests that the authorization become effective on the date of connection of such facilities, which is estimated to be in August, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15305 Filed 7-25-73;8:45 am]

STINGRAY PIPELINE CO. ET AL.

Practice and Procedure Intervention

JULY 13, 1973.

Stingray Pipeline Co., Sun Oil Co. and Pennzoil Offshore Transmission Co., Docket No. CP73-27, Docket No. CI73-878, Docket No. CI73-879, Docket No. CI73-880, Docket No. CP72-292.

On July 31, 1972, Stingray Pipeline Company (Stingray) filed an application in the above-styled proceeding pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the leasing of existing facilities, and the transportation of gas for Natural Gas Pipeline Company of America (Natural and Trunkline Gas Company (Trunkline)).

Stingray proposes to construct and operate approximately 72 miles of 36-inch pipe, along with other appurtenant facilities, from Block 509 in West Cameron Area South Addition to Block 148 in West Cameron Area, offshore Louisiana, where the proposed line will attach to Natural's existing 36-inch offshore Louisiana system. Trunkline has been designated as the operator of the proposed facilities including the leased facilities. The project is to be constructed in two phases with the first phase to provide capacity of 654,000 Mcf per day and the second phase (additional laterals and offshore compression) would increase capacity to approximately 1,003,000 Mcf per day. The capacity is to be divided equally between Trunkline and Natural.

The proposed facilities in the first phase are to consist of 72 miles of 36-inch pipe, 134 miles of alleged gathering lines varying in size from 12-inches to 24-inches in diameter, a 22,500 horsepower onshore compressor station in Cameron Parish, Louisiana, and an offshore gathering platform in Block 509. The estimated total cost of these facilities is $105,000,000. The second phase facilities are to consist of 83.7 miles of alleged gathering line varying in size from 12-inches to 22-inches in diameter, an offshore compressor platform in Block 509 and the installation of a 22,000 horsepower compressor. The total estimated cost is $45,000,000.

Natural's offshore Louisiana system, which Stingray proposed to lease, consists of 4.55 miles of 16-inch lateral, 11.2 miles of 24-inch lateral and 32.05 miles of 36-inch pipe which was originally authorized by a certificate issued July 26, 1971, in Docket No. CP71-231. Natural's system extends from Block 148, West Cameron Area to a point onshore near Holly Beach, Louisiana.

Notice of Stingray's application was issued on August 16, 1972, and was published in the FEDERAL REGISTER on August 18, 1972 (37 FR 16829). September 5, 1972, was set as the final date for filing protests and petitions to intervene. Accordingly, timely petitions to intervene were filed by the following parties:

Columbia Gas Transmission Corporation
Laclede Gas Company
Pennzoil Offshore Transmission Company
United Gas Pipe Line Company
Northern Illinois Gas Company
Tennessee Gas Pipeline Company
Central Illinois Light Company [1]
Trunkline Gas Company
Panhandle Eastern Pipe Line Company
Central Illinois Public Service Company
Iowa Southern Utilities Company
Northern Indiana Public Service Company
North Shore Gas Company
Associated Gas Distributors [1]
Consumers Power Company
Northern Michigan Exploration Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
Indiana Gas Company
Natural Gas Pipeline Company of America
Peoples Gas Light and Coke Company
Mississippi River Transmission Corporation
City of Indianapolis

Untimely petitions to intervene were filed by the following parties:

Michigan Gas Utilities Company
Iowa Power and Light Company
Sea Robin Pipeline Company

The petitioners, including those who filed late, have shown sufficient interest in the proceedings in Docket No. CP73-27 to warrant intervention. The grant of intervention for those petitioners who have filed late will not delay this proceeding.

Stingray proposes to engage in the transportation of gas rather than in its purchase and resale. Stingray avers that its gas supply is represented by contracts with its customers, Natural and Trunkline. On June 7, 1973, Sun Oil Company (Sun) filed in Docket Nos. CI73-878, CI73-879, and CI73-880 applications pursuant to section 7(c) of the Natural Gas Act and section 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to Trunkline from certain Blocks in the West Cameron Area, Vermilion Area and East Cameron Area, respectively, offshore Louisiana. Since the gas which Sun proposes to sell to Trunkline represents, inter alia, Stingray's gas supply for transportation, we are of the view that Sun's applications herein should be consolidated with the proceedings in CP73-27. Additionally, we note that the Public Service Commission for the State of New York has timely filed a notice of intervention in Sun's three application proceedings.

On May 22, 1973, Stingray filed a motion with the Commission requesting immediate hearings. In its motion, Stingray maintains that both Natural and Trunkline are experiencing serious deficiencies in their natural gas supplies and that the proposed project is essential to them and their customers since it represents the earliest relief which could be made available to either system. Stingray states that "unless prompt measures are taken to bring this matter to the Commission for resolution, the parties along with the consumers which are dependent upon them will have lost, not one, but two precious years." Statements in support of Stingray's motion were filed by the following parties who, with the exception of Interstate Power Company, have all petitioned for leave to intervene in this proceeding:

Interstate Power Company
Michigan Gas Utilities Company
Mississippi River Transmission Corporation
Peoples Gas Light and Coke Company
Natural Gas Pipeline Company of America
Indiana Gas Company
Iowa-Illinois Gas and Electric Company
Illinois Power Company
Northern Michigan Exploration Company
Consumers Power Company
City of Indianapolis

On June 20, 1972, Pennzoil Offshore Transmission Company (POTCO) filed an application in Docket No. CP72-292 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 pipeline and related facilities as well as the transportation and sale in interstate commerce of natural gas.

POTCO intends to construct and operate approximately 10.6 miles of 30-inch pipeline, extending from Block 587 in the West Cameron Area, South Addition, offshore Louisiana, to Block 548 in the same area. POTCO also proposes to construct and operate approximately 121 miles of 36-inch pipeline extending from a platform located in Block 548 in the West Cameron Area to an onshore point located near Sweet Lake, Cameron Parish,

[1] The petitions of Central Illinois and Associated Gas Distributors specifically request formal hearings.

Louisiana; and approximately 139 miles of 30-inch pipeline extending from Sweet Lake to a point near Clarence, Louisiana. In addition, POTCO seeks authorization to transport through its facilities up to 400,000 Mcf of natural gas per day for sale to United Gas Pipe Line Company (United), of which POTCO is a wholly owned subsidiary, at a delivery point near Clarence. The estimated total cost of the proposed facilities is $126,000,000.

Notice of POTCO's application was issued on July 12, 1972, and was published in the FEDERAL REGISTER on July 18, 1972 (37 FR 14256). July 31, 1972, was set as the final date for filing protests and petitions to intervene. Accordingly, timely petitions to intervene were filed by the following parties:

Southern Natural Gas Company
Northern Michigan Exploration Company
Tennessee Gas Pipeline Company
Columbia Gas Transmission Corporation
Stingray Pipeline Company
Natural Gas Pipeline Company of America
Trunkline Gas Company
Mississippi River Transmission Corporation
Atlanta Gas Light Company
Mississippi Valley Gas Company
Laclede Gas Company
Texas Gas Transmission Corporation
Public Service Commission of the State of New York

Untimely petitions to intervene were filed by the following parties:

Central Illinois Light Company
Associated Gas Distributors

The petitioners, including those who filed out of time, have sufficient interest in the proceedings in Docket No. CP72-292, to warrant intervention therein. The grant of intervention for those petitioners who filed late will not delay this proceeding.

While we recognize that the nation is currently in the midst of a serious natural gas shortage and that we must do everything within our means to expedite the certification of transportation facilities in the offshore areas in order to bring newly discovered gas into the interstate market, we also recognize that the instant applications may require comparative hearings. Our dilemma is compounded by the fact that while Stingray's application in Docket No. CP73-27 is ripe for the initiation of the public hearing process, POTCO's application is Docket No. CP72-242, because of a substantial lack of important environmental information,[1] is not. In order to facilitate our decision regarding the comparative nature of the two applications, we believe that the two pipeline applicants, Stingray and POTCO, are in the best position to submit initial pleadings to us concerning whether the two applications are, in fact, mutually exclusive applications for the transportation of gas from the same supply area and therefore require comparative public hearings. Once these initial pleadings are filed with regards to this specific question, all interested parties may file responses thereto if they so desire. After reviewing these pleadings and responses we will render our decision on the comparative hearing issue.

In the interim, we believe that the public interest warrants going forward with the Stingray proceeding in Docket No. CP73-27. After reviewing all filings in that Docket, we are of the view that questions have been raised which, together with the requests of some petitioners, warrant formal public hearings at which time all issues bearing upon the public interest can be fully developed on the evidentiary record. Additionally, we believe that a prehearing conference should be held prior to the date of initiating formal hearing so as to provide an opportunity and a forum for the resolution and stipulation of all areas of agreement between the parties and to more clearly define the issues for an expeditious hearing. At such prehearing conference each party should also be prepared to state briefly its position regarding whether Stingray's application in Docket No. CP73-27 and/or POTCO's application in Docket No. CP72-292 constitutes a major federal action significantly affecting the quality of the human environment pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 USC 4321 et seq. (Supp. 1970)).

All intervenors in the POTCO proceeding in Docket No. CP72-292 shall be granted conditional intervention in the proceedings in Docket No. CP73-27 until such time as we have rendered our decision on the comparative hearing question. Should we eventually decide that comparative hearings are not required, such conditional interventions will be revoked as to those parties who have not formally intervened in Docket No. CP73-27. We believe that by this method we can effectively go forward with the litigation of Stingray's application and at the same time protect the rights and interests of all parties concerned. Should we decide that a comparative hearing is in order, the conditional interventions will become final and the evidentiary record of the Stingray application will be available for final determination at the conclusion of the formal hearings on the POTCO application.

The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above consolidated Dockets to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) It is necessary and appropriate to grant the motion filed by Stingray requesting immediate hearings.

(4) It is necessary and appropriate that Stingray and POTCO file pleadings with the Commission in which they shall state their respective position concerning whether their applications are mutually exclusive and whether comparative hearings should be conducted. It is similarly necessary and appropriate that all interested parties be afforded an opportunity to respond to such pleadings.

(5) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned for intervention in Docket No. CP72-292 to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(6) It is in the public interest to allow all parties to the proceedings in Docket No. CP72-292 to intervene into the above consolidated proceeding subject to the conditions set forth in the body of this order.

(7) It is necessary and appropriate that the consolidated proceedings involving Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 be set for hearing and that a prehearing conference be convened prior to the initiation of such hearing.

The Commission orders:

(A) Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 are consolidated for purposes of hearing and disposition.

(B) The above-named petitioners, who have petitioned to intervene in the proceedings consolidated by ordering paragraph (A) herein, are permitted to intervene in such consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Stingray Pipeline Company and Pennzoil Offshore Transmission Company shall file pleadings on or before August 14, 1973, with the Commission and serve copies of same on all parties of record in Docket Nos. CP73-27 and CP72-292 including the Commission Staff, stating their respective positions as to whether the above two Docketed proceedings should be consolidated for purposes of comparative hearings. All interested parties wishing to file responses to such pleadings shall file such responses on or before August 27, 1973.

(D) The above-named petitioners, who have petitioned to intervene in the proceedings in Docket No. CP72-292, are permitted to intervene in such proceeding subject to the rules and regulations of the

[1] It should be noted that on July 3, 1973, POTCO filed an amendment to its original application which, *inter alia*, provides for the deletion of a substantial portion of its proposed onshore facilities. To what extent this amended application will alleviate the need for certain environmental information is not known at this time.

Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) All parties to the proceeding in Docket No. CP72-292 are permitted to intervene in the proceedings consolidated by ordering paragraph (A) herein subject to the rules and regulations of the Commission and subject to the provisions of intervention as set forth in ordering paragraph (B) herein: *Provided, however,* That the intervention of such parties shall be conditioned on the Commission's determination of the need for comparative hearings regarding the application herein and should the Commission determine that comparative hearings are not required such intervention shall be revoked.

(F) The direct case of applicants in the proceedings consolidated by ordering paragraph (A) herein and all intervenors in support thereof shall be filed and served on all parties of record including the Commission Staff on or before July 31, 1973.

(G) A formal hearing shall be convened to commence with a prehearing conference in the proceedings consolidated by ordering paragraph (A) in a hearing room of the Federal Power Commission, 825 North Capital Street, NE., Washington, D.C. 20426 on August 28, 1973, at 10:00 a.m. e.d.t. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15306 Filed 7-25-73;8:45 am]

[Project Nos. 2058-2075]

WASHINGTON WATER POWER CO.

Notice of Application for Change in Land Rights

JULY 13, 1973.

Public notice is hereby given that application was filed December 14, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company (Correspondence to: Mr. Robert L. Strenge, Assistant Secretary, The Washington Water Power Company, P.O. Box 1445, Spokane, Washington 99210) for change in land rights for constructed Project No. 2058, known as the Cabinet Gorge Project, located on the Clark Fork River in Bonner County, Idaho and Sanders County, Montana and for constructed Project No. 2075, known as the Noxon Rapids Project, located on the Clark Fork River in Sanders County, Montana. Project No. 2058 is downstream of Project No. 2075. The location of the lands involved is Sanders County, Montana.

Applicant, The Washington Water Power Company, requests Commission approval to transfer title of 12 parcels of project land totaling 69.54 acres (0.10 acres of P-2058 land and 69.44 acres of P-2075 land) to Burlington Northern, Inc. The conveyance would be pursuant to an agreement with the railroad to secure ownership of lands needed for relocation of the previous right-of-way which was flooded by the construction of Noxon Reservoir. The land, which is totally within relocated railroad right-of-way was recently acquired from the U.S. Forest Service. The railroad right-of-way is adjacent to and follows the right bank of the project reservoirs until it crosses the Clark Fork River about 9 miles upstream of the Noxon Rapids Dam.

Relocation of the railroad was shown on Exhibit J Sheet 2 approved by the Commission in the order issuing license dated May 12, 1955, and on Revised Exhibit J Sheet 2 approved September 26, 1962.

Any person desiring to be heard or to make protest with reference to said application should, on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15411 Filed 7-25-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN HOME INDUSTRIES CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of American Home Industries 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 10:15 a.m., e.d.t., July 19, 1973 through midnight, e.d.t., July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15325 Filed 7-25-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15335 Filed 7-25-73;8:45 am]

[File No. 500-1]

BBI, INC.

Order Suspending Trading

JULY 20, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, 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 exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15334 Filed 7-25-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15333 Filed 7-25-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6% convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1973 through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15338 Filed 7-25-73;8:45 am]

[70-5364]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT CO. OF MARYLAND

Proposed Extension of Maturity Dates

JULY 20, 1973.

In the matter of Delmarva Power & Light Co., 800 King Street, Wilmington, Delaware, 19899; and Delmarva Power & Light Co. of Maryland, U.S. Route 13 and Naylor Mill Road, Salisbury, MD 21801.

Notice of proposed extension of the maturity dates of all outstanding promissory notes issued and sold by subsidiary electric utility company to its parent holding company and refunding of the subsidiary's 30-year promissory note maturing October 1, 1973, by the issue and sale to parent holding company of a 30-year promissory note in like amount; and issue and sale of long-term promissory notes and capital stock and acquisition and pledge thereof by parent.

Notice is hereby given that Delmarva Power & Light Company of Maryland ("Maryland"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company ("Delmarva"), a registered holding company and a public-utility company, have filed with this Commission an application-declaration pursuant to sections 6(b), 9(a), 12(b), 12(d), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44 and 50(a)(3) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Maryland are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. Delmarva and Maryland propose to extend the maturity dates of Maryland's outstanding promissory notes so that all will have 30-year terms from the dates of their respective issues and at their original interest rates. All outstanding promissory notes of Maryland, aggregating $46,025,000 principal amount, are presently due and payable on October 1, 1973.

Maryland proposes to refund its 30-year 4 percent promissory note, issued October 1, 1943, in the principal amount of $3,760,000, by the issue and sale to Delmarva of a new 30-year promissory note in like amount maturing October 1, 2003, to bear interest at 7.9 percent per annum, such interest rate being based on the cost of the last public borrowing of Delmarva, rounded to the next highest one tenth of one percent (.1%).

From time to time prior to December 31, 1975, Maryland proposes to issue and sell to Delmarva its 30-year promissory notes in a total principal amount not exceeding $8,550,000 and will also issue and sell to Delmarva a total of up to 85,500 additional shares of its common capital stock, par value $100 per share. Presently, Maryland has outstanding 310,250 shares par value $100 per share of its common capital stock. Delmarva will purchase the notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. The notes will bear interest at 7.9 percent per annum, such interest rate being based on the cost of the latest public borrowing of Delmarva, rounded to the next highest one tenth of one percent. At such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under its then latest bond issue, rounded to the next highest one tenth of one percent. At the time of sale of any of said notes by Maryland to Delmarva, Maryland will sell and Delmarva will acquire common capital stock having a par value equal to the principal amount of notes being sold and acquired. The notes and stock will be pledged by Delmarva with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. The notes and stock will be issued and sold by Maryland from time to time as necessary to meet Maryland's cash requirements.

Maryland will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of its 30-year 4 percent promissory note maturing October 1, 1973, in the principal amount of $3,760,000, and for future capital expenditures and other corporate purposes. Proposed additions to Maryland's property and plant are estimated at $3,988,659 for the remaining months of 1973, and estimated expenditures of $17,893,175 for 1974.

It is stated that the Public Service Commission of Maryland has jurisdiction over the proposed transactions and that no other State Commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $4,000, including counsel fees of $1,750.

Notice is further given that any interested person may, not later than August 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further

developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15323 Filed 7-25-73;8:45 am]

[70-5365]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT COMPANY OF VIRGINIA

Notice of Proposed Extension of the Maturity Dates of All Outstanding Promissory Notes

JULY 19, 1973.

Notice is hereby given that Delmarva Power & Light Company of Virginia, 800 King Street, Wilmington, Delaware 19899 ("Virginia"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company, U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland 21801 ("Delmarva"), a registered holding company and a public-utility company, have filed with this Commission an application-declaration pursuant to sections 6(b), 9(a), 12(b), 12(d) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44 and 50(a)(3) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Virginia are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. Delmarva and Virginia propose to extend the maturity dates of Virginia's outstanding promissory notes so that all will have 30-year terms from the dates of their respective issues and at their original interest rates. All outstanding promissory notes of Virginia, aggregating $6,175,000 principal amount, are presently due and payable on October 1, 1973.

Virginia proposes to refund its 30-year 4 percent promissory note, issued October 1, 1943, in the principal amount of $775,000, by the issue and sale to Delmarva of a new 30-year promissory note in like amount maturing October 1, 2003, to bear interest at 7.9 percent per annum, such interest rate being based on the cost of the last public borrowing of Delmarva, rounded to the next highest one tenth of one percent (.1 percent).

From time to time prior to December 31, 1975, Virginia proposes to issue and sell to Delmarva its 30-year promissory notes in a total principal amount not exceeding $275,000 and will also issue and sell to Delmarva a total of up to 2,750 additional shares of its common capital stock, par value $100 per share. Presently, Virginia has outstanding 46,250 shares par value $100 of its common capital stock. Delmarva will purchase the notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. The notes will bear interest at 7.9 percent per annum, such interest rate being based on the cost of the latest public borrowing of Delmarva, rounded to the next highest one tenth of one percent. At such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Virginia shall bear interest equal to the cost of money to Delmarva under its then latest bond issue, rounded to the next highest one tenth of one percent. At the time of sale of any of said notes by Virginia to Delmarva, Virginia will sell and Delmarva will acquire common capital stock having a par value equal to the principal amount of notes being so sold and acquired. The notes and stock will be pledged by Delmarva with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. The notes and stock will be issued and sold by Virginia from time to time as necessary to meet Virginia's cash requirements.

Virginia will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of its 30-year 4 percent promissory note maturing October 1, 1973, in the principal amount of $775,000, and for future capital expenditures and other corporate purposes. Proposed additions to Virginia's property and plant are estimated at $493,619 for the remaining months of 1973, and estimated expenditures of $1,063,109 for 1974.

It is stated that the State Corporation Commission of Virginia has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $3,500, including counsel fees of $1,000.

Notice is further given that any interested person may, not later than August 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15342 Filed 7-25-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 19, 1973 through July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15324 Filed 7-25-73;8:45 am]

[File No. 500-1]

JOHNNY UNITAS QUARTERBACK CLUBS, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Johnny Unitas Quarterback Clubs, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

10 a.m. (e.d.t.), July 18, 1973 through midnight (e.d.t.) July 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15340 Filed 7-25-73;8:45 am]

[812-3171]

NUVEEN INCOME FUND, SERIES 1 ET AL.

Filing of Application

JULY 20, 1973.

Notice is hereby given that IDS/Nuveen Income Trust, Series 1 ("Series 1"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") and all subsequent series and their sponsor, John Nuveen & Co., Incorporated ("Nuveen"), 209 South La Salle St., Chicago, Ill. 60604 (hereinafter referred to as "Applicants") have filed an application for an order requesting that the order of the Commission dated June 16, 1972 (Investment Company Act Release No. 7228) granting Nuveen and Nuveen Income Fund Series 1, Monthly Payment Plan an exemption from section 14(a) of the Act, be modified and amended to include and make applicable such exemption to Series 1 and subsequent series. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

A registration statement for Series 1 on Form N-8B-2 (File No. 811-2385) was filed under the Act on June 25, 1973 and a registration statement under the Securities Act of 1933 on Form S-6 (File No. 2-48398) was filed on the same date. Series 1 and each subsequent Series will be substantially identical in form to Nuveen Income Trust, Series 1 Check-A-Month Plan (formerly Nuveen Income Fund, Series 1 Monthly Payment Plan). The differences include the names of the Trusts; the Trustee which will be American National Bank and Trust Company of Chicago; and, in addition to depositing interest-bearing corporate debt securities with the Trustee, Nuveen may deposit obligations of, or guaranteed by, the United States government or an agency or instrumentality thereof.

Applicants request the Commission's Order dated June 16, 1972, be amended and modified to include Series 1 and subsequent series within the exemption from the provisions of section 14(a) of the Act so that Applicants may make a public offering of Units of Series 1 and of Units of subsequent Series of IDS/Nuveen Income Trust. In connection with this request, Nuveen agrees to the same undertakings with respect to Series 1 and subsequent Series that it made in the original application with respect to Nuveen Income Trust Series 1 Check-A-Month Plan and subsequent Series.

Section 14(a) of the Act requires that a registered investment company (a) have net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than August 6, 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 of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15322 Filed 7-25-73;8:45 am]

[File No. 500-1]

OFFSHORE SEA DEVELOPMENT CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value and all other securities of Offshore Sea Development 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 10:15 a.m., e.d.t., July 19, 1973 through midnight (e.d.t.) July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15326 Filed 7-25-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation 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 July 21, 1973 through July 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15331 Filed 7-25-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company 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 July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15329 Filed 7-25-73;8:45 am]

[File No. 500-1]

RADIATION SERVICE ASSOCIATES, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Radiation Service Associates, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 20, 1973 through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15327 Filed 7-25-73;8:45 am]

[File No. 500-1]

RADIOPTICS, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Radioptics, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on July 18, 1973 and continuing through July 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15339 Filed 7-25-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, 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 July 22, 1973 through July 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15328 Filed 7-25-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International 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 July 23, 1973, through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15332 Filed 7-25-73;8:45 am]

[File No. 24SF-3979]

UNITED AUTO AUCTION SYSTEMS, INC.

Order Permanently Suspending Exemption

JULY 18, 1973.

I. United Auto Auction Systems, Inc. ("Auction"), 1417 So. Figueroa Street, Los Angeles, California 90015 filed a Notification on Form 1-A and Offering Circular with the San Francisco Branch Office on December 18, 1972. This filing related to a proposed offering of 100,000 shares of Auction's common stock at $5.00 per share for an aggregate offering price of $500,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on May 29, 1973 temporarily suspended the Regulation A exemption of United Auto Auction Systems, Inc., stating it had reason to believe that:

A. The Offering Circular of Auction omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and contained untrue statements of material facts, primarily and among other things:

1. The Offering Circular failed to disclose that the auctioneer's license of Stanley Gordon, President of Auction, had been revoked; and

2. The Offering Circular failed to disclose that Auction had been notified by the Department of Motor Vehicles of the State of California of repeated violations of the State of California Motor Vehicles Code.

B. The terms and conditions of Regulation A had not been complied with in that:

1. The Offering Circular failed to disclose that the auctioneer's license of Stanley Gordon had been revoked; and

2. The Offering Circular failed to disclose that Auction had been notified by the Department of Motor Vehicles of the State of California of repeated violations of the State of California Motor Vehicles Code.

C. The offering, if made, would have been in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by United Auto Auction Systems, Inc. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of United Auto Auction Systems, Inc. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15341 Filed 7-25-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JULY 20, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated 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 exchange 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 15(c)(5) and 19(a)(4) 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 July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15330 Filed 7-25-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0040]

CENTRAL FLORIDA INVESTMENTS, INC.

Notice of License Surrender

Notice is hereby given that Central Florida Investments, Inc., 125 South Court Avenue, Orlando, Florida 32801, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's Regulations governing small business investment companies (13 CFR 107.105(1973)).

Central Florida Investments, Inc., was licensed as a small business investment company on February 17, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled.

Dated: July 19, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-15343 Filed 7-25-73;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee on Drug Detection on July 27, 1973, 9:30 a.m., Room 3104, the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. The principal purpose of the meeting is determination of future goals and procedures of the Center for Disease Control Urine Proficiency Testing System.

This meeting is open to the public. Any member of the public wishing to attend or participate should contact the Chairman, John Whysner, M.D., (202) 456-6276. If attendance is not possible, the Committee will receive written statements which will be read at the time and in the manner permitted by the Committee.

JOHN WHYSNER,
Chairman.

[FR Doc.73-15345 Filed 7-25-73;8:45 am]

TARIFF COMMISSION

[AA1921-126]

COLD ROLLED STAINLESS STEEL SHEET AND STRIP FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 11, 1973, that cold rolled stainless steel sheet and strip from France are being, or are likely to be, sold at less than fair value, the United States Tariff Commission July 20, 1973, instituted investigation No. AA1921-126 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, September 11, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, September 6, 1973.

By order of the Commission.

Issued: July 23, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15353 Filed 7-25-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 305]

ASSIGNMENT OF HEARINGS

JULY 23, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8039, P. C. White Truck Line, Inc., et al. V. Ross Neely Express, Inc., now being assigned hearing September 18, 1973 (2 days), at Montgomery, Ala., in a hearing room to be later designated.

MC 121303 Sub 3, O. K. Warehouse Co., Inc., Extension Used Household Goods in Containers, now being assigned continued hearing September 18, 1973, at Austin, Tex., in a hearing room to be later designated.

MC 124174 Sub 91, Momsen Trucking Co., now assigned July 24, 1973, at Washington, D.C., is postponed to September 4, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15367 Filed 7-25-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 63, Amdt. 5]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 63 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 63 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 30, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 20, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-15365 Filed 7-25-73;8:45 am]

[Notice 319]

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 August 15, 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-74449. By order of July 20, 1973, the Motor Carrier Board approved the transfer to Hallmark Van Lines, Inc., Holyoke, Mass., of Certificate No. MC-113727 issued to George J. Arooth, dba Arooth Trucking Co., Ludlow, Mass., authorizing the transportation of: Household goods, as defined by the Commission, between Ludlow, Mass., on the one

hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. David M. Marshall, Attorney, 135 State St., Springfield, Mass. 01103.

No. MC–FC–74459. By order of July 18, 1973, the Motor Carrier Board approved the transfer to David J. Anthony, dba Glowatsky's Piggyback Service, Allentown, Pa., of Certificate No. MC–113957 (Sub No. 4) issued to Hanover Lines, Inc., Allentown, Pa., authorizing the transportation of: General commodities, with exceptions, between Allentown, Pa., on the one hand, and, on the other, points in specified counties in Pennsylvania and New Jersey, Paul B. Kemmerrer, Practitioner, 1620 N. 19th St., Allentown, Pa. 18104.

No. MC–FC–74508. By order of July 20, 1973, the Motor Carrier Board approved the transfer to Action Van Service, Inc., 143 E. Porter Street, P.O. Box 3108, Jackson, Miss. 39207, of the operating rights in Certificate No. MC–128923 (Sub-No. 1) issued February 5, 1970, to Brummett Moving & Storage Co., Inc., 180 Sheppard Road, Jackson, Miss., authorizing the transportation of used household goods, between Jackson, Miss., on the one hand, and, on the other, points in specified counties in Mississippi, subject to restrictions.

No. MC–FC–74520. By order of July 17, 1973, the Motor Carrier Board approved the transfer to Walter D. Davis, Inc., Houlton, Me., of the operating rights in Certificates Nos. MC–119532, MC–119532 (Sub-No. 2), MC–119532 (Sub-No. 3), and MC–119532 (Sub-No. 5) issued January 12, 1961, December 8, 1961, March 1, 1966, and February 20, 1973, respectively, to Ira Farrell and Laurel Farrell, A partnership, doing business as Ira Farrell & Son, Houlton, Me., authorizing the transportation of bananas and fresh fruit, fresh vegetables, and fresh berries when transported in the same vehicle with bananas, from Boston, Mass., to ports of entry on the United States-Canada Boundary line, at or near Calais, Houlton, and Vanceboro, Me.; and bananas, from Weehawken, N.J. and Port Newark, N.J., and Albany and New York, N.Y., to the ports of entry on the United States-Canada Boundary line at or near Houlton, Calais, and Vanceboro, Me. Dual operations were authorized. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC–74586. By order entered July 18, 1973, the Motor Carrier Board approved the transfer to Richard E. Koontz, Everett, Pa., of that portion of the operating rights set forth in Certificate No. MC–133866, issued July 20, 1971, to Everett Trucking, Inc., Everett, Pa., authorizing the transportation of coal, from points in Westmoreland County, Pa. (except Mt. Pleasant, Pa.), to Lime Kiln and Baltimore, Md. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney at law for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15366 Filed 7–25–73;8:45 am]

[Notice 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 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 six (6) 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 17211 (Sub-No. 13 TA) filed July 13, 1973 Applicant: JESCO MOTOR EXPRESS, INC. 162 Columbus Road Mt. Vernon, Ohio 43050 Applicant's representative: A. Charles Tell 100 E. Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Wyandotte, Mich., to Mt. Vernon, Ohio, for 90 days. SUPPORTING SHIPPER: Chattanooga Glass Company, P.O. Box 829, Mount Vernon, Ohio. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 41404 (Sub-No. 109 TA) filed July 11, 1973 Applicant: ARGO-COLLIER TRUCK LINES CORPORATION Post Office Drawer 440 Fulton Highway Martin, Tenn. 38237 Applicant's representative: Tom D. Copeland (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour & Company at Memphis, Tenn., to Salem, Ohio, for 180 days. SUPPORTING SHIPPER: Armour Food Company, 111 W. Clarendon Ave., Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 83835 (Sub-No. 108 TA) filed July 9, 1973 Applicant: WALES TRANSPORTATION, INC. Mail: P.O. Box 6186 Dallas, Tex. 75222 and Off: 905 Meyers Road Grand Prairie, Tex. 75050 Applicant's representative: James W. Hightower 136 Wynnewood Professional Bldg. Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts of trucks* designed for off-highway use, from the plantsite of Unit Rig & Equipment Co. at Tulsa, Okla., to Niagara Falls, N.Y., for 180 days. SUPPORTING SHIPPER: Unit Rig & Equipment Co., P.O. Box 3107, Tulsa, Okla. 74101. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 102295 (Sub-No. 22 TA) filed July 11, 1973 Applicant: GUY HEAVENER, INC. 480 School Lane Harleysville, Pa. 19438 Applicant's representative: V. Baker Smith 2107 The Fidelity Bldg. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrite*, in bulk, from Claymont, Del., to points in Maryland, New York, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Douglas K. Friedman, President, Pumice Aggregate Corp., 1060 Kings Highway North, Cherry Hill, N.J. 08034. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, William J. Green Jr. Federal Bldg., Philadelphia, Pa. 19106.

No. MC 10827 (Sub-No. 370 TA) filed June 31, 1973 Applicant: FROZEN FOOD EXPRESS 318 Cadiz St., P.O. Box 5888, 75207 Dallas, Tex. 75222 Applicant's representative: J. B. Ham (Same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Phoenix, Ariz., to Berkeley, Calif., for 180 days. NOTE: Carrier does intend to tack authority. SUPPORTING SHIPPER. Cutter Laboratries, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 114211 (Sub-No. 202 TA) filed July 12, 1973 Applicant: WARREN TRANSPORT, INC. 324 Manhard Street P.O. Box 420 Waterloo, Iowa 50701 Applicant's representative: Singer & Lippman 327 South LaSalle Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*

(except truck tractors), *tractor parts and attachments thereof*, from Romeo, Mich., to points in Arizona, California, Montana, Idaho, Nevada, Oregon, Utah and Washington, for 180 days. SUPPORTING SHIPPER: Tractor Operations, Ford Motor Company, 2500 East Maple Road, Troy, Mich. 48084. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114290 (Sub-No. 70 TA) filed July 10, 1973 Applicant: EXLEY EXPRESS, INC. 2610 S.E. 8th Avenue Portland, Oreg. 97202 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Walla Walla County, Wash. and Umatilla County, Oreg., to points in Arizona, and (2) from points in Yakima County, Wash., to points in Arizona, California, Nevada and Oregon, for 180 days. SUPPORTING SHIPPERS: S. E. Rycoff Co., 761 Terminal St., Los Angeles, Calif. 90021; Independent Food Processors Corporation, P.O. Box 1588, Yakima, Wash. 98907; and Arden-Mayfair, Inc., 2500 South Garfield, Los Angeles, Calif. 90040. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 114290 (Sub-No. 71 TA) filed July 10, 1973 Applicant: EXILY EXPRESS, INC. 2610 S. E. 8th Avenue Portland, Oreg. 97202 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from points in California, to points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: Star Kist Foods, Inc., 582 Tuna St., Terminal Island, Calif.; Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, Calif. 90058; Lewis Foods Division, National Pet Food Corporation, 6700 Cherry Avenue—P.O. Box 788, Long Beach, Calif. 90801; and Van Camp Seafood Division, Ralston Purina Co., 835 S. 8th Street, St. Louis, Mo. 63188. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S. W. Pine St., Portland, Oreg. 97204.

No. MC 116273 (Sub-No. 163 TA) filed July 13, 1973 Applicant: D & L TRANSPORT, INC. 3800 S. Laramie Avenue Cicero, Ill. 60650 Applicant's representative: Robert G. Paluch (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk plastics*, from Peru, Ill., to Selkirk, N.Y., for 180 days. SUPPORTING SHIPPER: Mr. Louis Buratti, Director of Traffic, Foster Grant Company, Inc., Leominster, Mass. 01453. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118202 (Sub-No. 12 TA) filed July 11, 1973 Applicant: SCHULITZ TRANSIT, INC. P.O. Box 503 323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural fermentation compounds and ingredients;* (2) *fertilizers and ingredients;* (3) *animal minerals and vitamins;* (4) *supplies, signs and materials* used in the sale of 1, 2 and 3 above; (5) *commodities* the transportation which falls within the partial exemption of Section 203(b)(6) of the Interstate Commerce Act when moving with the above commodities (except commodities in bulk, in tank vehicles), from Carson City, Nev., to all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Im-Pruv-All Agriculture, Incorporated, P. O. Box 1782, Carson City, Nev. 89701. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 124813 (Sub-No. 106 TA) filed July 13, 1973 Applicant: UMTHUN TRUCKING CO. 910 South Jackson Eagle Grove, Iowa 50533 Applicant's representative: Thomas E. Leahy 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Lincoln, Nebr., to points in Iowa, Illinois and Missouri, for 180 days. SUPPORTING SHIPPER: Gooch Milling & Elevator Company, Box 81308, Lincoln, Nebr. 68501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125140 (Sub-No. 16 TA) filed July 9, 1973 Applicant: RICHARD B. BRUNZLICK Augusta, Wis. 54722 Applicant's representative: F. H. Kroeger 2288 University Avenue St. Paul, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy by-products, fruit juices and fruit drinks*, from St. Paul, Minn., to Tomah, Wis., for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 133119 (Sub-No. 21 TA) filed July 9, 1973 Applicant: HEYL TRUCK LINES, INC. 235 Mill Street P.O. Box 206 Akron, Iowa 51001 Applicant's representative: A. J. Swanson Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus concentrate*, from points in Willacy, Starr, Hidalgo, Cameron, and Nueces Counties, Tex., to points of entry located on the International Boundary between the United States and Canada in Minnesota and North Dakota, for 180 days. RESTRICTION: Restricted to traffic moving in Foreign Commerce. SUPPORTING SHIPPER: Texas Citrus Exchange, Charles E. Der, Sales Mgr., Processing Div., P.O. Box 480, 1312 S. Closner, Edinburg, Tex. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 133203 (Sub-No. 2 TA) filed July 13, 1973 Applicant: COURIER EXPRESS CORPORATION 440 Domino Court P.O. Box 538 Charlotte, N.C. 28201 Applicant's representative: Douglass M. Phillips (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records and documents* used in processing such media, and commercial papers, documents, and written instruments (except cash letters), between Richmond, Va., on the one hand, and, on the other, points in Montgomery and Prince Georges Counties, Md., for 180 days. SUPPORTING SHIPPER: Data Systems Corporation, Richmond, Va. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, 800 Briar Creek Rd.—Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 134238 (Sub-No. 7 TA) filed July 12, 1973 Applicant: GENE'S, INC. 10115 Brookville-Salem Road Clayton, Ohio 45315 Applicant's representative: Edward R. Kirk Suite 1660 88 E. Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherberts, frozen dietary products, water ices, and water ice products*, in containers, in refrigerated vehicles, from the plantsite and storage facilities of The Kroger Co., at or near Springdale, Ohio, to the storage and distribution facility of Ice Cream Service, Inc. in Westmoreland County, Pa., for 180 days. RESTRICTION: The transportation service is restricted to a continuing contract with The Kroger Co., Cincinnati, Ohio. SUPPORTING SHIPPER: The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134806 (Sub-No. 13 TA) filed July 11, 1973 Applicant: B–D–R TRANSPORT, INC. P.O. Box 813 Brattleboro, Vt. 05301 Applicant's representative: Francis J. Ortman 1100 17th Street, N.W.

Suite 613 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, from Peace Bridge, N.Y., to Brattleboro, Vt. and Wilton, Maine, for 180 days. SUPPORTING SHIPPER: G. H. Bass & Co., Wilton, Maine 04294. SEND PROTESTS TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134970 (Sub-No. 3 TA) filed July 12, 1973 Applicant: UNSICKER TRUCKING INC. P.O. Box 35, Rt. #24 East El Paso, Ill. 61738 Applicant's representative: David R. Parker 300 NSEA Building 14th and J. Streets Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, *and all equipment, supplies and component parts* used in the construction, erection, or completion of such buildings, from the plantsite of Marathon Metallic Building Company, El Paso, Ill., to points in Delaware, Connecticut, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, Pennsylvania, South Dakota, Virginia, Vermont, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: Thomas L. Young, Traffic Manager, Marathon Metallic Building Company, P.O. Box 14240, Houston, Tex. 77021. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 135152 (Sub-No. 9 TA) filed July 12, 1973 Applicant: CASKET DISTRIBUTORS, INC. Off: R.R. 2 Mlg: P.O. Box 327 Harrison, Ind. 45030 Applicant's representative: Jack B. Josselson 700 Atlas Bank Bldg. 524 Walnut Street Cincinnati, Ohio Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies and crated caskets* in mixed loads with uncrated caskets, from Toccoa, Ga., to points in Florida, Illinois and New York, for 180 days. SUPPORTING SHIPPER: Toccoa Casket Company, Post Office Box 460, Toccoa, Ga. 30577. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 136639 (Sub-No. 6 TA) filed July 12, 1973 Applicant: T H S CORPORATION 15 Exchange Place Jersey City, N.J. 07302 Applicant's representative: Marvin Fenster (Same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and commodities* as are dealt in by retail department stores, between Newark, Bloomfield, and Edison Township, N.J., on the one hand, and points in Bucks, Montgomery, Delaware and Chester Counties, Pa., on the other, for 180 days. SUPPORTING SHIPPER: Bamberger's (A Division of R. H. Macy & Co., Inc.), Newark, N.J. 07101. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136786 (Sub-No. 8 TA) filed July 10, 1973 Applicant: ROBCO TRANSPORTATION, INC. 3033 Excelsior Boulevard Minneapolis, Minn. 55416 Applicant's representative: K. O. Petrick (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in the United States (except Alaska and Hawaii) and (2) *meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), *materials, supplies and equipment* used by meat packinghouses (except commodities in bulk), from points in Montana, North Dakota, Minnesota, Wisconsin, Illinois, Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, Nebraska and Iowa, to Wagner S. Dak., for 180 days. RESTRICTION: Restricted in part (1) to traffic originating at the plantsite and storage facilities utilized by Yankton-Sioux Industries at Wagner, S. Dak. and in part (2) to traffic originating at points in the named states and destined to the plantsite and storage facilities utilized by Yankton-Sioux Industries, Wagner, S. Dak. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 N. 5th Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 138410 (Sub-No. 2 TA) filed July 9, 1973 Applicant: DUANE LEROY OLSEN doing business as OLSEN TRUCKING P.O. Box 4176 South Lake Tahoe, Calif. 95705 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, decomposed granite, rock and sand*, from points in Carson City, Douglas and Storey Counties, Nev., to points in Alpine, Amador, and El Dorado Counties, Calif., for 180 days. SUPPORTING SHIPPER: El Dorado Aggregates Inc., P.O. Box 210, Dayton, Nev. 89403. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 203, Federal Building, 705 North Plaza, Carson City, Nev. 89701.

No. MC 138866 (Sub-No. 1 TA) filed July 13, 1973 Applicant: S. E. S. TRUCKING, INC. Box 199 Barbourville, Ky. 40906 Applicant's representative: O. R. Parsons (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and asphalt* for highway and general construction and maintenance uses, from the plant site eight miles west of Ewing, Va., on U.S. Highway 58, to points in Bell, Knox, Laurel, Whitley, Clay, Jackson, Harlan and Leslie Counties, Ky.; Claiborne, Hancock, and Campbell Counties, Tenn.; and Lee County, Va., for 180 days. SUPPORTING SHIPPER: Oscar R. Parsons, President, Southeastern Stone Quarries, Inc., Box 199, Barbourville, Ky. 40906. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1500 West Main Street—222 Bakhaus Building, Lexington, Ky. 40505.

By the Commission.

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

[FR Doc.73-15364 Filed 7-25-73;8:45 am]

[Notice 58]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 20, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 217 (Sub-No. 16) filed June 4, 1973 Applicant: POINT TRANSFER, INC. 5075 Navarre Road, S.W. P.O. Box 1441 Canton, Ohio, 44708 Applicant's representative: Henry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, Pittsburgh and Vandergrift, Pa., to points in Indiana and Michigan, and (2) *iron and steel articles, and materials, equipment and supplies* used or useful in the manufacture of iron and steel articles (except liquid commodities and commodities in bulk), from points in Indiana and Michigan, to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 531 (Sub-No. 292) filed June 4, 1973 Applicant: YOUNGER BROTHERS, INC. 4904 Griggs Road P.O. Box 14048 Houston, Tex. 77021 Applicant's representative: Wray Hughes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except California, Oregon, Texas, and Washington, Hawaii and Alaska), restricted to traffic originating at the plantsite and facilities of Union Carbide Corporation and destined to the above-named destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 1328 (Sub-No. 13) filed June 1, 1973 Applicant: MGS TRANSPORTATION, INC. P.O. Box 270 Alexandria, Ind. 46001 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene plastic parts*, from the plant site of Ducor Products Corp., at or near Portland, Ind., to points in Indiana, Ohio, Michigan, Maryland, Illinois, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Virginia, Wisconsin, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Florida and Iowa, under a continuing contract with Ducor Products Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 2229 (Sub-No. 178) filed May 30, 1973 Applicant: RED BALL MOTOR FREIGHT, INC. 3177 Irving Blvd. P.O. Box 47407 Dallas, Tex. 75247 Applicant's representative. Douglas Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight, require the use of special equipment), (1) Between Fort Smith, Ark. and Texarkana, Tex.: From Fort Smith over U.S. Highway 71 to Texarkana, and return over the same route; (2) Between Fort Smith, Ark. and Dallas Tex., serving Paris, Tex. for the purpose of joinder only: From Fort Smith over U.S. Highway 271 to junction Texas Highway 24, thence over Texas Highway 24 to junction U.S. Highway 67 and/or Interstate Highway 30, thence over U.S. Highway 67 and/or Interstate Highway 30 to Dallas, and return over the same route; (3) Between Kansas City, Mo. and Dallas, Tex.: From Kansas City over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, and return over the same route; (4) Between Kansas City, Mo. and Sherman, Tex.: From Kansas City over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Sherman, and return over the same route; (5) Between Kansas City, Mo. and Paris, Tex.: From Kansas City over U.S. Highway 69 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 271, thence over U.S. Highway 271 to Paris, and return over the same route; (6) Between Dallas, Tex. and Kansas City, Mo.-Kansas: From Dallas over U.S. Highway 76 to junction U.S. Highway 50 and/or Interstate Highway 35, thence over U.S. Highway 50 and/or Interstate Highway 35 to Kansas City, and return over the same route; and (7) Between Monroe, La. and Memphis, Tenn.: From Monroe over U.S. Highway 165 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, and return over the same route, in (1) thru (7) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's presently authorized regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 5470 (Sub-No. 77) filed May 22, 1973 Applicant: TAJON, INC. R.D. 5, Box 146 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918 16th St., N.W. Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Metal grindings*, in dump vehicles, from Baltimore, Md., to Neville Island, Pa.; and (B) *metal* for resmelting purposes only, in dump vehicles, from Neville Island, Pa., to Baltimore, Md. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 8600 (Sub-No. 31) filed June 4, 1973 Applicant: WERNER CONTINENTAL, INC. 2500 West County Road C St. Paul, Minn. 55113 Applicant's representative: John A. Vuono 2310 Grant Bldg. Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, Pittsburgh, and Vandergrift, Pa., to points in Indiana, Michigan and New York; and (2) *iron and steel articles and materials, equipment and supplies* used or useful in the manufacture of iron and steel articles (except liquid commodities and commodities in bulk), from points in Indiana, Michigan and New York, to points in Ohio, those in Pennsylvania on and west of U.S.

Highway 219, and those in West Virginia on and north of U.S. Highway 50. Note: Applicant states that the requested authority can be tacked with its existing general commodity authority at points in Pennsylvania, Indiana, New York and Ohio, to serve points in Massachusetts, Connecticut, Rhode Island, New Jersey, Virginia, Kentucky, Wisconsin and Minnesota, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11207 (Sub-No. 335) filed June 6, 1973 Applicant: DEATON, INC. 317 Avenue W P.O. Box 938 Birmingham, Ala. 35201 Applicant's representative: A. Alvis Layne 915 Pennsylvania Building Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from Sparta, Ill., and points in Florida, Georgia, Kentucky, South Carolina, and Tennessee, to the plant and storage facilities of the National Gypsum Co., at or near Anniston, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 17051 (Sub-No. 12) filed May 30, 1973 Applicant: BARNET'S EXPRESS, INC. 758 Lidgerwood Avenue Elizabeth, N.J. 07202 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, on hangers, and equipment, materials and supplies* used in the manufacture and sale of wearing apparel, (a) between the facilities of Cooper Sportswear Manufacturing Co., Inc., at or near Fall River, Mass., Carteret, Perth Amboy, Newark, N.J.; New York, Johnstown, N.Y.; Athens, Tenn.; Salisbury, East Rockingham, N.C.; Brunswick, Ga.; and Gordo, Ala.; (b) between the facilities of Polskin, Inc., at or near Plainfield, N.J.; Argyle, West Point, Nicholls, Ga.; and York, S.C.; (c) between the facilities of Pollak Leather, Inc., at or near Newburgh, New York, Johnstown, Gloversville, N.Y.; East Douglas, Mass.; Providence, R.I.; Corinna, Maine; points in New Jersey; Richmond, Va.; Waynesboro, Duluth, Ga.; and Chicago, Ill.; and (d) between the facilities of Excelled Sheepskin & Leather Coat Co., Inc., at or near Somerset, N.J.; New York, N.Y.; Athens, Tenn.; and Chatham, Va. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 20872 (Sub-No. 15) filed May 18, 1973 Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED 1455–65 Swan Street Huntington, Ind. 46750 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size and weight require the use of special equipment), between Chicago, Ill., on the one hand, and, on the other, points in Lake, McHenry, Boone, Cook, DuPage, Kane, DeKalb, Will, Kendall and LaSalle Counties, Ill. Note: Applicant states that the requested authority can be tacked with its existing authority at Chicago to provide a through service between Fort Wayne, Huntington and other points in Indiana, on the one hand, and, on the other, points in the destination territory. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 22229 (Sub-No. 78) filed May 10, 1973 Applicant: TERMINAL TRANSPORT COMPANY, INC. 248 Chester Avenue, S.C. Atlanta, Ga. 30316 Applicant's representative: Harold H. Clokey 414 The Equitable Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the French & Hecht Division, in Walcott, Iowa, as an off-route point in connection with carrier's regular route operations to and from Davenport, Iowa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., Washington, D.C. or Chicago, Ill.

No. MC 26396 (Sub-No. 78) filed May 21, 1973 Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, a Corporation P.O. Box 900 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig 1108 15th St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Forest products*, from points in Mineral County, Mont., to points in California and Nevada; (B) *particle board*, from points in Montana to points in North Carolina, New Jersey and Virginia; and (C) *cedar fencing*, from points in Idaho located in and north of Idaho County to points in Colorado. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29120 (Sub-No. 159) filed May 31, 1973 Applicant: ALL-AMERICAN, INC., 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57101 Applicant's representative: Michael J. Ogborn (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which by reason of their size or weight require the use of special equipment or special handling), from points in DuPage, Cook, Will, Lake, and Kankakee Counties, Ill., and Lake, and Porter Counties, Ind., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, and Montana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 467) filed June 4, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial St. P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton The 1650 Grant Street Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Bristol, Conn., to Mercersburg and Lewistown, Pa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 30844 (Sub-No. 468) filed May 21, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial St. P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton The 1650 Grant Street Bldg. Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden furniture frames*, knocked down, from Como, Miss., to Eldora, Iowa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 31389 (Sub-No. 168) filed June 11, 1973 Applicant: McLEAN TRUCKING COMPANY, a Corporation 617 Waughtown Street P.O. Box No. 213 Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 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 the plant site of Kelsey-Hayes Co., French & Hecht Division, at Walcott, Iowa, as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Des Moines, Iowa.

No. MC 36291 (Sub-No. 8) filed May 25, 1973 Applicant: PETTIGREW TRUCKING, INC. R.D. #4 Indiana, Pa. 15701 Applicant's representative: Harry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing materials and supplies* (excluding iron and steel articles and commodities in bulk) from Woodbridge and Kenilworth, N.J. and Alliance, Ohio, to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; (2) *plumbing materials and supplies and chemicals* (except commodities in bulk), from Erie, Pa., Torrington, Conn., and Elyria, Ohio, to Woodbridge, N.J.; (3) *wollastonite* (except commodities in bulk), from Willisboro, N.Y., to Woodbridge, N.J.; (4) *Zircon ore*, crude (except commodities in bulk), from Niagara Falls, N.Y., to Woodbridge, N.J.; (5) *sand* (except commodities in bulk), from Gore, Va., to Woodbridge, N.J.; and (6) *nytal talc* (except commodities in bulk), from Balamet, N.Y., to Woodbridge, N.J., under a continuing contract with Gerber Plumbing Fixture Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 48213 (Sub-No. 37) filed June 4, 1973 Applicant: C. E. LIZZA, INC. P.O. Box 447 Latrobe, Pa. 15601 Applicant's representative: John A. Pillar 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials, and supplies* used in the manufacture and distribution thereof, (except commodities in bulk), between Hazel Township (Luzerne County), Pa., on the one hand, and, on the other, Buchanan, N.Y., under a continuing contract with American Cyanamid Company of Wayne, N.J. Note: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 51824 (Sub-No. 4) filed May 21, 1973 Applicant: VAN DERHULE MOVING AND STORAGE, INC. 10th and Broadway Yankton, S. Dak. 57078 Applicant's representative: Don A. Bierle P.O. Box 38, Suite 4 Law Building 322 Walnut Street Yankton, S. Dak. 57078 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except in bulk), from Yankton, S. Dak., to Minneapolis, Hopkins, and St. Paul, Minn. and Des Moines, Iowa. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Sioux Falls, S. Dak., Sioux City, Iowa, or Omaha, Nebr.

No. MC 60012 (Sub-No. 89) filed May 31, 1973 Applicant: RIO GRANDE MOTOR WAY, INC. 1400 West 52nd Avenue Denver, Colo. 80221 Applicant's representative: Arnold L. Burke 127 North Dearborn Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of CF&I Steel Corporation at Pueblo, Colo. to points in Utah. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61396 (Sub-No. 248) filed June 4, 1973 Applicant: HERMAN BROS., INC. 2501 No. 11th St. P.O. Box 189 Omaha, Nebr. 68101 Applicant's representative: Dale G. Herman (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried sand*, in bulk, in tank vehicles, from the facilities of Lyman-Richey Sand & Gravel Corporation, at or near Valley, Nebr., to Council Bluffs and Pacific Junction, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, or Lincoln, Nebr.

No. MC 61592 (Sub-No. 305) filed April 23, 1973 Applicant: JENKINS TRUCKLINE, INC. 3708 Elm Street Bettendorf, Iowa 52722 Applicant's representative: Donald Smith 900 Circle Tower Building Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fresh or frozen dressed poultry, poultry products* and *frozen foods*, and (2) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with the commodities named in (1) above, from the plant site and storage facilities of Louis Rich Foods, Inc. at West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, New York, Pennsylvania, Rhode Island, Massachusetts, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 47) filed June 1, 1973 Applicant: PETERLIN CARTAGE CO., a Corporation 9651 South Ewing Avenue Chicago, Ill. 60617 Applicant's representative: Joseph M. Scanlan 111 West Washington Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Elk Grove Village, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73937 (Sub-No. 16) filed May 21, 1973 Applicant: HOGAN STORAGE & TRANSFER COMPANY, a Corporation 721 East Fourth Avenue Williamson, W. Va. 25661 Applicant's representative: John M. Friedman 2930 Putnam Ave. Hurricane, W. Va. 25526 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size or weight require the use of special equipment, and *related construction equipment and tools, and self-propelled articles and related machinery tools, parts and supplies* moving in connection therewith, (1) between points in West Virginia, on and south of U.S. Highway 60; those in Buchanan, Dickenson, Lee and Wise Counties, Va.; those in Athens, Gallia, Lawrence, Meigs and Scioto Counties, Ohio; and those in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25 to Erlanger, Ky., and those north to the Kentucky-Indiana State line near Constance, Ky.; and (2) between points in (1) above, on the one hand, and, on the other points in Tennessee; points in that part of Ohio in and east of U.S. Highway 23 extending through Portsmouth, Columbus, Fostoria and Toledo, Ohio; points in that part of Virginia on and west of U.S. Highway 220 extending through Martinsville, Roanoke, Clifton Forge, Covington, and Monterey, Va.; and those in that part of Pennsylvania on and south of U.S. Highway 322 extending through Jamestown, Meadville and Clearfield, Pa. to Port Matilda, Pa., and on and west of U.S. Highway 220 extending through Bedford and Altoona, Pa. to Port Matilda, Pa. Note: The purpose of the instant application is to eliminate the gateway of Mingo County, W. Va., and provide through service between the points named in (1) and (2) above. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va.; Columbus, Ohio; or Washington, D.C.

No. MC 74321 (Sub-No. 85) filed June 4, 1973 Applicant: B. F. WALKER, INC. 650–17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in initial truckaway and driveaway service, from Fort Worth, Tex., to points in the United States, including Alaska, (but excluding Hawaii), and (2) *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in secondary truckaway and driveway service, between points in the United States, including Alaska, (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 80430 (Sub-No. 148) filed May 14, 1973 Applicant: GATEWAY TRANSPORTATION CO., INC. 455 Park Plaza Drive La Crosse, Wis. 54601 Applicant's representative: Joseph E. Ludden (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods, as defined by the Commission, and those requiring special equipment), serving the plant-site and facilities of Ford Motor Company, at Romeo, Mich., as an off-route point in connection with applicant's presently authorized operations. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 88220 (Sub-No. 22) filed May 24, 1973 Applicant: WABASH VALLEY TRUCKING, INC. Rural Route 4 Brazil, Ind. 47834 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic malt beverages*, from St. Louis, Mo., to the plant and warehouse sites of B and G Distributing Co., Inc., at Brazil, Ind., and *malt beverage containers*, from the plant and warehouse sites of B and G Distributing Co., at Brazil, Ind., to St. Louis, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 89684 (Sub-No. 82) (AMENDMENT) filed February 20, 1973, published in the FR issue of May 24, 1973, and republished as amended this issue. Applicant: WYCOFF COMPANY, INCORPORATED 560 South 2nd West Salt Lake City, Utah 84110 Applicant's representative: Harry D. Pugsley 400 El Paso Gas Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by air, (1) Serving all intermediate points on U.S. Highway 89, and the off-route point of Navajo Power Plant, in connection with applicant's presently authorized regular-route operations between Kanab, Utah and Flagstaff, Ariz.; (2) Serving all intermediate points between Evanston and Rock Springs, Wyo. on Interstate Highway 80 and U.S. Highway 30, and the off-route points of Westvaco, Stauffer and Alchem, Wyo., in connection with applicant's presently authorized regular-route operations between Salt Lake City, Utah and Rock Springs, Wyo.; (3) Serving all intermediate points on U.S. Highway 187, in connection with applicant's presently authorized regular-route operations between Rock Springs and Jackson, Wyo.; (4) Between Shoshone and Ketchum, Idaho: From Shoshone over U.S. Highway 93 to Ketchum, and return over the same route, serving all intermediate points, and serving the off-route point of Sun Valley, Idaho; and (5) Between Wendover, Utah and Elko, Nev.: From Wendover over U.S. Highway 40 and Interstate Highway 80 to Elko, and return over the same route, serving all intermediate points. Note: The purpose of this republication is: (a) to indicate in (1) above the off-route point of the Navajo Power Plant, in lieu of the Navajo power plant which was previously published in error; (b) to indicate the correct spelling of Kanab, Utah in (1) above, in lieu of Kenab, Utah which was inadvertently misspelled in the previous publication; and (c) to indicate that applicant seeks to amend the request for authority in (4) above to serve all intermediate points and the named off-route point. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94350 (Sub-No. 336) filed June 4, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628, Haywood Road Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Weld County, Colo., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 95540 (Sub-No. 878) filed June 6, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks P.O. Box 1636 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Smithfield, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to shipments originating at the facilities of ITT Gwaltney at Smithfield, Va. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 95540 (Sub-No. 880) filed June 1, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Alma, Ga., to points in Illinois, Wisconsin, Texas, Mississippi, Florida, Alabama and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 95540 (Sub-No. 881) filed June 6, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plant site of Yankton Sioux Industries at Wagner, S.D., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Massachusetts, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Rhode Island and the District of

Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 95540 (Sub-No. 882) filed June 14, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Shreveport, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 103494 (Sub-No. 25) filed May 29, 1973 Applicant: EASLEY HAULING SERVICE, INC. P.O. Box 1261 Gun Club Road Yakima, Wash. 98907 Applicant's representative: Douglas A. Wilson 303 East D Street Yakima, Wash. 98901 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers*, (1) from Longview, Wash., to points in Wasco and Hood River Counties, Oreg. and Ontario, Oreg.; and (2) from Longview and Yakima, Wash. to Medford, Oreg., under contract with Longview Fibre Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Yakima or Seattle, Wash.; and Portland, Oreg.

No. MC 103926 (Sub-No. 28) filed May 31, 1973 Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation 1560 Bankhead Highway, N.W. P.O. Box 947 Mableton, Ga. 30059 Applicant's representative: Wm H. Driskell (same address as applicant) Authority sought sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Iron or steel pipe*, coated or not coated; *steel sheet piling; steel pipe piling; steel piling*, tongue or grooved; *steel bearing pile; pile hammers and extractors; steel rail and track materials; pipe covering, preventive coating and wrapping materials; and related parts, fittings and accessories* used in the installation and repair of such commodities, from the plantsite and storage facilities of the L. B. Foster Company located in Gwinnett County, Ga., and Savannah, Ga., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and the District of Columbia, and the return of *used, damaged* or *rejected shipments*. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Savannah, Ga. or Washington, D.C.

No. MC 105045 (Sub-No. 42) filed May 4, 1973 Applicant: R. L. JEFFRIES TRUCKING CO., INC. 1020 Pennsylvania Street Evansville, Ind. 47701 Applicant's representative: Ernest A. Brooks, II 1301 Ambassador Building St. Louis, Mo. 63101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers;* and (2) *parts attachments and accessories* of the commodities named in (1) above, between the plant sites of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in the District of Columbia, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia and Wisconsin, restricted to shipments originating at or destined to the above named plant sites. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 106398 (Sub-No. 663) filed May 21, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings in sections*, mounted on wheeled undercarriages, from points of manufacture in Lake County, S. Dak., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 106398 (Sub-No. 666) filed June 11, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tangipahoa Parish, La., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107002 (Sub-No. 433) filed May 21, 1973 Applicant: MILLER TRANSPORTERS, INC. P.O. Box 1123 (U.S. Highway 80 West) Jackson, Miss. 39205 Applicant's representative: John J. Borth P.O. Box 8573 Battlefield Station Jackson, Miss. 39205 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Natchez, Miss., and Woodriver, Ill. Note: Applicant states that it presently holds the requested authority from Natchez, Miss., to Woodriver, Ill., but does not hold return movement authority. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or St. Louis, Mo.

No. MC 107064 (Sub-No. 96) filed June 1, 1973 Applicant: STEERE TANK LINES, INC. P.O. Box 2998, 2808 Fairmount Street Dallas, Tex. 75221 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, foodstuffs, foodstuff ingredients, materials, equipment and supplies* used in the maunfacture and distribution thereof, between points in Bailey and Deaf Smith Counties, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 646) filed May 31, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street, Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, fittings, connections, valves, hydrants, gaskets and pipe cement and accessories* used in the installation thereof, from Evansville, Ind., and Henderson, Ky., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107403 (Sub-No. 852) filed June 4, 1973 Applicant: MATLACK, INC. Ten West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: Harry C. Ames, Jr. 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Mississippi, Missouri, North Carolina, South Carolina and those points in Tennessee located on and west of U.S. Highway 27), restricted to the transportation of traffic originating at the plant site and facilities of Union Carbide Corporation and destined to the above indicated destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 56) (CORRECTION) filed April 18, 1973, published in the FR issue of June 21, 1973, and republished in part, as corrected this issue. Applicant: TRANSCON LINES, a Corporation P.O. Box 54005 Terminal Annex Los Angeles, Calif. 90054 Applicant's representative: Wentworth E. Griffin 1221 Baltimore Avenue Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling), (10) between New River, and Morristown, Ariz.: From New River over Arizona Highway 71 to Morristown, and return over the same route, serving New River and Morristown for the purpose of joinder only. Note: The purpose of this partial republication is to indicate that the operations requested in (10) as described above will be over Arizona Highway 71, in lieu of Arizona Highway 7 as inadvertantly previously published in error. The rest of the notice remains as previously published. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Oklahoma City, Okla., or Kansas City, Mo.

No. MC 110525 (Sub-No. 1058) filed June 5, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 East Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except Illinois, Kentucky, those points in Tennessee on and east of U.S. Highway 27, Texas, and points in Kanawha County, W. Va.), restricted to transportation of traffic originating at the plant site and facilities of Union Carbide Corporation and destined to the above indicated destinations. Note: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, Louisiana or Washington, D.C.

No. MC 113666 (Sub-No. 76) filed June 4, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Steven L. Weiman Suite 501 1730 M St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Lackawanna, N.Y., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113678 (Sub-No. 501) filed June 13, 1973 Applicant: CURTIS, INC. 4810 Pontiac St. Denver, Colo. 80022 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. *common carrier*, by motor vehicle, over 68501 Authority sought to operate as a irregular routes, transporting: *Glass tableware, barware, kitchenware, and ovenware*, from Columbus, Ohio, to points in Arizona, California Nevada, New Mexico, Oregon, Washington, Colorado, Wyoming and Utah. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Washington, D.C., or Denver, Colo.

No. MC 113908 (Sub-No. 270) filed May 18, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal, poultry and pet feed, ingredients, supplements and additives and commodities* used in the manufacturing and processing of the above, in bulk, in tank and hopper vehicles, (a) from Springfield, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin and Wyoming; and (b) from points in the destination states named in (a) above, to Springfield, Mo.; and (2) *commodities* processed, manufactured, used and distributed by rendering companies, meat-packinghouse companies, poultry eviscerating companies (except chemicals and acids) in bulk, in tank and hopper vehicles, (c) from Springfield, Mo. to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wyoming; and (d) from the destination states named in (c) above, to Springfield, Mo. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant further states that its existing authority in MC 113908 and subs thereunder duplicates in part the authority requested herein. In filing this application applicant has itemized those portions of the existing authority which are duplicative of the requested authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 113908 (Sub-No. 275) filed June 11, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale St. P.O. Box 3180 G.S.S. Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lard*, in bulk, in tank and hopper type vehicles, from Arvada and Denver, Colo., to Albuquerque, N. Mex., and San Francisco, Calif.; (2) (a) *commodities* processed, manufactured and distributed by meat-packing house companies, such as: tallow, meat meal, bone meal, blood meal fats, oils, lard and other products, in bulk, in tank and hopper vehicles, from Arvada, Denver and Brush, Colo., to points in the United States in and west of Michigan, Ohio, Kentucky, Tennessee and Georgia; and (b) *inedible tallow*, from Denver, Colo., to points in Nevada, Utah, Wyoming, New Mexico, Idaho, Arizona and California; and (3) *alcohol and neutral and distilled spirits*, in bulk, in tank and hopper type vehicles, from Gretna and Westwego, La., to Springfield, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 114273 (Sub-No. 142) filed May 29, 1973 Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. P.O. Box 68 Cedar Rapids, Iowa 52406 Applicant's representative: Robert E. Konchar 2720 First Avenue N.E. P.O. Box 1943 Cedar Rapids, Iowa 52406 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail, or chain sales stores*, from New York, N.Y., and Dalton and Atlanta, Ga., to Cedar Rapids, Iowa, restricted to traffic originating at said origin points. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 277) (CORRECTION) filed April 27, 1973, published in the FR issue of June 21, 1973, and

republished in part as amended, this issue. Applicant: BANKERS DISPATCH CORPORATION 4970 South Archer Ave. Chicago, Ill. 60632 Applicant's representative: Warren W. Wallin 330 S. Jefferson St. Chicago, Ill. 60606 Note: The sole purpose of this partial republication is to reflect service from Jackson, Wis., as the origin under (1) of the application, in lieu of Jackson County, Wis. as previously published. The rest of the notice remains the same.

No. MC 114897 (Sub-No. 108) filed June 4, 1973 Applicant: WHITFIELD TANK LINES, INC. 300–316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989 Applicant's representative: J. P. Rose (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, (1) between points in that portion of Utah located in and south of Beaver, Piute, Wayne and Grand Counties, on the one hand, and, on the other, points in New Mexico, and (2) from points in that portion of Utah located in and south of Beaver, Piute, Wayne, and Grand Counties, to points in Arizona. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N.M.

No. MC 114897 (Sub-No. 109) filed June 8, 1973 Applicant: WHITFIELD TANK LINES, INC. 300–316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, in tank vehicles, from points in El Paso County, Tex., to points in Arizona, Colorado, New Mexico and Texas, and (2) *liquid soil conditioners*, in bulk, in tank vehicles, from points in Eddy County, N. Mex., to points in Tarrant County, Tex., and those in that portion of Texas on and west of U.S. Highway 377. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115093 (Sub-No. 11) filed May 31, 1973 Applicant: MERCURY MOTOR EXPRESS, INC. 704 West Kennedy Blvd. Tampa, Fla. 33606 Applicant's representative: Clayton R. Byrd (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles; textile products; equipment, materials and supplies* used in the manufacture and distribution of textiles; synthetic resins; naval stores; chemicals; paper and paper products, from points in Escambia and Santa Rosa Counties, Fla., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *materials, supplies, and equipment* used in connection with the manufacture, sale, and distribution of the commodities described in (1) above, from the destinations named in (1) above to the named origins in (1) above. RESTRICTION: Restricted against the transportation of commodities in bulk and those which require the use of special equipment. Note: Applicant states that the requested authority can be tacked at Mt. Olive, N.C. and points within 15 miles thereof to serve points in Florida, Georgia, and South Carolina, but indicates it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 115818 (Sub-No. 13) filed May 25, 1973 Applicant: WESTBURY TRANSPORT, INC. 397 East 54th St. East Paterson, N.J. 07407 Applicant's representative: John L. Alfano 2 West 45th St. New York, N.Y. 10036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from New York, N.Y., to points in New Jersey, New York, and Connecticut, and returned shipments of the commodities described above, from points in New Jersey, New York, and Connecticut to New York, N.Y., under a continuing contract or contracts with Allied Stores of New York, Inc., of Jamaica, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116073 (Sub-No. 265) filed May 29, 1973 Applicant: BARRETT MOBILE HOMES TRANSPORT, INC. 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Pontotoc County, Miss., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 116073 (Sub-No. 266) filed May 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Merrick County, Nebr., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 270) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Dallas, Henderson, Tarrant, Johnson, Navarro, Kaufman, Denton, McLennan Counties, Tex., to points in Arkansas, Arizona, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma and Utah. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117673 (Sub-No. 5) filed June 4, 1973 Applicant: THE BIG E CORP. 1286 W. Church Street Jacksonville, Fla. 32204 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and mallangas*, from Tampa, Fla., to New York, N.Y. Note: Applicant also holds contract carrier authority under MC 135257 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Tampa, or Jacksonville, Fla.

No. MC 118263 (Sub-No. 53) filed June 4, 1973 Applicant: COLDWAY CARRIERS, INC. P.O. Box 38 Clarksville, Ind. 47130 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: *Dairy products* (except in bulk, in tank vehicles), from Owenton and Lawrenceburg, Ky., to the plantsite and warehouse facilities utilized by Kraft Foods, a Division of Kraftco Corporation, in Lehigh County, Pa., restricted to traffic originating at named origins and destined to the named destinations. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, application requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 118956 (Sub-No. 14) filed May 14, 1973 Applicant: WHITES-CARVER TRANSPORTATION CORP.

Industrial Road Carlstadt, N.J. 07072 Applicant's representative: Edward F. Bowes 744 Broad Street Newark, N.J. 07102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, (1) between the shipper's warehouse at Mt. Kisco, N.Y., and the shipper's retail stores located in Hunterdon and Mercer Counties, N.J., (2) between the shipper's warehouses at Carlstadt, N.J. and Mt. Kisco, N.Y., and the shipper's retail stores located in Bucks County, Pa., (3) from Ramsey, N.J., to Mt. Kisco, N.Y. and (4) from Ramsey, N.J., to points in Orange and Rockland Counties, N.Y., and Pike County, Pa., under a continuing contract, or contracts, with The Grand Union Company, Paramus, N.J. Note: If a hearing is deemed necessary, applicant requests that it be held at Newark, N.J., or New York, N.Y.

No. MC 119582 (Sub-No. 4) filed June 1, 1973 Applicant: PERCY MUTSCHLER, doing business as EVERETT FUEL & LUMBER DISTRIBUTORS 804 Cedar Street Marysville, Wash. 98270 Applicant's representative: George R. LaBissoniere Suite 101, 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in King, Snohomish, Skagit and Whatcom Counties, Wash., and ports of entry on the International Boundary line between United States and Canada located in Whatcom County, Wash. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, or Olympia, Wash.

No. MC 119767 (Sub-No. 302) filed May 31, 1973 Applicant: BEAVER TRANSPORT CO. a Corporation P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Animal fats, vegetable oils and blends thereof, margarine and oleomargarine, shortening and vegetable oil shortening* (except frozen, in bulk, in tank vehicles), from St. Louis, Mo., to points in Illinois, Indiana, Iowa, Michigan and Minnesota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 161) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 Dallas, Tex. 75222 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastic materials* (except in bulk) and *materials, equipment and supplies* used in the manufacture thereof, when moving in mechanically refrigerated equipment, between the plant site and storage facilities of Dow Chemical Co. and its subsidiaries and divisions located in Brazoria County, Tex., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 119789 (Sub-No. 162) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 Dallas, Tex. 75222 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk) between points in California, Arkansas, Louisiana, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119789 (Sub-No. 163) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 1612 East Irving Blvd. Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* and *parts and accessories*, from Louisville, Ga., to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Dallas, Tex.

No. MC 123872 (Sub-No. 12) filed May 21, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts. S.E. Hickory, N.C. 38610 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N. W., Suite 600 Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plant site of Drexel Enterprises, Division of Champion International, at Woodfrin (Buncombe County), N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 124692 (Sub-No. 113) filed June 1, 1973 Applicant: SAMMONS TRUCKING, a Corporation P. O. Box 1447 Missoula, Mont. 59801 Applicant's representative: J. David Douglas (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and aluminum and aluminum products*, from points in Pierce County, Wash., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Portland, Oregon.

No. MC 124813 (Sub-No. 104) filed June 1, 1973 Applicant: UMTHUN TRUCKING CO., a Corporation 910 South Jackson Street Eagle Grove, Iowa Applicant's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, (1) from Lincoln, Nebr., to points in Illinois, Iowa, Minnesota, and Missouri, and (2) from Decatur, Ill., to points in Iowa, Missouri, and Wisconsin. Note: Applicant also holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked at Fort Dodge, Iowa with its present authority to transport feed to serve points in Minnesota, Illinois, and Nebraska, but indicates that it has no *present* intention to tack. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124887 (Sub-No. 4) filed May 11, 1973 Applicant: ELBERT GRADY SHELTON, doing business as, SHELTON TRUCKING Route One, Box 230 Altha, Fla. 31421 Applicant's representative: Sol H. Proctor 2501 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, and accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in (1) above to the plant and warehouse sites of Abitibi Corporation located in Calhoun County, Fla. The authority sought in (1) and (2) herein to be restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tallahassee, Fla.

No. MC 125777 (Sub-No. 143) filed June 6, 1973 Applicant: JACK GRAY TRANSPORT, INC. 4600 East 15th Ave.

Gary, Ind. 46403 Applicant's representative: Carl L. Steiner 39 South La Salle St. Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, metals, silicon carbide, ferror manganese, fluorspar, and ferro silicon*, in dump vehicles, between Dearborn, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Lorain & Portage Counties), Pennsylvania, New York and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125952 (Sub-No. 20) filed May 29, 1973 Applicant: INTERSTATE DISTRIBUTOR CO. a Corporation 8311 Durango S.W. Tacoma, Wash. 98499 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cake and cookies*, from Oakland, Calif., to Salt Lake City, Utah; Reno, Carson City, Las Vegas and Winnemucca, Nev.; Denver, Colorado Springs, Grant Junction and Pueblo, Colo.; Bend and Coos Bay, Oreg.; Spokane, Yakima, Wenatchee, Pasco and Walla Walla, Wash.; and Boise and Star, Idaho, under a continuing contract with Mother's Cake and Cookies Co. Note: Applicant currently holds common carrier authority in its Certificate MC 117201, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Oakland, Calif.

No. MC 126305 (Sub-No. 52) filed May 30, 1973 Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. R.D. 2 Clayton, Ala. 36016 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, and materials and supplies*, used in the installation of buildings, from points in Cass County, Iowa, Hampshire County, Mass., Green County, Ohio, and Barbour County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and sale of buildings, from points in the United States, (except Alaska and Hawaii), to points in Barbour County, Ala., Cass County, Iowa, Hampshire County, Mass., and Green County, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Birmingham, Ala.

No. MC 126736 (Sub-No. 69) filed May 25, 1973 Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA 737 May Street Jacksonville, Fla. 32204 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Panama City, Fla., and points within 15 miles thereof, to points in Alabama within 175 miles of St. Marks, Fla. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla. or Atlanta, Ga.

No. MC 128030 (Sub-No. 42) filed May 25, 1973 Applicant: THE STOUT TRUCKING CO., INC. P.O. Box 177, Rural Route #1 Urbana, Ill. 61801 Applicant's representative: James F. Flanagan 111 W. Washington Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, from Urbana, Ill., to points in Arizona, Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas and Vermont. Note: Applicant holds contract carrier authority under MC 5352, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128343 (Sub-No. 23) filed June 12, 1973 Applicant: C–LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M. Street, N.W. Suite 501 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire*, from Lincoln, R.I., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above-described commodities (except in bulk), from points in the destination states named above to Lincoln, R.I., restricted in (1) and (2) above, to a transportation service to be performed under a continuing contract or contracts with Collyer Insulated Wire Co. of Lincoln, R.I. Note: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128570 (Sub-No. 17) filed May 30, 1973 Applicant: BROOKS ARMORED CAR SERVICE, INC. 13 East 35th Street Wilmington, Del. 19802 Applicant's representative: L. Agnew Myers, Jr. Suite 406–07 Walker Building 734—15th Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood samples, blood derivatives and related articles* used by hospitals or blood banks, between Philadelphia, Pa. and Wilmington, Del. Note: Applicant currently holds contract carrier authority in MC 115601 and subs thereunder, and dual operations were the subject of a decision of the Commission in 102 M.C.C. 411, dated July 6, 1966. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del. or Philadelphia, Pa.

No. MC 129282 (Sub-No. 17) filed May 27, 1973 Applicant: BERRY TRANSPORTATION, INC. P.O. Box 1824 Longview, Tex. 75601 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in nonradial movements, transporting: *Plastics, containers, and plastic articles and equipment, materials and supplies* used in the manufacture and distribution thereof, between points in the United States (except Alaska and Hawaii) and Gregg County, Tex. Note: By the instant application, applicant requests authority to perform nonradial operations between all points in the United States (except Alaska and Hawaii). Traffic may be picked up at any point in the United States (except Alaska and Hawaii), and be delivered to any point in the United States (except Alaska and Hawaii). Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129516 (Sub-No. 17) filed June 4, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. Applicant's representative: James T. Johnson 1610 IBM Bldg. Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural mulch*, from Snoqualmie Falls, Wash., to points in Oregon, Idaho and Washington, including ports of entry on the International Boundary line between United States and Canada located in Washington and Idaho. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134323 (Sub-No. 50) filed May 15, 1973 Applicant: JAY LINES, INC. 720 N. Grand St. Amarillo, Tex. 79105 Applicant's representative: Gailyn Larson P. O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass lambs*, from the plant site of Swift & Company at or near Chino, Calif., to points in Connecticut, Florida, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and the District of Columbia, under contract

with Swift & Company. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D. C., Chicago, Ill., or Omaha, Nebr.

No. MC 134323 (Sub-No. 51) filed May 15, 1973 Applicant: JAY LINES, INC. 720 North Grand Street Amarillo, Tex. 79105 Applicant's representative: Gailyn Larson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, as included in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Company at or near Tolleson, Ariz., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia and the District of Columbia, under a continuing contract with Swift & Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Chicago, Ill., or Omaha, Nebr.

No. MC 134599 (Sub-No. 79) filed June 4, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts thereof, and related advertising sales and promotional materials*, from Grand Rapids, Mich., to Orlando, Fla., Portland, Oreg., Dallas, Tex., Milford, Conn., North Bergen, N.J. and Baltimore, Md., under a continuing contract with Steelcase, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 135248 (Sub-No. 7) filed May 14, 1973 Applicant: WILLIAM H. DEES, doing business as, DEES TRANSPORTATION P.O. Box 446 Worland, Wyo. 82401 Applicant's representative: Robert S. Stauffer 3539 Boston Cheyenne, Wyo. 82001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste products*, for recycling or reuse in the furtherance of recognized pollution control programs, and recycled or reuseable products, between points in the United States, (except Alaska and Hawaii), located west of the eastern boundaries of Minnesota, Iowa, Illinois, Arkansas, and Louisiana; and (2) *non-alcoholic beverages and gilsonite products*, between points in Wyoming, Colorado, Nebraska, Nevada, Idaho, Utah, Arizona, Kansas, Montana, New Mexico, and Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo.; Salt Lake City, Utah; or Billings, Mont.

No. MC 135936 (Sub-No. 14) filed April 23, 1973 Applicant: LIEBMANN TRANSPORTATION CO., INC. U.S. Highway 65 North Iowa Falls, Iowa 50126 Applicant's representative: E. Stephen Heisley 805 McLahlen Bank Building 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veterinary supplies for livestock*, in containers, from Louisville, Ky.; Ashland, Ohio; Chicago, Ill.; Van Buren, Ark.; and Hanibal, St. Joesph, Lee Summit and Kansas City, Mo., to points in Iowa and Minnesota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 136343 (Sub-No. 13) (CORRECTION) filed May 25, 1973, published in the FR issue of July 12, 1973, and republished, as corrected this issue. Applicant: MILTON TRANSPORTATION, INC. P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and paper equipment, materials and supplies* used or useful in the manufacture and sale of paper and plastic products (except commodities in bulk), between the facilities of U.S. Envelope at or near Williamsburg, Pa., on the one hand, and, on the other, points in Georgia, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Maryland, Virginia, Delaware, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Iowa, Nebraska, Missouri, West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, and the District of Columbia. Note: The purpose of this republication is to properly identify the requested facilities as those of the U.S. Envelope Co., in lieu of the U.S. Co. which was inadvertently previously published in error. Common control may be involved. Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136386 (Sub-No. 6) filed April 13, 1973 Applicant: GO LINES, INC. 312-E Van Geisen Avenue Richland, Wash. 99352 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. (except commodities in bulk and hides), from points in Walla-Walla County, Toppinish and Ellensburg, Wash., to points in Nevada, California, Arizona and Oregon. Note: If a hearing is deemed necessary, applicant requests it be held at Pasco, Wash., Pendleton, Oreg., or Spokane, Wash.

No. MC 136899 (Sub-No. 7) filed May 18, 1973 Applicant: HIGGINS TRANSPORTATION LTD. 824 Valley View Drive Richland Center, Wis. 53581 Applicant's representative: Michael J. Wyngaard 329 West Wilson St. Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expandable polystyrene products* between Sparta, Wis., Ozark, Ark. and Stevensville, Mich.; (2) *expandable polystyrene products* between Stevensville, Mich., Ozark, Ark. and Sparta, Wis., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Minnesota, Iowa, Missouri, Indiana, Kentucky, Tennessee, Alabama, Georgia, Ohio, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, and Michigan; (3) *refused or rejected shipments*, and *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in (1) and (2) above, from points in the destination states named in (2) above, to Sparta, Wis., Ozark, Ark. and Stevensville, Mich. (4) *signs, sign parts, sign poles, sign pole parts, electrical advertising displays, and fiberglass products and accessories when moving therewith*, from Milwaukee and South Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); (5) *refused or rejected shipments*, and *materials, equipment and supplies* used or useful in the manufacture, sale, production or distribution of the commodities named in (4) above, from points in the United States (except Alaska and Hawaii), to Milwaukee and South Milwaukee, Wis.; and (6) *sign poles, sign pole parts, and accessories when moving therewith*, from Pewaukee, Wis., to points in the United States (except Alaska and Hawaii). Note: The requested authority can be tacked with applicant's existing authority at Milwaukee, South Milwaukee, and Pewaukee, Wis., in (4) and (6) above, and at points in the United States in (5) above, to serve points in the United States, but applicant indicates it has no intention to tack. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138009 (Sub-No. 4) filed May 21, 1973 Applicant: OLEN WAGNER, doing business as OLEN WAGNER TRUCKING Route 9, Box 165, Mena, Ark. 71953. Applicant's representative: Ben Core P.O. Box 1446 Merchants National Bank Bldg. Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal fat*, from Marshall, Kansas City, Springfield and St. Louis, Mo., and East St. Louis, Ill., to Mena and Grannis, Ark., under contract with Johnson's Feed Mill and Lane Feed

Mill. Note: If a hearing is deemed necessary, applicant requests it be held at either Mena, Fort Smith or Little Rock, Ark.

No. MC 138174 (Sub-No. 1) filed May 21, 1973 Applicant: RAYMOND E. LAHMANN AND GENEVIEVE LAHMANN doing business as: JET AIR FREIGHT SERVICE 1821 N. W. Laura Vista Lane Albany, Oreg. 97321 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interstate express air freight traffic*, between Portland, Oreg., and points in Yamhill, Polk, Benton, Linn, Marion, and Clackamas Counties, Oreg. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oregon.

No. MC 138286 (Sub-No. 2) filed June 1, 1973 Applicant: JOHN F. SCOTT COMPANY, a Corporation 404 Washington Ave. Dravosburg, Pa. 15034 Applicant's representative: John M. Musselman 410 North Third St. P.O. Box 1146 Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Dravosburg, Duquesne, Ellwood City, Homestead, McKeesport, Pittsburgh, Vandergrift and West Mifflin, Pa., to points in New York, and (2) *iron and steel articles*, and *materials, equipment, and supplies* used or useful in the manufacture of iron and steel, and iron and steel articles, (except liquid commodities and commodities in bulk), from points in New York, to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those points in West Virginia on and north of U.S. Highway 50. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138469 (Sub-No. 1) filed June 1, 1973. Applicant: DONCO CARRIERS, INC. 641 N. Meridian P.O. Box 75354 Oklahoma City, Okla. 73107 Applicant's representative: Wm. L. Peterson, Jr. 401 N. Hudson P.O. Box 917 Oklahoma City, Okla. 73101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread cubes and salad dressing*, (a) from the plant sites and warehouses of Consolidated American Industries, Inc., at Wichita, Kans. and Elgin and Northfield, Ill., to Los Angeles and Hayward, Calif. and Seattle Wash., and (b) between the plant sites and warehouses of Consolidated American Industries, Inc., at Wichita, Kans., on the one hand, and, on the other, the plant sites and warehouses of Consolidated American Industries, Inc. at Elgin and Northfield, Ill. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 138507 (Sub-No. 2) filed May 29, 1973 Applicant: ROBERT E. WOOD, doing business as, BOB WOOD TRUCKING CO. Lakeshore Drive Heber Springs, Ark. 72543 Applicant's representative: Louis Tarlowski 914 Pyramid Life Bldg. Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden lawn and porch swings and wooden picnic tables*, from Heber Springs, Ark., to points in Texas, Oklahoma, New Mexico, Arizona Colorado, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi and Louisiana. Note: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 138581 (Sub-No. 1) filed June 20, 1973 Applicant: CASTONGUAY TRANSFER, INC. 5333 University Avenue, N.E. Minneapolis, Minn. 55421 Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, Minn. 55118 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and *materials and supplies* used in connection therewith in the conduct of such business, between St. Cloud, Minn., on the one hand, and, on the other, points in Minneapolis-St. Paul and Inver Grove (in Twin Cities commercial zone), Minn. under contract with Fingerhut Corporation, restricted to the transportation of traffic having prior or subsequent movement by railroad. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138803 filed May 17, 1973 Applicant: CECIL O'NAN, doing business as TRI-STATE EXPRESS Defoe, Ky. 40017 Applicant's representative: Fred F. Bradley Court House, P.O. Box 773 Frankfort, Ky. 40601 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, articles of unusual value, commodities in bulk, and those which because of their size or weight require the use of special equipment), from U.S. Government installations located at points in the United States, including Alaska and Hawaii, to points in Kentucky, restricted to those declared surplus commodities by an agency of the United States Government, under a continuing contract or contracts with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property. Note: Applicant holds common carrier authority under MC 14624 and Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort or Louisville, Ky.

No. MC 138832 filed June 6, 1973 Applicant: MINGO-PIKE TRANSPORTATION COMPANY a Corporation P.O. Box 597 Williamson, W. Va. 25661 Applicant's representative: Gerald K. Gimmel 666 11th St., N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between points in Pike County, Ky., and Mingo County, W. Va. Note: If a hearing is deemed necessary, applicant requests it be held at either Pikesville, Ky., Williamson, Huntington, or Charleston, W. Va.

APPLICATION FILING WATER CARRIER

No. W-1268 Sub 1 Filed June 28, 1973 Applicant: ROBERT'S RIVER RIDES, INC. 62 Locust Street Dubuque, Iowa 52001 Applicant's representative: Robert Kehl 1425 Oeth Court Dubuque, Iowa 52001 Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water*, in the transportation of *passengers* by regularly scheduled tours and charter operations on the Mississippi River from Guttenberg, Iowa, south to Bellevue, Iowa, during the months of April 1st to October 31st, inclusive. Note: If a hearing is deemed necessary, applicant requests it be held at Dubuque, Cedar Rapids, or Des Moines, Iowa.

MOTOR CARRIER OF PASSENGERS

No. MC 138813 filed June 8, 1973 Applicant: DANIEL K. FISK, doing business as DAN-A-WAY CHARTER LINE 112 East 23rd Avenue P.O. Box 87 Coal Valley, Ill. 61240 Applicant's representative: Carl E. Munson 469 Fischer Building Dubuque, Iowa 52001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, one-way and round-trip, beginning and/or ending at points in Henry, Knox, Mercer, Rock Island, Warren and Whiteside Counties, Ill., and Clinton, Muscatine and Scott Counties, Iowa, and extending to points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Peoria or Rock Island, Ill.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 136639 (Sub-No. 5) filed May 30, 1973 Applicant: T H S CORPORATION 15 Exchange Place Jersey City, N.J. 07302 Applicant's representative: Marvin Fenster 151 West 34th Street New York, N.Y. 10001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and such commodities as are dealt in by retail department stores*, (1) between Newark, Bloomfield, and Edison Township, N.J., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware and Chester Counties, Pa.; and (2) between Edison Township, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties, N.Y.; Fairfield County, Conn.; and Philadelphia, Pa., under contract with R. H. Macy & Co., Inc., doing business as Bamberger's.

By the Commission.

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

[FR Doc.73-15271 Filed 7-25-73;8:45 am]

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THURSDAY, JULY 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 143

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD FOR HUMAN CONSUMPTION

Additives and GRAS Substances

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

Amino Acids in Food for Human Consumption

Conditions of Safe Use in Food and Deletion from GRAS List

A proposal was published in the Federal Register of April 6, 1972 (37 FR 6938) to establish the conditions for safe use for amino acids used to improve the protein value of food, and to delete amino acids for nutritive purposes in the human diet from the GRAS list, § 121.101(d)(5) (21 CFR 121.101).

Uncontrolled uses of amino acids in the fortification of certain foods may result in risk to the public health from excessive intakes of free amino acids. Studies on experimental animals have shown that excessive intake of amino acids and amino acid imbalance can include growth retardation and degeneration of certain organs which can lead to the animals' early death. On the other hand, properly controlled additions of the amino acid(s) to appropriate protein-containing foods can benefit the consumer by improving the biological quality of the proteins.

Thirty-nine comments were received on the proposal. Twenty-eight comments were from manufacturers or associations of manufacturers that either produce amino acids or foods in which amino acids are used, or both. Nine comments were from professional scientists in health and allied fields associated with governmental or non-profit organizations, institutions, and associations. One comment was received from a medical group and one was received from a public interest group.

The principal comments raised and the Commissioners' conclusions thereon are as follows:

Appropriateness of the Limitations For Use of Amino Acids

1. A number of comments discussed the requirement that the finished food to which the amino acids are added should furnish at least 6.5 grams of intact protein per day. Many objected to this on the basis that there are a number of foods to which the addition of Amino acids will produce some benefit, but which supply less than 6.5 grams of intact protein per day. Some comments stated that since the nutrition labeling proposal published in the Federal Register on March 30, 1972 (37 FR 6493) considered a level of 5 percent of the U.S. Recommended Daily Allowance (3.25 grams) to provide a significant contribution of nutrients for nutrition labeling purposes, this lower figure should apply to this regulation as well.

The Commissioner recognizes that the proper addition of amino acids to a food may improve the nutritional quality thereof. In order that the fortification of foods be truly significant in relation to the diet of the United States consumer, it is concluded that amino acid fortification should be permitted for only those foods containing at least 10 percent of the U.S. Recommended Daily Allowance (U.S. RDA) of protein, which is 65 grams per day for adults, § 1.17(c)(7)(ii)(a) (21 CFR 1.17). There is no merit in the contention that a level of 5 percent should be adopted merely on the basis that such a nutrient level was proposed for the cutoff point above which nutrition labeling could be used since that level related to significance on a serving basis only and not to the daily intake. The nutrition labeling regulations require a level of 10 percent of the U.S. RDA for any claim of nutritional significance or superiority, § 1.17(c)(v).

2. Two comments requested clarification of the term "intact protein" as used in the proposal. Another suggested modification to permit supplementation of partially hydrolyzed protein.

The Commissioner concludes that revision of the wording to limit the addition of amino acids to "foods containing primarily-intact naturally occurring protein" will clarify this provision. This language is adopted to eliminate the possibility of adding amino acids to foods containing no protein but to permit the fortification of foods where some of the original protein may have been hydrolyzed.

3. A number of objections were made to the requirement that the protein efficiency ratio (PER) of the food to be supplemented must be less than 2.5, i.e., less than 100 percent of the adjusted PER of casein, and to the requirement that the PER of an amino acid supplemented food in its finished form must be 2.5 or more. Other comments stated that such restrictions would prevent the addition of amino acids to improve foods containing good quality protein, even though a PER of 2.5 could not be reached. These comments also pointed out that in placing the minimum for improvement of the finished food so high, undue emphasis was placed on meat, milk, and eggs as the preferred protein sources in the diet. Arguments were also advanced that, since cereal grains are a common and good protein source in many diets, particularly in other countries, supplementation of such foods should be provided for by permitting fortification to a minimum PER of 2.0 (80 percent of casein).

The Commissioner has concluded that there is no reason to permit amino acid supplementation unless it will provide for a significant improvement in the protein quality. Exceptions to the PER limitation of 100 percent of casein will be considered separately on a case by case basis upon receipt of a petition therefor, providing that the minimum level requested is not less than 80 percent of casein.

It is also concluded that there is no reason to restrict fortification of a food already containing an original PER of 2.5 or more, if such fortification will provide a significant increase ((P) value of less than 0.05) in the original PER. Since the PER test is a biological value test, a statistically significant improvement in the protein quality will provide a nutritionally significant improvement.

4. Other objections raised the issue that the requirement of a PER increase of 0.25 for each added amino acid is too severe and should be dropped. Some did not quarrel with the 0.25 requirement but pointed out that two or more amino acids may be needed in combination to attain the 0.25 increase. One comment suggested that it would be preferable to measure the value of any addition of amino acid(s) by determining if the resultant PER showed an increase over the PER of the naturally occurring intact protein by an amount statistically significant with a probability (P) value of less than 0.05.

The Commissioner recognizes the need to prevent random addition of amino acids to food. He also recognizes the fact that, in some protein sources, there may be more than one limiting amino acid needed in combination to produce a significant increase in the PER. Accordingly, the Commissioner has concluded to retain the requirement that a significant increase in PER be reached if any addition of amino acids is made. He also concludes that a combination of two or more amino acids should be permitted to achieve the significant increase if a lesser number of amino acids cannot produce the required increase. A statistically significant increase in the PER, which will provide a nutritionally significant improvement in the protein, should be required rather than a single numerical value since there may be situations when an increase of 0.25 PER by adding a limiting amino acid(s) may not be statistically significant at a (P) value of less than .05. A significant increase in the PER will aid in producing a significant source of protein contribution to the diet.

Adequacy of the Method for Measuring PER

Some comments questioned the use of casein as the reference standard and the use of the PER test for protein evaluation. One comment asked for clarification that the test is run isonitrogenously.

The use of casein as a reference standard in determining the PER of protein is in accordance with the method described in sections 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, 1970.[1] The method requires that the test be run isonitrogenously. A uniform supply of casein can be obtained, whereas a uniform source of other purified proteins such as lactalbumin and whole egg is not readily available. Casein has an acceptable essential amino acid pattern. The limitations of the PER test are recognized, but at this time it is the best method available and the

[1] Copies may be obtained from: Association of Official Analytical Chemists P. O. Box 540, Benjamin Franklin Station Washington, D. C. 20044

official method for regulatory purposes. It is pertinent to recognize that many of the protein foods or protein supplemented foods will be used by children and it is therefore appropriate to use an assay which employs a growing animal as the test subject. Accordingly, the Commissioner concludes that the method provided is an appropriate one at this time.

LIMITATION OF THE AMINO ACID ADDITION FOR NUTRITIVE USE ONLY

A number of manufacturers took issue with limiting the use of amino acids for nutritive purposes on the basis that use af amino acids for other purposes would no longer be permitted.

No action is being taken at this time to remove from GRAS classification other amino acids or their derivatives that have other than nutritive uses. Section 121.101(d)(5) has provided authority only for using the ingredients listed thereunder as nutrients and not for other uses. If amino acids are used for technological uses not covered in the published GRAS list or in other regulations it is possible to request concurrence therefor by submission of a petition to the Food and Drug Administration for GRAS affirmation pursuant to § 121.40.

LIMITATION OF ACCEPTABLE ISOMERS TO THE L-FORM OF AMINO ACIDS

There were contrasting views expressed on the use of the various isomeric forms (the natural L-form or the commercially available mixtures of DL-forms) of amino acids. Some felt that more consideration should be given to whether only L-isomers are acceptable, offering references to certain scientific studies purporting to show some usefulness of the DL-form. Others suggested that only L-isomers should be used until further studies are carried out on the effect of the DL-isomers on man.

Because of the substantial lack of information on the biological effectiveness and safety of the DL-isomers, the Commissioner concludes that the acceptable forms of the amino acids should be restricted to the L-form except for DL-methionine and for glycine. There is appreciably more understanding of the safety of DL-methionine added to foods than there is for the DL-forms of the other amino acids. DL-methionine has been investigated and found to be acceptable as long as it is not used in infant food. D-methionine ingestion by infants may lead to a methioninuria that may hinder the proper diagnosis of a disease condition. Although adults and children also exhibit methioninuria following D-methionine ingestion, the diagnostic significance of the amino acid in the urine is of much less relative importance. Glycine does not occur in an optically active form.

Petitions may be submitted to establish the safety and nutritional value of commercially available mixtures of DL-forms when the required supporting data become available.

ACCEPTABILITY OF ADDITIONAL FORMS OF AMINO ACIDS

A number of comments pointed out the safety and usefulness of the sodium and potassium salts and acetate and sulfate forms of the amino acids and L-asparagine and L-glutamine.

The Commissioner concludes that except for the acetate and sulfate forms, these are appropriate and are included in the final order. The acetate and sulfate forms have no history of safe use and may not be used prior to promulgation of a food additive regulation.

USE OF AMINO ACIDS IN FORMULATIONS OF SPECIAL FOODS FOR NUTRITIONAL USE IN MEDICAL CONDITIONS

Several comments raised the question whether the regulation should cover amino acids used in special foods for controlled diets.

Such foods are intended for use solely under medical supervision to meet nutritional requirements in specific medical conditions. The quality and usefulness of these products must be determined on an individual product basis because of special nutritional needs dictated by the pathophysiologic conditions of a particular patient. The amino acids used in such products must be safe and of food grade, but it is inappropriate that the limitations relating to the amino acid fortification of protein in regular diets apply to them. Accordingly, the Commissioner exempts these foods for special dietary use from certain provisions of the regulation set forth below. Such foods shall be subject to all of the applicable requirements of 21 CFR Part 125.

AMINO ACID CONTENT OF EGG PROTEIN AS BASIS FOR MAXIMUM USE LEVELS

Some comments claimed that the upper limit of amino acid addition should be based only upon the amount demonstrated to achieve the maximum PER value for a food protein.

The Commissioner concludes that it is in the best interest of the consumer to permit and encourage rational fortification of foods with amino acids by limiting permissible supplementation to a safe level. A standard protein with established safety was needed to establish such limits, preferably one with high biological quality. Egg protein has the highest biological quality of any naturally occurring protein. It is generally agreed that the relative amino acid composition of egg is an ideal pattern for nutritional value and the proportion of individual essential amino acids to total protein content is generally the highest of most protein-containing foods in common use.

ILLEGALITY OF THE PROPOSED REGULATION

A public interest group alleged that the proposed regulation is illegal on the ground that it does not comply with section 409 of the act.

The Commissioner concludes that promulgation of this regulation is in accord with his broad general responsibility for protection of the public health, and is specifically in accord with section 409 of the act and § 121.41 of the food additive regulations. This regulation is issued on the Commissioner's initiative pursuant to section 409(d) of the act. The Commissioner has concluded, on the basis of all of the scientific literature and other available information, that the amino acids have been shown by all appropriate methods to be safe under the conditions of use established in this regulation.

USE OF AMINO ACIDS FOR ANIMALS

Two firms raised questions about the status of amino acids used in animal feed if the proposed deletion from the GRAS list were accomplished.

Recognizing that amino acids are used in animal feeds and considering that the action taken herein is concerned with uses of amino acids in human food, the Commissioner concludes that the presently listed amino acids may remain on the existing GRAS list for animal feed until such time as a separate GRAS list for animal food ingredients is issued.

VARIATIONS IN ASSAY RESULTS

One comment suggested that a 10 percent excess over the allowable maximum amounts of individual amino acids should be permitted because of the variability in the assay methods available.

The Commissioner has considered the suggestion carefully and has concluded that there is no merit in providing for a 10 percent overage in the regulation. Any enforcement action that might be taken based on the maximum amounts of amino acids present would of necessity consider the variability of the method by which the amounts were determined.

LISTING OF ESSENTIAL AND NON-ESSENTIAL AMINO ACIDS

Several comments questioned the listing of nonessential amino acids with essential amino acids since the nonessential amino acids are usually thought not to improve the protein efficiency ratio.

The Commissioner recognizes that the addition of nonessential amino acids is unlikely to alter the PER. However, the total intake of non-specific nitrogen found in nonessential amino acids not only may have a sparing effect and thus influence the requirements of the essential amino acids, but also may provide properties important for foods used solely under medical supervision to meet nutritional requirements in specific medical conditions. Accordingly, the Commissioner concludes that it is inappropriate to separate the two classes of amino acids within the context of the regulation.

SPECIFICATIONS FOR AMINO ACIDS

Comments were received that certain amino acid specifications in both the Food Chemicals Codex and in NAS-NRC Publication No. 1344, referenced in the proposal are inappropriate.

Specifications in the latest edition of the Food Chemicals Codex are regarded by the Commissioner as the food grade specifications for food additives unless specifically stated to be otherwise in any given food additive regulation. Comments regarding a need for changes or

inclusions in these specifications should be adressed to the Codex. Specifications in NAS–NRC Publication No. 1344 are retained for the four amino acids not yet included in the Codex.

GENERAL

One scientist opposed the entire concept of amino acid fortification and stated that improvement of protein quality by fortification with free amino acids may create an imbalanced diet and undesirable effects on human physiology. The new regulation is designed to prevent such a situation by limiting the amounts, isomers, and combinations permitted, based upon the scientific evidence and the considered judgment of nutritional scientists.

The public interest group requested that the data necessary to demonstrate compliance with paragraph (d) of the regulation should be submitted to the Food and Drug Administration so that the public would be able to review it. The Commissioner concludes that, like other quality control records, it is sufficient that this data be retained at the company and available for inspection by the Food and Drug Administration. It would be impracticable and burdensome for every food manufacturer using amino acids to submit such data to the Food and Drug Administration.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1788; 21 U.S.C. 321(s), 348, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

§ 121.101 [Amended]

1. In subparagraph (5) of § 121.101(d) in the "Limitations, restrictions or explanations" column by adding the text "Food additive regulation § 121.1002" for the following amino acids:

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1]		
Alanine (L- and DL-forms)		Food additive regulation § 121.1002.
Arginine (L- and DL-forms)		Do.
* * *	* * *	* * *
Aspartic acid (L- and DL- forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Cysteine (L-forms)		Food additive regulation § 121.1002.
Cystine (L- and DL-forms)		Do.
* * *	* * *	* * *
Histidine (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Isoleucine (L- and DL-forms)		Food additive regulation § 121.1002.
Leucine (L- and DL-forms)		Do.
* * *	* * *	* * *
Lysine (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Phenylalanine (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Proline (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Serine (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Threonine (L- and DL-forms)		Food additive regulation § 121.1002.
* * *	* * *	* * *
Tryptophane (L- and DL-forms)		Food additive regulation § 121.1002.
Tyrosine (L- and DL-forms)		Do.
Valine (L- and DL-forms)		Do.

[1] Amino acids listed may be free, hydrochloride salt, hydrated, or anhydrous form, where applicable.

2. By adding a new section to Subpart D, to read as follows:

§ 121.1002 Amino acids.

The food additive amino acids may be safely used as nutrients added to foods in accordance with the following conditions:

(a) The food additive consists of one or more of the following individual amino acids in the free, hydrated or anhydrous form or as the hydrochloride, sodium or potassium salts:

L-Alanine
L-Arginine
L-Asparagine
L-Aspartic acid
L-Cysteine
L-Cystine
L-Glutamic acid
L-Glutamine
Glycine
L-Histidine
L-Isoleucine
L-Leucine
L-Lysine
DL-Methionine (not for infant foods)
L-Methionine
L-Phenylalanine
L-Proline
L-Serine
L-Threonine
L-Tryptophan
L-Tyrosine
L-Valine

(b) The food additive meets the following specifications:

(1) As found in "Food Chemicals Codex," National Academy of Sciences-National Research Council (NAS–NRC), 2nd Edition (1972)[2] for the following:

L-Alanine
L-Arginine
L-Arginine Monohydrochloride
L-Cysteine Monohydrochloride
L-Cystine
Glycine
L-Leucine
DL-Methionine
L-Methionine
L-Tryptophan
L-Phenylalanine
L-Proline
L-Serine
L-Threonine
Glutamic Acid Hydrochloride
L-Isoleucine
L-Lysine Monohydrochloride
Monopotassium L-glutamate
L-Tyrosine
L-Valine

(2) As found in "Specifications and Criteria for Biochemical Compounds," NAS–NRC Publication, 3rd Edition (1972)[2] for the following:

L-Asparagine
L-Aspartic acid
L-Glutamine
L-Histidine

(c) The additive(s) is used or intended for use to significantly improve the biological quality of the total protein in a food containing naturally occurring primarily-intact protein that is considered a significant dietary protein source, provided that:

(1) A reasonable daily adult intake of the finished food furnishes at least 6.5 grams of naturally occurring primarily intact protein (based upon 10 percent of the daily allowance for the "reference" adult male recommended by the National Academy of Sciences in "Recommended Dietary Allowances," NAS Publication No. 1694, 7th Edition (1968)).[4]

(2) The additive(s) results in a protein efficiency ratio (PER) of protein in the finished ready-to-eat food equivalent to casein as determined by the method specified in paragraph (d) of this section.

(3) Each amino acid (or combination of the minimum number necessary to achieve a statistically significant increase) added results in a statistically significant increase in the PER as determined by the method described in paragraph (d) of this section. The minimum amount of the amino acid(s) to achieve the desired effect must be used and the increase in PER over the primarily-intact naturally occurring protein in the food must be substantiated as a statistically significant difference with at least a probability (P) value of less than 0.05.

(4) The amount of the additive added for nutritive purposes plus the amount naturally present in free and combined (as protein) form does not exceed the following levels of amino acids expressed as percent by weight of the total protein of the finished food:

[2] Copies may be obtained from: National Academy of Sciences 2101 Constitution Avenue, N.W. Washington, D.C. 20037

[2] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20037.

[4] National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20037.

	Percent by weight of total protein (expressed as free amino acid)
L-Alanine	6.1
L-Arginine	6.6
L-Aspartic acid (including L-asparagine)	7.0
L-Cystine (including L-cysteine)	2.3
L-Glutamic acid (including L-glutamine)	12.4
Glycine	3.5
L-Histidine	2.4
L-Isoleucine	6.6
L-Leucine	8.8
L-Lysine	6.4
L- and DL-Methionine	3.1
L-Phenylalanine	5.8
L-Proline	4.2
L-Serine	8.4
L-Threonine	5.0
L-Tryptophan	1.6
L-Tyrosine	4.3
L-Valine	7.4

(d) Compliance with the limitations concerning PER under paragraph (c) of this section shall be determined by the method described in sections 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, (1970).[3] Each manufacturer or person employing the additive(s) under the provisions of this section shall keep and maintain throughout the period of his use of the additive(s) and for a minimum of 3 years thereafter, records of the tests required by this paragraph and other records required to assure effectiveness and compliance with this regulation and shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration, or any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to conduct such inventories of raw and finished materials on hand as he deems necessary and otherwise to check the correctness of such records.

(e) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The name of the amino acid(s) contained therein including the specific optical and chemical form.

(2) The amounts of each amino acid contained in any mixture.

(3) Adequate directions for use to provide a finished food meeting the limitations prescribed by paragraph (c) of this section.

(f) The food additive amino acids added as nutrients to special dietary foods that are intended for use solely under medical supervision to meet nutritional requirements in specific medical conditions and comply with the requirements of Part 125 of this chapter are exempt from the limitations in paragraphs (c) and (d) of this section and may be used in such foods at levels not to exceed good manufacturing practices.

Any person who will be adversely affected by the foregoing order may at any time on or before August 27, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 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. Compliance with this order may begin immediately. This order shall be effective on January 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1788; 21 U.S.C. 321(s), 348, 371(a)).

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15211 Filed 7-25-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 121]

SUBSTANCES PROHIBITED FROM USE IN FOOD

Notice of Proposed Rulemaking

The Food and Drug Administration has prohibited the use of various substances in food on the basis of toxicological data showing a potential hazard to public health or because inadequate data exist to conclude that they are safe for use in food. Some of these actions were taken prior to enactment of the Food Additives Amendment of 1958, and others have been taken pursuant to that Amendment.

Because information on these actions is presently scattered throughout existing regulations, FEDERAL REGISTER notices not codified in the Code of Federal Regulations, old trade correspondence (TC), and unpublished correspondence, and thus are either difficult to find or are not generally available to the public, the Commissioner of Food and Drugs has concluded that they should be consolidated in one regulation. All of the substances presently proposed for inclusion in this regulation were the subject of action previously taken. The Commissioner is not now proposing such action against any additional substances. Should the current review of the safety of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction justify additional action of this type, this proposed new section will also be used for that purpose.

Some of these food additives were prohibited from use in food on the conclusion that the available evidence did not establish safety, and not on the basis of a determination that the ingredient was in fact unsafe. Section 409 of the act places the burden on the manufacturer or distributor of a food additive to prove its safety prior to use. Accordingly, the Commissioner recognizes that, as additional scientific information becomes available, it may well be possible to approve one or more of these ingredients for food use and thus to delete it from this section. The proposed regulation provides for such transfers to and from this section on the Commissioner's initiative or on the petition of any interested person.

The fact that a substance does not appear on this list of prohibited substances does not mean that it may lawfully be used in food. This proposed new section includes only a partial list of prohibited substances, for easy reference purposes, and is not a complete list of substances that may not lawfully be used in food. Before any substance may be used in food, it must meet all of the applicable requirements of section 401 and 409 of the act.

Accordingly, the Commissioner of Food and Drugs concludes that it is in the public interest and will promote efficient enforcement of the act to provide a section in the food additive regulations to contain a listing of food ingredients for which use in food has been prohibited.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1787, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes that Trade Correspondence No. 377 (December 29, 1941) be revoked, and that Title 21 of the Code of Federal Regulations be amended as follows:

§§ 3.14, 3.33 and 3.65 [Revoked]

1. That Part 3 be amended by revoking §§ 3.14, 3.33 and 3.65.

2. That Part 121 be amended by adding the following new section:

§ 121.106 Substances prohibited from use in food.

(a) The food ingredients listed in this section have been prohibited from use in food by the Food and Drug Administration because of a determination that they present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in food. Use of any of these substances in violation of this section causes the food involved to be adulterated in violation of the act.

(b) This section includes only a partial list of substances prohibited from use in food, for easy reference purposes, and is not a complete list of substances that may not lawfully be used in food. No substance may be used in food unless it meets all applicable requirements of the act.

(c) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal a regulation under this section on the basis of new scientific evaluation or information. Any such petition shall include an adequate scientific basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds.

(d) Substances prohibited from direct addition to food:

(1) *Calamus, oil of calamus, extract of calamus.* (i) Calamus is the dried rhizome of Acorus calamus L. It has been used as a flavoring compound, especially as the oil or extract.

(ii) Food containing any added calamus, oil of calamus, or extract of calamus is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of May 9, 1968 (33 FR 6967).

(iii) The analytical method used for detecting oil of calamus (β-asarone) is in "Journal of the Association of Official Analytical Chemists" vol. 56, No. 5 (Sept. 1973).[1]

(2) *Dulcin.* (i) Dulcin is the chemical 4-ethyoxyphenylurea, $C_9H_{12}N_2O_2$. It is a synthetic chemical having a sweet taste about 250 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of dulcin is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detectine dulcin in food are in §§ 20.133 through 20.136 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(3) *P–4000.* (i) P–4000 is the chemical 5-nitro-2-n-propoxyaniline, $C_{10}H_{14}N_2O_4$. It is a synthetic chemical having a sweet taste about 4000 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of P–4000 is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detecting P–4000 in food are in §§ 20.137 through 20.141 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(4) *Coumarin.* (i) Coumarin is the chemical 1,2-benzopyrone $C_9H_6O_2$. It is found in tonka beans and extract of tonka beans, among other natural sources, and is also synthesized. It has been used as a flavoring compound.

(ii) Food containing any added coumarin as such or as a constituent of tonka beans or tonka extract is deemed to be adulterated under the act based upon an order published in the FEDERAL REGISTER of March 5, 1953 (19 FR 1239).

(iii) The analytical methods used for detecting coumarin in food are in §§ 19.104 through 19.023 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(5) *Cyclamate; calcium, sodium, magnesium and potassium.* (i) Calcium, sodium, magnesium and potassium salts of cyclohexane sulfamic acid, $(C_6H_{12}NO_3S)_2$ Ca, $C_6H_{12}N$ NA NO_3S, $(C_6H_{12}NO_3S)_2$ Mg, and C_6H_{12} N K NO_3S. Cyclamates are synthetic chemicals having a sweet taste 30 to 40 times that of sucrose, are not found in natural products at levels detectable by the official methodology, and have been used as artificial sweeteners.

(ii) Food containing any added or detectable level of cyclamate is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of October 21, 1969 (34 FR 17063).

(iii) The analytical methods used for detecting cyclamate in food are in §§ 20.127 through 20.132 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(6) *Safrole.* (i) Safrole is the chemical 4-allyl-1,2-methylene-dioxybenezene $C_{10}H_{10}O_2$. It is a natural constituent of the sassafras plant. Oil of sassafras is about

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

80 percent safrole. Isosafrole and dihydrosafrole are derivatives of safrole, and have been used as flavors.

(ii) Food containing any added safrole, oil of sassafras, dihydrosafrole, or safrole or as a constituent of any food or extract is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412).

(iii) The analytical method used for detecting safrole, isosafrole and dihydrosafrole is in "Journal of the Association of Official Analytical Chemists" vol. 54, pp. 900–902 (1971).[1]

(7) *Monochloroacetic acid.* (i) Monochloroacetic acid is the chemical chloroacetic acid $C_2H_3ClO_2$. It is a synthetic chemical not found in natural products, and has been proposed as a preservative in alcoholic and non-alcoholic beverages. Monochloroacetic acid is permitted in food package adhesives with an accepted migration level up to 10 ppb under § 121.2520. The official methods do not detect monochloroacetic acid at the 10 ppb. level.

(ii) Food containing any added or detectable level of monochloracetic acid is deemed adulterated in violation of the act based upon trade correspondence dated December 29, 1941 (TC–377).

(iii) The analytical methods used for detecting monochloroacetic acid in food are in §§ 20.057 through 20.062 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(8) *Thiourea.* (i) Thiourea is the chemical thiocarbamide CH_4N_2S. It is a synthetic chemical, is not found in natural products at levels detectably by the official methodology, and has been proposed as an antimycotic for use in dipping citrus.

(ii) Food containing any added or detectable level of thiourea is deemed to be adulterated under the act.

(iii) The analytical methods used for detecting thiourea are in §§ 20.099 through 20.100 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(9) *Cobaltous Salts; acetate, chloride and sulfate.* (i) Cobaltous salts are the chemicals $Co(C_2H_3O_4)$, $Co\ Cl_2$ and $Co\ So_4$. They have been used in fermented malt beverages as a foam stabilizer and to prevent "gushing".

(ii) Food containing any added cobaltous salts is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 12, 1966 (31 FR 8788).

(10) *NDGA (Nordihydroguaiaretic acid).* (i) Nordihydroguaiaretic acid is the chemical 4,4(2.3-dimethyltetramethylene) dipyrocatechol $C_{18}H_{22}O_2$. It occurs naturally in the resinous exudates of certain plants. The commercial product, which is synthesized, has been used as an antioxidant in foods.

(ii) Food containing any added NDGA is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 11, 1968 (33 FR 5619).

(iii) The analytical method used for detecting NDGA in food is in § 20.0008 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(11) *DEPC (Diethylpyrocarbonate).* (i) Diethylpyrocarbonate is the chemical pyrocarbonic acid diethyl ester, $C_6H_{10}O_5$. It is a synthetic chemical not found in natural products at levels detectable by available methodology and has been used as a ferment inhibitor in alcoholic and non-alcoholic beverages.

(ii) Food containing any added or detectable level of DEPC is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 2, 1972 (37 FR 15426).

(e) Substances prohibited from indirect addition to food through use in food contact surfaces:

(1) *Flectol H.* (i) Flectol H is the chemical 1,2-Dihydro-2,2,4-trimethylquinoline, polymerized ($C_{12}H_{17}N$). It is a synthetic chemical not found in natural products, and has been used as a component of food packaging adhesives.

(ii) Food containing any added or detectable level of this substance is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 7, 1967 (32 FR 5675).

(2) *4,4¹ -Methylenebis (2-choroanalineQ.* (i) 4,4'- Methylenebis (2-choroanaline) has the molecular formula, $C_{13}H_{12}Cl_2N_2$. It is a synthetic chemical not found in natural products and has been used as a polyurethane curing agent and as a component of food packaging adhesive and polyurethane resins.

(ii) Food containing any added or detectable level of this substance is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 2, 1969 (34 FR 19073).

Interested persons may on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15216 Filed 7–25–73;8:46 am]

[21 CFR Part 121]

REMOVAL OF CERTAIN SUBSTANCES FROM THE GRAS LIST REVIEW

Notice of Withdrawal of Proposal

In the FEDERAL REGISTER of April 13, 1973 (38 FR 9310), the Commissioner of Food and Drugs proposed to delete 52 substances from the current GRAS review and to delist these same substances from § 121.101 (21 CFR 121.101). The basis for this proposed deletion and delisting was the absence of reported use or production of the substances during 1970. The use and production survey of the industry was conducted by the National Academy of Sciences, through its Food Protection Committee of the National Research Council, under contract with the Food and Drug Administration.

One hundred and eighty comments were received in response to the proposal. Eighty-seven of these comments indicated usage of the GRAS substances in animal feeds, 37 in nutrient pharmaceutical preparations, 18 in indirect food ingredients, and 38 in direct human food use.

In the direct human use category, the comments reported the use of 43 of the 52 GRAS substances listed in the proposal. These comments gave numerous reasons for not participating in the NAS Survey, including non-solicitation by NAS. Although most of the comments were in agreement with the intent of the proposal, each requested specific exceptions.

As a result of the above comments, the Commissioner recognizes that there is sufficient commercial interest in these GRAS food substances to retain them in the current GRAS review. Accordingly, notice is hereby given that the 52 substances as published in the FEDERAL REGISTER on April 13, 1973 (38 FR 9310), will remain in § 121.101 (21 CFR 121.101), pending the results of this review.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15222 Filed 7–25–73;8:45 am]

[21 CFR Part 121]

CAROB BEAN GUM

Proposed Transfer From GRAS List to Food Additive Regulation for Direct Human Food Use and Affirmation of GRAS Status as Indirect Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of carob bean gum has been evaluated. In accordance with the provisions of §§ 121.40 and 121.41, the Commissioner of Food and Drugs proposes to affirm the GRAS status of this ingredient for indirect human food use and to transfer the ingredient to a food additive regulation for direct human food use. The Commissioner also proposes to establish a new § 121.105, under which all indirect human food ingredients affirmed as GRAS will be listed.

As the review of GRAS and prior-sanctioned direct human food ingredients progresses, these ingredients will be

[1] See footnote 1 previous page.

proposed for inclusion in new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, proposed new § 121.106 *Substances prohibited from use in food*, Subpart D as direct human food additives, Subpart E as prior sanctions, or Subpart H as interim human food additives. Because § 121.101 is not limited to direct human food ingredients, and has been regarded also as the basis of GRAS determinations for indirect food ingredient sue, in or on food contact surfaces, and for use in pet food and animal feed, the Commissioner has concluded that when an ingredient listed in § 121.101 is affirmed for direct human food use it will be retained in § 121.101 with the explanation that it has been affirmed as GRAS and cross-referenced to the applicable paragraph in new § 121.104. Similarly, where it is affirmed as GRAS for indirect human food use and transferred to a food additive regulation for direct use, the same explanation will be provided, along with appropriate exceptions. This latter procedure is proposed with respect to carob bean gum.

Many of the substances published as GRAS § 121.101, or used on a determination that they are GRAS without publication in § 121.101, were approved by the United States Department of Agriculture for food packaging or processing use in meat or poultry, or were approved by the Food and Drug Administration for food packaging or processing pursuant to correspondence, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions for indirect human food use in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the act as provided in § 121.-2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned indirect human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior sanction, a final regulation will be issued under Subpart E, "Substances for which prior sanctions have been granted," as well as under any other aplicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to asset such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

Carob bean gum (locust bean gum) has been listed in § 121.101(d)(7), published in the FEDERAL REGISTER of Noyember 20, 1959 (24 FR 9368), as GRAS as a stabilizer and in § 121.101(h) and (i) as GRAS for food contact surfaces. Carob bean, locust bean, and St. John's bread are also individually listed as GRAS in § 121.101(e)(2) as natural flavoring substances, as published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404). These numerous listings, as well as the published literature, have caused a great deal of misunderstanding about the status of these substances. Carob bean gum, or its synonym locust bean gum, has been used in U.S. food production since 1925. It consists of the endosperm of the carob (locust) bean seed and usually the seed coat and germ. Carob bean, locust bean, and St. John's bread are all synonyms for the whole bean consisting of pod, pulp, and seed and can be compared to a whole string bean. The dried gum has been used as a stabilizer and thickener in foods and as a coating for food packaging containers. The whole bean is eaten as a green vegetable and also dried and ground for a multitude of human and animal food and food ingredient uses. This notice covers only the food ingredient uses of the gum, obtained from the carob (locust) bean seed, when used in human food. Food ingredient uses of the whole bean will be evaluated at a later date.

Carob bean gum (known also as locust bean gum) has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported caracinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 165 abstracts on carob (locust) bean gum were reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which the carob bean gum was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to carob bean gum. The total carob (locust) bean gum used in food in 1970 is reported to be about twice the amount used in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

Two Chick experiments are pertinent. In the first, 10 one-day-old Arbor Acres chicks were fed a stock diet; another comparable group was fed the stock diet plus a 2 percent cellulose supplement; and a third comparable group was fed a 2 percent carob bean gum supplement. The third group showed a 30 percent depressed feed intake after three weeks, with a corresponding decrease in weight as compared to the cellulose-fed group. Each chick consumed about 340 mg. of carob bean gum per day, or in excess of 2 g per kg per day. The degree of nitrogen retention and metabolizable energy content were about the same, as in the cellulose group, although the fat absorption was about 8 percent higher.

In the second test, similar groups of chicks were fed stock diets supplemented with 0.25, 0.5, 1.0, and 2.0 percent of carob bean gum. After three weeks, the chicks fed at the 2 percent level showed a 27 percent growth depression as compared to the controls, while those at the lower levels of supplement showed an average 6 percent growth depression. However, the authors provided no data on food intakes in this experiment. Others working with carob bean pods have shown that tannins depress appetite and growth. In addition, carob beans contain trypsin inhibitors which are known to have growth-inhibiting properties. Since tannins and trypsin inhibitors could be naturally present in the carob bean gum used in the chick studies, either or both could have accounted for the growth depression reported. From the data given, it is not possible to ascribe depression in growth to toxicity of the gum.

A 10 percent dietary supplement of carob bean gum does not significantly affect the growth of rats. Three groups of 8 rats averaging 44 g each were fed for 28 days on a stock diet, stock diet plus 1 percent cholesterol, and stock diet plus 1 percent cholesterol and 10 percent carob bean gum. Differences in weight gain among the three groups were not significant and no adverse effects were reported. While feed consumption was not reported, it is estimated that a 44-g rat would consume no less than 10 g per day of the 10 percent carob bean gum diet, which would be equivalent to 1 g of the gum per day. For a 44-g rat this intake rate would be about 23 g per kg per day.

Oral LD_{50} in the rat is reported to be greater than 5 g per kg for multiple doses, and greater than 10 g per kg for a single dose.

Clinical observations of 16 human infants showed no untoward effects from feeding a 1 percent carob bean gum powder, called "Nestargel," for an unstated period of time. The substance was apparently not changed by the saliva and gastric juice.

The fate of carob bean gum in the gastrointestinal tract of adults was followed by means of x-rays and stool examination. Eight adults were fed barium suspensions followed by "two heaping teaspoonfulls" of a gum preparation called "Vacuosa." The colloidal gel from the breakup of the "Vacuosa" pelloids mixed thoroughly with the fecal masses in the colon. The carob bean gum did not disintegrate into the gelatinous state until it reached the large bowel. There was no evidence of interference with normal digestion. Actual body load of carob bean gum was not reported; but assuming 15 g per two tea-

spoonfuls, the gum must have been administered at a level of about 250 mg per kg.

Beyond these studies, there is no detailed information relating to the absorption, digestion, metabolism, or excretion of carob bean gum in man or animals.

Mutagenic tests on rats and mice using three different methods gave negative results. There was no measurable mutagenic response of alteration in the recombination frequency for *Saccharomyces cerevisiae* in either the host-mediated assay at levels as high as 5 g per kg or the associated in vitro tests. No adverse effects were observed on either metaphase chromosomes from rat bone marrow or anaphase chromosomes from in vitro cultures of human lung cells at any of the doses or time periods tried. No significant adverse responses were noted in the dominant lethal gene test on rats.

Teratologic tests on four species of animals were negative. Ora intubation of up to 1.3 g per kg of body weight of carob beans gum in anhydrous corn oil to pregnant rats for 10 consecutive days, or up to 1.0 g per kg to pregnant hamsters for 5 consecutive days, produced no clearly discernible effect on nidation or on materna or feta surviva. The frequency of abnormalities in either soft or skeletal tissues of the test animals was comparabe to that occurring spontaneousy in the sham-treated controls. In mice, no untoward teragogenic or maternal effects were noted at a level of 280 mg per kg for 10 consecutive days. At 1.3 g per kg, 5 out of 21 dams died. The surviving dams produced normal litters. In pregnant rabbits, no untoward effects were noted at a level of 196 mg per kg for 13 consecutive days, but at 910 mg per kg, a majority of the dams died. The surviving dams produced normal litters.

No evidence of carcinogenic or allergenic activity of carob bean gum has been found in the literature surveyed.

All of the available safety information on carob bean gum has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that: "The available information contains no evidence demonstrating that carob bean gum constitutes a hazard to the public when used in the manner and quantity now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard."

Based upon his own evaluation of all available information, the Commissioner concurs with this conclusion. In addition the Commissioner concludes that continued safe use of carob (locust) bean gum will require food additive regulation of the ingredient to preserve present levels of use. The levels of use adopted in this proposal, for various categories of food, are those reported to the National Academy of Sciences in their Survey of food manufacturers. The Commissioner further concludes that indirect human food use of carob (locust) bean gum, as a food contact surface in packaging, does not contribute significantly to the carob bean gum content of the packaged food and should thus be affirmed as GRAS for this purpose.

Neither of these proposed actions affects the present use of carob (locust) bean gum for pet food or animal feed or the present uses of carob bean meal and powder, when made from the whole carob bean pod with seed, or carob bean as a raw agricultural commodity.

Copies of the Scientific Literature Review on carob bean gum and the report of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. By amending § 121.101(d)(7) to add the explanation "food additive regulation § 121.1251; affirmed as GRAS § 121.105(f)(1)" after "Carob bean gum (locust beam gum)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
(7) Stabilizers		
* * *	* * *	* * *
Carob bean gum (locust bean gum).		Food additive regulation § 121.1251; affirmed as GRAS § 121.105(f)(1).
* * *	* * *	* * *

2. By adding to Subpart B a new section, as follows:

§ 121.105 Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).

(a) The indirect human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognizd as safe (GRAS) for the purposes and under the conditions prescribed.

(b) This section does not authorize direct addition of any food ingredient to a food. It authorizes only the use of these ingredients as indirect ingredients of food, through migration from their immediate wrapper, container, or other food contact surface. Any migration or use levels included in this section represent maximum levels under current good manufacturing practice.

(c) The listing of a food ingredient in this section does not authorize the use of such substance for the purpose of adding the ingredients to the food through extraction from the food contact surface.

(d) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The following indirect human food ingredients have been affirmed as GRAS:

(1) *Carob (locust) bean gum.* (i) Carob bean gum (also called locust bean gum) is the material obtained from the ground endosperm of the seed of the *Ceratonia siliqua* (Linne), a leguminous evergreen tree.

(ii) The ingredient meets specifications of the Food Chemicals Codex 2nd Ed. (1972).[1]

(iii) The ingredient is used or intended for use as a constituent of food packaging containers and thus may only become a component of food through migration from this surface.

(iv) The ingredient migrates to the packaged or wrapped food at levels not to exceed good manufacturing practices.

3. By adding to Subpart D a new section as follows:

121.1251 Carob bean gum (locust bean gum).

The food additive carob bean gum may be safely used in food in accordance with the following conditions:

(a) Carob bean gum (locust bean gum) is the material obtained from the ground endosperm of the seed of the *Ceratonia siliqua* (Linne), a leguminous evergreen tree.

(b) The additive meets specifications of the Food Chemicals Codex 2nd Ed. (1972).[1]

(c) The additive is used at not to exceed the following maximum levels:

[1] Copies may be obtained from: National Academy of Sciences 2101 Constitution Ave., N.W. Washington, D.C. 20037.

MAXIMUM USAGE LEVELS

Food	Permitted Percent	Function
Baked goods and baking mixes, § 121.1(j)(1)	0.15	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).
Beverages and beverage bases, nonalcoholic, § 121.1(j)(3).	0.25	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).
Cheeses, § 121.1(j)(5)	0.75	Stabilizer and thickener, § 121.1(m)(26).
Gelatins, puddings, and fillings, § 121.1(j)(22)	0.40	Stabilizer and thickener, § 121.1(m)(26).
All other food categories	0.50	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).

(d) The label and labeling of the additive and any intermediate mix of the additive for use in finished food shall bear, in addition to the other labeling required by the act:

(1) The name of the additive;

(2) A statement of the concentration of the additive in any intermediate mix; and

(3) Adequate information to assure that the final food product complies with the limitations prescribed in paragraph (c) of this section.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15215 Filed 7-25-73;8:45 am]

[21 CFR Part 121]

FOOD CATEGORIES AND FOOD INGREDIENT FUNCTIONS

Proposed Designation

The Food and Drug Administration is conducting a study of the direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As this study progresses, the Commissioner of Food and Drugs will publish in the FEDERAL REGISTER, appropriate proposals to (1) affirm GRAS status, (2) publish a prior sanction, (3) establish an interim food additive regulation, (4) establish a permanent food additive regulation, or (5) eliminate food use of the ingredient under review. The Commissioner is proposing regulations in this issue of the FEDERAL REGISTER with respect to the first ingredients subject to this review.

In regulations published since 1958 under the Food Additives Amendment, it has frequently been appropriate to designate broad food categories in which an ingredient may properly be used, and to state the functional purpose for which the ingredient may be used. To date, no standardized definitions of the food categories or functional descriptions have been adopted.

In conducting the industry survey of production and use of GRAS and prior-sanctioned food substances, under contract with the Food and Drug Administration, for use in the review of the safety of these ingredients, the National Academy of Sciences developed standardized food categories. Food categories of a similar type were also used by the United States Department of Agriculture and the Market Research Corporation of America (MRCA), in their respective surveys, to determine the sizes of servings used by consumers and the frequency of consumption of specific foods.

The Commissioner has concluded that the food categories adopted by the National Academy of Sciences (NAS) represent a valid and useful method of dividing food products into general classes of related products. Where tolerances or limitations are established for the use of direct human food ingredients, and there is significant variation with respect to appropriate tolerances or limitations for one or more specific food categories, this method of classification will permit designation of the foods to be covered without requiring a detailed list of each of the individual products included. In many instances, tolerances or limitations may be imposed uniformly for all foods. It may also be necessary to impose, with relatively few exceptions, tolerances or limitations for specific food categories at levels higher or lower than the general rule. It is the Commissioner's intent to utilize the broadest possible approach, in the interests of simplification, wherever justified by the available safety data and information.

It is appropriate that the same food classification system developed by the NAS for its production and consumption survey should also be utilized by the Food and Drug Administration in imposing tolerances and limitations for use of specific ingredients. NAS Survey data was accumulated using these food categories, and they are consequently of great assistance in determining whatever tolerances and limitations are justified. The same classification system, already cross-indexed to the MRCA and USDA consumption data, also provides an immediate reference to consumption patterns on which those tolerances and limitations are in part based.

The proposal set out below contains a general description of each food category, without attempting to list in detail all the products within it. Wherever any question arises with respect to the proper classification of a specific food product which might reasonably fall within two or more categories, proper classification will be determined by referring to the more detailed and specific classification lists established by the MRCA and cross-indexed to NAS food categories, as contained in the final NAS report to the Food and Drug Administration. The Final Report of the NAS is now available from the National Technical Information Service (NTIS), in accordance with the notice on this matter published in this issue of the FEDERAL REGISTER. Accordingly, the Commissioner is incorporating this specific classification list, by reference, into this proposed regulation, for purposes of resolving close questions with respect to proper classification.

The NAS also found it necessary to establish a similar classification system with respect to the technical functions performed by the various specific ingredients directly added to human food. These functional effects are contained in the final NAS report to the Food and Drug Administration and are the subject of production, use, and consumption data on the technical functions of numerous food ingredients, added to the various NAS food categories. Thus, these tables describe the specific technical purposes for which GRAS and prior-sanctioned ingredients are added to NAS food categories, and they consequently serve as an excellent reference to consumption patterns on which ingredient tolerances and limitations are in part based. Accordingly, the Commissioner is proposing to standardize the technical functional descriptions submitted by the NAS, so that regulations permitting the use of ingredients in food will accurately describe their purpose. A standardized system of classification will also assist consumers in understanding the functions performed by these ingredients in the foods they consume.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.-120), the Commissioner proposes to amend Part 121 by adding to § 121.1 the following two new paragraphs:

§ 121.1 Definitions and interpretations.

* * * * *

(l) The following general food categories are established to group specific related foods together for the purpose of establishing tolerances or limitations for the use of direct human food ingredients. Individual food products will be classified within these categories according to the detailed classification lists contained in Exhibit 33B of the report of the National Academy of Sciences on "A Comprehensive Survey of Industry on the use of Food Chemicals Generally Recognized as Safe" (September 1972).[1]

(1) Baked goods and baking mixes (includes ready-to-eat or ready-to-bake products and all dry flour, meal, and multipurpose mixes).

(2) Beverages, alcoholic (includes malt beverages, wines, and distilled liquors).

(3) Beverages and beverage bases, non-alcoholic (includes dry and liquid imitation concentrates and ready-to-drink products, except for coffee or tea).

(4) Breakfast cereals (includes cold and hot breakfast cereals).

(5) Cheeses (includes standardized, non-standardized, snack, and other miscellaneous cheeses).

(6) Chewing gum (includes all flavored gums).

(7) Coffee and tea (includes regular and instant products).

(8) Condiments and relishes (includes plain seasoning sauces and spreads, olives, pickles, and relishes).

(9) Confections and frostings (includes candy and flavored frostings and frosting sugars).

(10) Dairy product analogs (includes non-dairy derived products such as toppings, toppings, mixes, and coffee whiteners.

(11) Egg products (includes liquid, frozen, or dried eggs, and egg products).

(12) Fats and oils (includes salad dressings, margarines, butter, and cooking oils).

(13) Fish products (includes all prepared or frozen products containing fish, shellfish, and other aquatic animals, except fresh fish).

(14) Fresh eggs (includes only whole fresh eggs).

(15) Fresh fish (includes only fresh and home-frozen fish, shellfish, and other aquatic animals).

(16) Fresh fruits and fruit juices (includes only raw fruits and fruit juices and fruit blends).

(17) Fresh meats (includes only fresh and home-frozen beef, pork, lamb, and game animals).

(18) Fresh poultry (includes only fresh and home-frozen poultry).

(19) Fresh vegetables and potatoes (includes only fresh, home-canned, and home-frozen vegetables and potatoes).

(20) Frozen dairy desserts and mixes (includes ice cream, ice milk, sherbets, and frozen novelties).

(21) Fruit and water ices (includes all frozen fruit and water ices).

(22) Gelatins, puddings, and fillings (includes flavored gelatins, puddings, custards, parfaits, and pie fillings).

(23) Grain products and pastas (includes macaroni, noodle, and rice dishes, without meat or vegetables).

(24) Gravies and Sauces (includes flavored meat souces, gravies, and marinades).

(25) Hard candy and cough drops (includes all hard sucker type candies).

(26) Herbs, seeds, spices, seasonings, blends, extracts, and flavorings (includes all natural spices and blends and artificial flavors).

(27) Jams and jellies, homemade (includes fruit butters and preserves).

(28) Jams, jellies, and sweet spreads (includes fruit butters and preserves).

(29) Meat products (includes all prepared and frozen products containing beef, pork, or lamb).

(30) Milk, whole and skim (includes only whole and skim milks).

(31) Milk products (includes dried and fluid milk products such as concentrated, evaporated, and flavored milk, and cream products).

(32) Nuts and nut products (includes whole or shelled nuts, coconut, and nut spreads).

(33) Poultry products (includes all prepared and frozen products containing poultry).

(34) Processed fruits and juices (includes canned or frozen fruits and fruit juices, concentrates, dilutions, ades, and drink substitutes).

(35) Processed vegetables and juices (includes canned or frozen vegetables, vegetable juices, and blends).

(36) Reconstituted vegetable proteins (includes only meat substitute products and dishes).

(37) Snack foods (includes chips, pretzels, and other novelty snacks).

(38) Soft candy (includes all soft and nougat candies).

(39) Soups, homemade (includes all homemade soups).

(40) Soups and soup mixes (includes all meat and vegetable soups).

(41) Sugar, white, granulated (includes only white granulated sugar).

(42) Sugar substitutes (includes all forms of sugar substitutes).

(43) Sweet sauces, toppings, and syrups (includes all fruit, berry, or other flavored products).

(m) The following terms describe the physical or technical functional effects for which direct human food ingredients may be added to foods. They are adopted from the National Academy of Sciences national survey of food industries, reported to the Food and Drug Administration under the contract title, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972).

(1) "Anticaking agents and free-flow agents": substances added to finely powdered or crystalline food products to prevent caking, lumping, or agglomeration.

(2) "Antioxidants": substances used to retard deterioration, rancidity, or discoloration due to oxidation.

(3) "Colors and coloring adjuncts" (including color stabilizers, color fixatives, color-retention agents, etc.): substances used to impart, preserve, or enhance the color or shading of a food.

(4) "Curing and pickling agents": substances imparting a unique flavor and/or color to a foodstuff, usually producing an increase in shelf life stability.

(5) "Dough conditioners" (including yeast foods): substances used to modify the gluten and enhance the property of making an elastic and stable dough.

(6) "Drying agents": substances with moisture-absorbing ability, used to maintain an atmosphere of low moisture.

(7) "Emulsifiers and emulsifier salts": substances which modify surface tension in the component phase of an emulsion to establish a uniform dispersion or emulsion.

(8) "Enzymes": enzymes used to improve food processing.

(9) "Firming agents": substances added to precipitate residual pectin, thus strengthening the supporting tissue and preventing its collapse during processing.

(10) "Flavor enhancers": substances added to supplement, enhance, or modify the original taste and/or aroma of a food without imparting a characteristic taste or aroma of its own.

(11) "Flavoring agents and adjuvants": substances added to impart or help impart a taste or aroma.

(12) "Flour-treating agents" (including bleaching and maturing agents): substances added to milled flour to improve its color and baking qualities.

(13) "Formulation aids" (including carriers, binders, fillers, plasticizers, filmformers, and tableting aids, etc): substances used to promote or produce a physical state or texture in food.

(14) "Fumigants": volatile substances used for controlling insects or pests.

(15) "Humectants" (including moisture-retention agents and anti-dusting agents): hygroscopic substances incorporated in food to promote retention of moisture.

(16) "Leavening agents": substances used to produce carbon dioxide in baked goods to impart a light texture.

(17) "Lubricants and release agents": substances added to food contact surfaces to prevent confections and baked goods from sticking to their containers.

(18) "Non-nutritive sweetners": substances used as a substitute for sugar when intake of sugar or its bulk is undesirable.

(19) "Nutrient supplements": food components, or their synthetic substitutes, which are necessary for the body's nutritional and metabolic processes.

(20) "pH control agents" (including buffers, acids, alkalies, and neutralizing agents): substances added to change or maintain active acidity or basicity.

(21) "Preservatives" (including antimicrobial agents, fungistats, and mold and rope inhibitors, etc.): substances added to prevent growth of contaminating microorganisms and subsequent spoilage.

(22) "Processing aids" (including clarifying agents, clouding agents, cata-

[1] Copies may be obtained from: National Technical Information Service (NTIS) 5285 Port Royal Road Springfield, VA 22151

lysts, flocculents, and filter aids, etc.): substances used as manufacturing aids to enhance the appeal or utility of a food or food component.

(23) "Propellants, aerating agents, and gasses": chemically inert gasses used to supply force to expel a product or used to reduce the amount of oxygen in contact with the food in packaging processes.

(24) "Sequestrants": substances which combine with polyvalent metal ions to form a soluble metal complex, to improve the quality and stability of products.

(25) "Solvents and vehicles": substances used to extract or dissolve another substance.

(26) "Stabilizers and thickeners" (including suspending and bodying agents, setting agents, jelling agents, and bulking agents, etc.): substances used to produce viscous solutions or dispersions, to impart body, improve consistency, or stabilize emulsification.

(27) "Surface—active agents" (other than emulsifiers, but including solubilizing agents, dispersants, detergents, wetting agents, rehydration enhancers, whipping agents, foaming agents, and defoaming agents, etc.): substances used to modify surface properties of food components for a variety of effects.

(28) "Surface—finishing agents" (including glazes, polishes, waxes, and protective coatings): substances used to increase palatability, preserve gloss, and inhibit discoloration of foods.

(29) "Sweeteners": substances used to sweeten the taste of food.

(30) "Synergists": substances used to act or react with another food ingredient to produce a total effect different or greater than the sum of the individual effects.

(31) "Texturizers": substances which affect the appearance or feel of the composition of a food.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15217 Filed 7-25-73;8:45 am]

[21 CFR Part 121]

MANNITOL AND SORBITOL

Affirmation of GRAS Status of Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of mannitol and sorbitol has been evaluated. In accordance with the provisions of § 121.40, the Commissioner of Food and Drugs proposes to affirm the GRAS status of these two ingredients.

Mannitol (1,2,3,4,5,6-hexanehexol) and its sterioisomer sorbitol are both solid hexahydric alcohols prepared commercially by catalytic reduction of glucose. Both occur naturally in small amounts in a variety of foods. Mannitol is found in olives, beets, celery and in the exudate of certain trees. Sorbitol is a normal constituent of such fruits as cherries, plums, pears, apples, and many berries.

Mannitol and sorbitol were listed in § 121.101(d)(2) as GRAS for use in special dietary foods at a maximum of 5 percent and 7 percent respectively in the FEDERAL REGISTER of January 31, 1961 (26 FR 938). Subsequently, food additive regulations were published for mannitol under § 121.1115 in the FEDERAL REGISTER of August 9, 1961 (28 FR 1540) and for sorbitol under § 121.1053 in the FEDERAL REGISTER of February 19, 1963 (26 FR 7127) to provide for other uses of these substances, with levels for use being restricted only to the amount reasonably required to accomplish the intended effect.

Mannitol and Sorbitol have been the subject of a search of the published scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose sponse, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology and (13) processing. A total of 968 abstracts on mannitol were reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review. A total of 870 abstracts on sorbitol were reviewed and 26 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to mannitol and sorbitol. The total mannitol used in food in 1970 is reported to be about 90 times that used in 1960. The total sorbitol used in food in 1970 is reported to be about seven times that used in food in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

Mannitol is absorbed from the gastrointestinal tract of animals and man, and does not accumulate in the organism; it is partially metabolized and partly excreted in the urine. There is evidence that the intestinal flora may convert mannitol to more readily utilized substances and this transformation may influence the reported amount of mannitol absorbed and metabolized by the liver. A wide variety of microorganisms and fungi convert mannitol to sugars and other carbohydrate fragments.

The absorption of mannitol in a 50 cm segment of the proximal small intestine, in children varying in age from 8 months to 4 years, has been reported. The mannitol was perfused in an isotonic solution in concentrations varying from 50 to 150 millimoles per liter. From 9 to 18 percent of the mannitol was found to be absorbed.

A more extensive study in 16 human adult volunteers, ranging in age from 20 to 66, revealed that, in the oral dosage range of 40 to 100 g, 65 percent of the ingested mannitol was absorbed. Of the absorbed mannitol, about a third was excreted intact in the urine and the remainder was oxidized to carbon dioxide. Excretion was virtually complete by four days, with about 91 percent excreted within the first day.

In experiments where 25 g of mannitol were fed to normal men, little evidence was found that the substance was utilized, as measured by blood sugar levels or respiratory quotients. The threshold laxative dose was found to be between 10 and 20 g of mannitol as compared with 50 g of sorbitol.

There are no reported long-term animal feeding studies (extending for more than half of the life span of the species) on mannitol. Relevant short-term animal studies and studies on man are summarized below.

The oral LD_{50} for the mouse is reported to be 22 g per kg, and for the rat to be 17.3 g per kg. The minimum lethal dose for the rat is reported to be greater than 13 g per kg.

In rats and monkeys fed mannitol (5 percent of the rat diet, and 3 g daily to monkeys) no significant chronic toxicity was observed over a period of 3 months. A study on one man, fed 10 g daily for a month, revealed no evidence of toxicity; but the same authors have shown that the ingestion of 10 to 20 g of crystalline mannitol as part of the diet results in a laxative effect. The latter observation has been confirmed.

Preliminary teratologic tests in mice, rats, and hamsters have been negative. Oral doses up to 1.6 g per kg of body weight of mannitol to pregnant mice and rats for 10 consecutive days, or up to 1.2 g per kg of body weight to pregnant hamsters for 5 consecutive days, produced no clearly discernible effects or nidation or on maternal or fetal survival. The frequency of abnormalities in either soft or skeletal tissues of the test animals was comparable to that occurring spontaneously in the sham-treated controls.

The Select Committee is unaware of any reports on mannitol indicating evidence of its carcinogenicity, mutagenicity, or effects on reproduction.

When injected intravenously, mannitol is filtered by the glomeruli of the kidneys and not appreciably reabsorbed by the tubles. For this reason, mannitol has been employed extensively as a substance to measure glomerular filtration rate in man. It has also been used medically as an intravenous diuretic, to lower intracranial pressure, and to decrease intraocular pressure in glaucoma. This wide usage of mannitol has not resulted in untoward toxic effects. However, a single allergic reaction to mannitol was observed when the substance was administered intravenously for the treatment of glaucoma. In the experience of these investigators, over 1500 patients had received similar medication without a serious allergic reaction. It appears from this report that allergic reactions to mannitol are possible, but that it does not constitute a dietary hazard for this reason.

The Joint FAO/WHO Expert Committee on Food Additives classified mannitol, in amounts of 50-150 mg per kg of body weight daily, as "conditionally acceptable". This term means that the substance may be employed within the specified limits with an

adequate margin of safety if it has been reviewed by experts for a particular use.

Orally administered sorbitol is absorbed and metabolized rapidly by man through normal glycolytic pathways, ultimately to carbon dioxide and water. After a 35 g dose (equivalent to 583 mg per kg) in normal and in diabetic adults, for example, less than 3 percent of the sorbitol was excreted in the urine in any case and the concentration of sorbitol in the blood was found to be immeasurably small. No evidence of toxicity was reported.

The oral LD_{50} of sorbitol in male and female mice is reported to be 23,200 and 25,700 mg per kg respectively; in male and female rats, 17,500 and 15,900 mg per kg respectively. The oral LD_{100} for the male rate is separately reported as 26,000 mg per kg.

The following short term studies of the oral administration of sorbitol are relevant:

In 40 g male rats, fed 5 percent sorbitol in a balanced diet, no toxic effects were observed during the three months of feeding. Feed consumption is not reported, but estimates based on other data presented indicate that sorbitol was being fed at a level of approximately 5 g per kg per day.

Rhesus monkeys fed sorbitol at a level of 8 g per kg per day for 3 months remained unaffected.

Man, consuming 10 g of sorbitol each day (equivalent to 167 mg per kg) for one month remained unaffected.

Normal children, 5–6 years old and normal infants, 20–35 months old, fed 9.3 g of sorbitol (equivalent to 500 or more mg per kg) remained unaffected except for the appearance of diarrheal stools in the younger group.

The laxative threshold for sorbitol, established in 12 normal adults, has been reported to be 50 g (equivalent to 833 mg per kg). It is also reported, in a study involving 86 volunteers, that a dosage level of 25 g per day in two doses does not cause laxation.

The following long-term studies of the oral administration of sorbitol are relevant:

Rats fed 5 percent sorbitol (equivalent to 5 g per kg per day) through three generations showed no deleterious effects on growth rate or liver glycogen storage capacity. There were no gross or histological abnormalties in kidney, liver, spleen, pancreas, or duodenum attributable to sorbitol. A subsequent report has indicated that weanling rats, given sorbitol at levels of 10 to 15 percent in the diet for 17 months and observed over 4 successive generations, showed no evidence of deleterious effects on weight gain, reproduction, lactation, or histological appearance of the main organs.

Rats fed 16 percent sorbitol for 19 months showed a tendency to become hypercalcemic after one year, with the appearance in some animals of bladder concretions and a generalized thickening of the skeleton. No feed consumption or animal weight figures were reported, but sorbitol level was estimated to be of the order of 16 g per kg.

No oral studies of the carcinogenic activity of sorbitol have been reported. However, studies in rats revealed that injected sorbitol, in the form of an iron-sorbitol citric acid product (Jectofer), produced no injection site tumors.

Sorbitol, at dose levels of 5 g per kg did not produce any measurable mutagenic response in the host-mediated assay in mice, in the metaphase chromosomes of rat bone marrow, or in the dominant lethal test in the rat. A slight increase was noted in the mitotic recombination frequency for *Saccharomyces cerevisiae* in the host-mediated assay, and a moderate, dose-related adverse effect was exhibited by human embryonic lung cells scored at anaphase.

Sorbitol elicited no teratogenic response in pregnant mice or rats fed a daily dose of 1600 mg per kg for 10 days, or in hamsters fed 1200 mg per kg per day for 5 days.

The Joint Food and Agriculture Organization/World Health Organization Committee on Food Additives indicates the acceptable daily intake of sorbitol for man as follows: "Conditional acceptance (as a food additive or as a food) not limited".

All of the available safety information has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that there is no evidence in the available information on sorbitol and mannitol that demonstrates a hazard to the public when they are used at current levels or at levels that may reasonably be expected in the future. Based upon his own evaluation of this information the Commissioner concurs with this conclusion.

Copies of the Scientific Literature Reviews on mannitol and sorbitol and the reports of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In the table in § 121.101(d) by amending the listing for "Mannitol" and "Sorbitol" in the "Tolerance" and in the "Limitations, restrictions or explanations" columns in subparagraph (d)(5) to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS[1]		
* * *	* * *	* * *
Mannitol		Affirmed as GRAS § 121.104(g)(3).
* * *	* * *	* * *
Sorbitol		Affirmed as GRAS § 121.104(g)(4).
* * *	* * *	* * *

§§ 121.1053 and 121.1115 [Revoked].

2. By revoking § 121.1053 and § 121.1115

3. By amending proposed new § 121.104 to add the following two new subparagraphs to paragraph (g).

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * *

(g) * * *

(3) *Mannitol.* (i) Mannitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$), produced by the electrolytic reduction of glucose, differing principally from sorbitol by having a different optical rotation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2nd Ed. (1972)[1].

(iii) The ingredient is used as a sweetener, formulating aid, stabilizer and thickener, and surface-finishing agent.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. The 1972 NAS–NRC Survey indicates current good manufacturing practice in the use of mannitol results in a maximum of 33 percent in hard candy (§ 121.1(l) (25)3, 25 percent in chewing gum] 121.1(l) (6), 40 percent in soft candy (§ 121.1(l) (38)), 8 percent in confections and frostings (§ 121.1(l) (9)), and at less than 2.5 percent in all other foods.

(v) The label and labeling of food whose reasonably foreseeable consumption may result in a daily ingestion of 20 grams of mannitol shall bear the statement: "Excess consumption may have a laxative effect."

(4) *Sorbitol.* (i) Sorbitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$), produced by the electrolytic reduction of glucose, differing principally from mannitol by having a different optical rotation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2nd Ed. (1972)[1].

(iii) The ingredient is used as a sweetener, formulating aid, emulsifier, humectant, stabilizer and thickener, texturizer, lubricant, and anticaking agent.

(iv) The ingredient is used in foods at levels not to exceed good manufacturing practices. The 1972 NAS—NRC Survey indicates current good manufacturing practice in the use of sorbitol results in a maximum of 97 percent in hard candy (§ 121.1(l) (25)), 62 percent in chewing gum (§ 121.1(l) (6)), 98 percent in soft candy (§ 121.1(l) (38)), 17 percent in frozen dairy desserts and mixes (§ 121.1 (l) (20)), 30 percent in baked goods and baking mixes (§ 121.1(l) (1)), and 8 percent or less in all other foods.

(v) The label and labeling of food whose reasonably forseeable consumption may result in a daily ingestion of 50 grams of sorbitol shall bear the statement: "Excess consumption may have a laxative effect."

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, N.W. Washington, D.C. 20037.

The Commissioner hereby gives notice that he is unaware of any prior-sanction for the use of this ingredient in food under the conditions different from those proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior-sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time.

This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior-sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15214 Filed 7-25-73;8:45 am]

[21 CFR Part 121]

METHYL PARABEN AND PROPYL PARABEN

Affirmation of GRAS Status of Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of methyl paraben and propyl paraben has been evaluated. In accordance with the provisions of § 121.40, the Commissioner of Food and Drugs proposes to affirm the GRAS status of these two ingredients. The Commissioner also proposes to establish a new § 121.104, under which all direct human food ingredients affirmed as GRAS will be listed.

As the review of GRAS and prior-sanctioned direct human fool ingredients progresses, these ingredients will be proposed for inclusion in new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, proposed new § 121.106 *Substances prohibited from use in food*, Subpart D as direct human food additives, Subpart E as prior sanctions, or Subpart H as interim food additives. Because § 121.101 is not limited to direct human food ingredients, and has been regarded also as the basis of GRAS determinations for indirect food ingredient use (in or on food contact surfaces), and for use in pet food and animal feed, the Commissioner has concluded that when an ingredient listed in § 121.101 is affirmed for direct human food use, it will be retained in § 121.101 with the explanation that it has been affirmed as GRAS and cross-referenced to the applicable paragraph in new § 121.104. This procedure is proposed with respect to methyl paraben and propyl paraben.

Many of the substances published as GRAS in § 121.101, or used on a determination that they are GRAS without publication in § 121.101 were approved by the United States Department of Agriculture for use in meat or poultry, or were approved by the Food and Drug Administration for use in various foods pursuant to correspondence, food standards, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS for all prior-sanctioned uses, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS for all prior-sanctioned uses, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the act as provided in § 121.2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned direct human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the Act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior-sanction, a final regulation will be issued under Subpart E "Substances for which prior sanctions have been granted," as well as under any other applicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to assert such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

Methyl paraben (methyl-*p*-hydroxybenzoate) and propyl paraben (propyl-*p*-hydroxybenzoate) were listed in § 121.101(d)(2) as GRAS for use as preservatives in food at a maximum of 0.1 percent, following a proposal published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

Methyl paraben and propyl paraben have been the subject of a search of the published scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupation hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology, and (13) processing. A total of 325 abstracts on the parabens were reviewed and 33 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to methyl paraben and propyl paraben. The total methyl paraben used in food in 1970 is reported to be about 16 times that used in 1960. The total propyl paraben used in food in 1970 is reported to be about 30 times that used in 1960.

The Scientific Literature Survey shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

"Studies in rats, rabbits, dogs, cats, and man show that methyl and propyl paraben are absorbed from the gastrointestinal tract and metabolized. Neither is accumulated in the body. The major metabolites, in decreasing concentrations in the urine, are *p*-hydroxybenzoic acid and the glycine, blucuronic acid, and sulfuric acid conjugates of *p*-hydroxybenzoic acid. Most, but probably not all of the ingested parabens, is metabolized to the foregoing substances through normal pathways in the liver and kidneys. The following work is particularly significant.

In rabbits, 86 percent of a single 400 mg or 800 mg dose of methyl paraben was excreted within 24 hours as *p*-hydroxybenzoic acid (39 percent), hippuric acid (15 percent), the glucuronic ester and ether (22 percent), and sulfuric acid conjugates (10 percent). In rabbits, 70 percent of a single 400 mg dose of propyl paraben was excreted as the same metabolites within 9 hours, 85 percent within 24 hours, and 88 percent within 48 hours.

In dogs, 66 percent of a 1.0 g per kg oral dose of methyl paraben was excreted within 24 hours (89 percent within 48 hours) as *p*-hydroxybenzoic acid and glucuronic acid conjugates. No accumulation of either methyl or propyl paraben was observed when 1.0 g per kg was administered daily for one year; the rate of excretion of the administered dose increased to 96 percent each 24 hours during that period.

In a fasted man, 50 percent of a dose of 70 mg per kg of methyl paraben was excreted as *p*-hydroxybenzoic acid and conjugates with-

in 12 hours. In another human subject, 55 percent of a daily 2.0 g dose of propyl paraben was excreted as sulfuric acid conjugates. Inasmuch as the authors were unable to account for all of the administered paraben as the foregoing excretion products, it was concluded that some cleavage of the benzene ring may occur metabolically.

Relevant short-term animals studies (extending for less than half of the life span of the species) and studies on man are summarized below. There is a dearth of closely controlled experimental data.

The oral LD_{50} of both methyl paraben and propyl paraben for the mouse is reported to be greater than 8,000 mg per kg. The oral LD_{50} of methyl paraben is reported to be 3,000 mg per kg for the rabbit and 2,000 mg per kg for the dog; that for propyl paraben is 6,000 mg per kg for the rabbit and 3,000 to 4,000 mg per kg for the dog.

Dogs fed as much as 1,000 mg per kg per day of methyl or propyl paraben six days weekly for one year exhibited no toxic symptoms, and blood samples were normal. One female that had been receiving 500 mg per kg per day of methyl paraben for one year was mated and delivered a litter of healthy pups. In other experiments, two dogs were unaffected by oral methyl or propyl paraben levels of 500 mg per kg per day, but evidence of toxicity appeared at 2,000 mg per kg per day of methyl paraben and at 4,000 mg per kg per day of propyl paraben.

Growth of young rats, thought at first to be retarded by oral doses of 250 and 500 mg per kg per day of methyl paraben (period of feeding not reported), was found to be unaffected when these experiments were 'extensively repeated'.

Rabbits fed methyl or propyl paraben at 500 mg per kg per day for 6 days showed no ill effects. With both compounds, first distinct toxic effects were reported to appear when fed at 3,000 mg per kg per day.

A human volunteer, ingesting 2,000 mg of methyl paraben daily for one month was unaffected. Similarly, a human volunteer ingesting 2,000 mg of propyl paraben daily for one month exhibited no visible toxic effects. One experimenter reported that he ingested 2,000 mg of methyl paraben daily for an unstated period and "was able to ascertain an innocuousness even with prolonged use and in doses considerably greater than the minimum necessary in its practical application".

Methyl paraben elicited no teratogenic response in pregnant mice or rats fed up to 550 mg per kg daily for 10 consecutive days, or in pregnant hamsters fed up to 300 mg per kg daily for 5 consecutive days.

Methyl paraben or propyl paraben, dissolved in propylene glycol and applied to the skin of 50 human subjects every other day for 10 applications, produced no irritation at the 5 percent level (methyl) or 12 percent level (propyl). In man, 0.1 to 0.3 percent aqueous solutions of methyl paraben, instilled into the eyes of more than 100 patients, produced moderate hyperemia, slight lacrimation, and a sensation of burning which disappeared within one minute. Repetition of this procedure several times a day resulted in no complaints from the 100 subjects. It was noted in 1969 that eight cases of contact dermatitis due to the parabens had been reported in the U.S. scientific literature.

The following long-term studies of the feeding of the parabens are relevant.

Weanling Wistar rats, fed 0.9 to 1.2 g per kg per day for 96 weeks of either methyl or propyl paraben, remained indistinguishable from the controls. Autopsies revealed no pathology in kidney, liver, heart, lung, spleen, or pancreas. When dosage of either compound was increased about four times, rats showed a slower rate of weight gain than the controls. The authors estimated that the toxic threshold for rats of both methyl and propyl paraben is at least 3,000 mg per kg per day. In mice, the same authors stated, "the doses required to produce toxic effects are so large as to make it difficult to obtain an entirely satisfactory dosage-response curve".

Propyl paraben, fed to rats over an 18 month period at 150 mg per kg per day, resulted in no ill effects and 'some evidence of growth stimulation'. When fed at a level of 1,500 mg per kg per day there was a decrease in growth rate, 'but no irregular pathological changes could be found.' No experiments were reported for methyl paraben, but ethyl paraben, fed at the foregoing levels paralleled the experience with propyl paraben. In another study, weanling rats, fed as much as 1,430 mg per kg per day of a mixture of 60 parts propyl paraben and 40 parts ethyl paraben for 18 months, showed growth rates comparable to the controls and histological examination revealed no significant pathological differences among the test and control rats.

No oral carcinogenicity studies of the parabens have been reported. There are two reports of carcinogenicity studies by other routes of paraben administration. Methyl paraben, dissolved in polyethylene glycol and introduced twice weekly into the vaginas of weanling mice for 18 months, did not initiate carcinomas. In other tests on mice, methyl paraben administered intravenously or subcutaneously exhibited no carcinogenic activity.

The available information reveals that there are no short-term toxicological consequences in the rat, rabbit, cat, dog, or man, and no long-term toxicological consequences in rats, of consuming the parabens in amounts greatly exceeding those currently consumed in the normal diet of the U.S. population. There is no evidence that consumption of the parabens as food ingredients has had an adverse effect on man in the 40 years they have been so used in the United States.

All of the available safety information has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that there is no evidence in the available information on methyl and propyl paraben that demonstrates a hazard to the public when they are used at current levels or at levels that may reasonably be expected in the future. Based upon his own evaluation of this information, the Commissioner concurs with this conclusion.

Copies of the Scientific Literature Review on the parabens, the data on the teratology experiments, and the report of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

§ 121.101 [Amended]

1. By revising the introductory text of § 121.101(d) to read as follows:

Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are as follows. When the status of a substance has been reevaluated and affirmed as GRAS or delisted from this paragraph, an appropriate explanation will be noted, e.g., "affirmed as GRAS," "food additive regulation," "interim food additive regulation," or "prohibited from use in food," with a reference to the appropriate new regulation. Such notation will apply only to the specific use covered by the review, e.g., direct human food use and/or indirect human food use and/or animal feed and pet food use, and will not affect its status for other uses not specified in the referenced regulation pending a specific review of such other uses.

2. By amending the heading for the column "Limitations or restrictions" in § 121.101(d) to read "Limitations, restrictions or explanations", and by amending subparagraph (2) of paragraph (d) by revising the text in the "Limitations, restrictions or explanations" column for the items "Methyl parabren (methy-p-hydroxybenzoate)" and "Propyl paraben (propyl-p-hyroxybenzoate)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
Methyl paraben (methyl-p-hydroxybenzoate).	0.1 percent	Affirmed as GRAS § 121.104(g)(1).
* * *	* * *	* * *
Propyl paraben (propyl-p-hydroxybenzoate).	0.1 percent	Affirmed as GRAS § 121.104(g)(2).
* * *	* * *	* * *

3. By adding a new section to Subpart B as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(a) The direct human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed.

(b) Any use levels included in this section represent maximum use levels under current good manufacturing practices. This section does not authorize addition of any level of an ingredient to a specific food above the amount reasonably necessary to accomplish the intended effect.

(c) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(d) The listing of more than one ingredient to produce the same technological effect does not authorize use of a combination of two or more ingredients to accomplish the same technological effect in any one food at a combined level greater than the highest level permitted for one of the ingredients.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the act:

(1) The name of the ingredient.

(2) A statement of the concentration of the ingredient in any intermediate mix.

(3) Adequate information to assure that the final food product may comply within any limitations prescribed for the ingredient.

(g) The following direct human food ingredients have been affirmed as GRAS:

(1) *Methyl paraben.* (i) Methyl paraben is the chemical methyl-*p*-hydroxybenzoate, produced by esterification of *p*-hydroxybenzoic acid.

(ii) The ingredient meets the specification of the Food Chemicals Codex 2nd Ed. (1972).[1]

(iii) The ingredient is used as a preservative.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

(2) *Propyl paraben.* (i) Propyl paraben is the chemical propyl-*p*-hydroxybenzoate, produced by esterification of *p*-hydroxybenzoic acid.

(ii) The ingredient meets the specification of the Food Chemicals Codex 2nd Ed. (1972).

(iii) The ingredient is used as a preservative.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from the proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15212 Filed 7–25–73;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences 2101 Constitution Ave., NW Washington, DC 20037.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAS OR PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Opportunity To Submit Unpublished Safety Data

The Food and Drug Administration is conducting a study of the direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As part of this study, information on each ingredient (or group of ingredients) is being summarized in a series of Scientific Literature Reviews by organizations under contract with the Food and Drug Administration. The organizations preparing the Scientific Literature Reviews are responsible for including a summary of the world literature on safety published since January 1, 1920.

In order to assure that all pertinent safety information is obtained for inclusion in each Scientific Literature Review, this notice solicits from any source unpublished data and information that may be appropriate in determining the safety of the substances. The organizations preparing the Scientific Literature Reviews, and the Reviews now in active preparation or planned for preparation, are as follows:

1. Food and Drug Research Laboratories, Inc.,
   60 Evergreen Place,
   East Orange, NJ 07018.
2. Franklin Institute Research Laboratories,
   The Benjamin Franklin Parkway,
   Philadelphia, PA 19103.
3. Informatics, Inc.,
   6000 Executive Boulevard,
   Rockville, MD 20852.
4. Tractor Jitco, Inc.,
   1300 East Gude Dr.,
   Rockville, MD 20851.

Ingredients	Organizations	Estimated date of completion
Aluminum compounds.	Tracor Jitco, Inc.	June 29, 1973
Silicates	do	July 27, 1973
Magnesium salts	do	July 20, 1973
Manganese salts	do	Aug. 3, 1973
Starter distillate	do	Oct. 19, 1973
Acetic acid & derivatives.	do	Aug. 10, 1973
Formic acid & derivatives.	do	Aug. 31, 1973
Methyl & ethyl acrylate.	do	Oct. 19, 1973
Hydrosulfites	do	July 20, 1973
Salts of fatty acids	do	July 27, 1973
Sodium and potassium hydroxides.	do	Oct. 5, 1973
Vitamin D	do	Sept. 7, 1973
Corn silk	do	Oct. 5, 1973
Sulfamic acid	do	July 13, 1973
Tall oil	do	July 27, 1973
Fish oil, hydrogenated.	do	Aug. 24, 1973
Soy bean oil, hydrogenated.	do	Do.
Glutamic acid and derivatives.	do	June 29, 1973
Cholic acid & derivatives.	Informatics, Inc.	June 22, 1973
Calcium sequestrants	do	Do.
Choline salts	do	Do.
Algae	do	Do.
Iodine salts used in foods.	do	Do.
Pulps	do	Do.
Aconitic acid	do	Do.
Corn sugar-syrup	do	July 2, 1973
Sorbase	do	Do.
Tannic acid	do	July 9, 1973
Inositol	do	July 18, 1973
Gelatin	do	July 25, 1973
Tallow	do	Aug. 15, 1973
Succinic acid	do	Do.
Beeswax and japan wax.	Franklin Research Institute.	June 29, 1973
Carnauba wax	do	Do.
Sodium thiosulfate	do	July 30, 1973
Citrates	Food and Drug Research Labs, Inc.	June 29, 1973
Calcium oxide & calcium hydroxide.	do	Do.
Sorbates	do	Do.
Butylated hydroxyanisole.	do	Do.
Malic acid	do	Do.
Ascorbates	do	July 7, 1973
Propionates	do	July 20, 1973
Gluconate radical	do	Aug. 3, 1973
Dextrins	do	Aug. 10, 1973
Pantothenates	do	Do.
Soy protein isolated	do	Aug. 18, 1973
Rennet	do	Do.
Copper salts used in foods.	do	Aug. 24, 1973
Hydrochloric acid	do	Do.
Tartaric acid & tartrates.	do	Aug. 31, 1973
Lard & lard oil	do	Do.
Bentonite & clay	do	Sept. 7, 1973
Papain	do	Sept. 14, 1973
Gases used in foods	do	Do.
Starches	do	Sept. 21, 1973
Hydrogen peroxide	do	Do.
Carbon dioxide	do	Sept. 28, 1973
Lactic acid & derivatives.	do	Do.
Vitamin A	do	Do.

In addition, the Flavor and Extract Manufacturer's Association, 1001 Connecticut Avenue, NW., Wash., DC 20036, is preparing a Scientific Literature Review on the following 276 aliphatic alcohols, acids, aldehydes, and esters, used as flavor ingredients. The Reviews are scheduled for completion by December 15, 1973.

Aliphatic Alcohols

Linear Saturated

Amyl alcohol
Butyl alcohol
1-Decanol
Ethyl alcohol
Heptyl alcohol
1-Hexadecanol
Hexyl alcohol
Lauryl alcohol
Nonyl alcohol
1-Octanol
Propyl alcohol
Undecyl alcohol

Linear Unsaturated

2-Hexen-1-ol
3-Hexen-1-ol
2,6-Nonadien-1-ol
trans-2-Nonen-1-ol

Branched Saturated

iso-Amyl alcohol
iso-Butyl alcohol
3,7-Dimethyl-1-octanol
2-Ethyl-1-hexanol
3,5,5-Trimethyl-1-hexanol

Branched Unsaturated

Geranol
Critronellol
Nerol
Rhodinol
Farnesol

Aliphatic Acids

Linear Saturated

Acetic acid
Butyric acid
Decanoic acid
Formic acid
Hexanoic acid
Lauric acid
Myristic acid
Nonanoic acid
Octanoic acid
Palmitic acid
Proplonic acid
Stearic acid
Valeric acid
Undecanoic acid
Heptanoic acid

Linear Unsaturated

Oleic acid
4-Pentenoic acid
trans-2-Hexenoic acid
3-Hexenoic acid
10-Undecenoic acid
9, 12-Octadecadienoic acid (48%) and
9, 12, 15-Octadecatrienoic acid (52%)

Branched Saturated

iso-Butyric acid
2-Ethylbutyric acid
2-Methylbutyric acid
2-Methylhexanoic acid
2-Methylheptanoic acid
2-Methylvaleric acid
iso-Valeric acid

Branched Unsaturated

3,7-Dimethyl-6-octenoic acid
3-Methylcrotonic acid
2-Methyl-2-pentenoic acid
2,3-Dionethyl-2-pentenoic acid

Aliphatic Aldehydes

Linear Saturated

Acetaldehyde
Butyraldehyde
Decanal
Heptanal
Hexanal
Lauric aldehyde
Myristaldehyde
Nonanal
Octanal
Propionaldehyde
Undecanal
Valeraldehyde

Linear Unsaturated

cis-3-Hexenal
10-Undecenal
9-Undecenal
4-Heptenal
4-Decenal

Conjugated

2-Decenal
2-Dodecenal
2-Heptenal
2,4-Nonadienal
2-Hexenal
2-Tridecenal
2-*trans*, 4-*trans*-Decadienal
2,4-Heptadienal
2-Nonenal
2-Octenal
2,4-Pentadienal
2-Pentenal
Nona-2-*trans*, 6-*cis*-Dienal

Branched Saturated

iso-Butyraldehyde
2,6-Dimethyl octanal
2-Methylbutyraldehyde
3-Methylbutyraldehyde
2-Ethylbutyraldehyde
2-Methyloctanal
2-Methylundecanal

BRANCHED UNSATURATED

Citronellal
2,6-Dimethyl-5-heptenal

CONJUGATED

Citral
2,6-Dimethyl-10-methylene-2,6,11-dodecatrienal
2-Ethyl-2-heptenal
2-Methyl-2-pentenal

ALIPHATIC ESTERS

(with linear saturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Amyl butyrate
Amyl heptanoate
Amyl octanoate
Butyl butyrate
Butyl heptanoate
Butyl laurate
Butyl stearate
Decyl acetate
Decyl propionate
Ethyl butyrate
Amyl formate
Amyl hexanoate
Butyl acetate
Butyl formate
Butyl hexanoate
Butyl propionate
Butyl valerate
Decyl butyrate
Ethyl acetate
Ethyl decanoate
Ethyl formate
Ethyl hexanoate
Ethyl myristate
Ethyl octadecanoate
Ethyl palmitate
Ethyl undecanoate
Heptyl acetate
Heptyl formate
Hexyl acetate
Hexyl formate
Hexyl octanoate
Lauryl acetate
Methyl butyrate
Methyl hexanoate
Methyl myristate
Methyl octanoate
Methyl valerate
Nonyl octanoate
Octyl butyrate
Octyl heptanoate
Octyl propionate
Propyl butyrate
Propyl heptanoate
Propyl propionate
Ethyl heptanoate
Ethyl laurate
Ethyl nonanoate
Ethyl octanoate
Ethyl propionate
Ethyl valerate
Heptyl butyrate
Heptyl octanoate
Hexyl butyrate
Hexyl hexanoate
Hexyl propionate
Methyl acetate
Methyl heptanoate
Methyl laurate
Methyl nonanoate
Methyl propionate
Nonyl acetate
Octyl acetate
Octyl formate
Octyl octanoate
Propyl acetate
Propyl formate
Propyl hexanoate

LINEAR UNSATURATED

Allyl butyrate
Allyl hexanoate
Allyl octanoate
2-Hexen-1-yl acetate
cis-3-Hexen-1-yl acetate
Allyl heptanoate
Allyl nonanoate
Allyl propionate
10-Undecen-1-yl acetate
3-Hexenyl formate

BRANCH SATURATED

iso-Amyl acetate
iso-Amyl formate
iso-Amyl laurate
iso-Amyl octanoate
iso-Butyl acetate
iso-Butyl formate
iso-Butyl hexanoate
2-Ethyl butyl acetate
iso-Amyl butyrate
iso-Amyl hexanoate
iso-Amyl nonanoate
iso-Amyl propionate
iso-Butyl butyrate
iso-Butyl heptanoate
iso-Butyl propionate

BRANCH UNSATURATED

Citronellyl acetate
Citronellyl formate
Citronellyl valerate
Geranyl butyrate
Geranyl hexanoate
Citronellyl butyrate
Citronellyl propionate
Geranyl acetate
Geranyl formate
Geranyl propionate

ALIPHATIC ESTERS

(with linear unsaturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Butyl 2-decenoate
Ethyl acrylate
Ethyl 2-nonynoate
Ethyl sorbate
Methyl 2-hexenoate
Methyl 2-nonynoate
Methyl 9-undecenoate
Ethyl *trans*-2, *cis*-4-Decadienoate
Ethyl *cis*-4-octenoate
Methyl 3-hexenoate
Butyl 10-undecenoate
Ethyl crotonate
Ethyl oleate
Ethyl 10-undecenoate
Methyl 2-nonenoate
Methyl 2-octynoate
Methyl 2-undecynoate
Ethyl 3-hexenoate
n-Hexyl 2-butenoate
Methyl *cis*-4-ctenoate

LINEAR UNSATURATED

Allyl sorbate
2-Methylallyl butyrate
Neryl butyrate
Neryl propionate
Rhodinyl butyrate
Rhodinyl propionate
Allyl 10-undecenoate
Neryl acetate
Neryl formate
Rhodinyl acetate
Rhodinyl formate

ALIPHATIC ESTERS

(with branched saturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Butyl *iso*-Butyrate
Butyl *iso*-Valerate
Ethyl *iso*-Butyrate
Ethyl *iso*-Valerate
Hexyl *iso*-Valerate
Methyl 2-Methylbutyrate
Methyl *iso*-Valerate
Octyl *iso*-Butyrate
Propyl *iso*-Butyrate
Hexyl *iso*-Butyrate
Ethyl 2-Methylbutyrate
Heptyl *iso*-Butyrate
Methyl *iso*-Butyrate
Methyl 4-methylvalerate
Nonyl *iso*-Valerate
Octyl *iso*-Valerate
Propyl *iso*-Valerate

LINEAR UNSATURATED

Allyl 2-ethylbutyrate
3-Hexenyl *iso*-Valerate
Allyl *iso*-Valerate
3-Hexenyl-2-methylbutyrate

BRANCH SATURATED

Hexyl-2-methylbutyrate
iso-Amyl *iso*-Valerate
3,7-Dimethyllocta-2,6-dienyl 2-ethylbutanoate
2-Methylbutyl-*iso*-Valerate
2-Methylpropyl 3-Methylbutyrate
iso-Amyl-*iso*-Butyrate
iso-Amyl-2-methylbutyrate
2-Methylbutyl 2-methylbutyrate

BRANCH UNSATURATED

Citronellyl *iso*-Butyrate
Geranyl *iso*-Valerate
Neryl *iso*-Valerate
Rhodnyl *iso*-Valerate
Geranyl *iso*-Butyrate
Neryl *iso*-Butyrate
Rhodinyl *iso*-Butyrate

ALIPHATIC ESTERS

(with branched unsaturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Ethyl tiglate
Methyl 3,7-dimethyl-6-octenoate

LINEAR UNSATURATED

Allyl tiglate

BRANCH SATURATED

iso-Butyl angelate

The above list of 276 flavor ingredients represents the initiation of Scientific Literature Reviews of 1,550 natural and synthetic flavor substances. An announcement will be made in the FEDERAL REGISTER when other flavor compounds are selected for Review, so that appropriate unpublished information and data may be submitted. All flavor ingredients listed in §§ 121.101(e) and (g), 121.1163 and 121.1164, or otherwise submitted or known to FDA, are intended for eventual inclusion in a Scientific Literature Review.

Other GRAS and prior sanctioned food ingredients intended for an immediate or planned Scientific Literature Review are listed below under their appropriate categories.

IMMEDIATE SCIENTIFIC LITERATURE REVIEW

Adipic acid
Casein and caseinates
Hypophosphites
Pectin and pectinates
Gum guaiac
Ascorbic acid
Carotenes
Iron, reduced
Niacin and niacinamide
Pyridoxine and pyridoxine hydrochloride
Riboflavin and riboflavin-5-phosphate
Caffeine
Glycerophosphates
Dextrans

Vegetable oils
Sucrose
Biotin
Citric acid
Lecithins
Para-hydroxylbenzylisothiayanate
Thiamine
Urea
Vitamin B_{12}
Sodium and potassium chlorides

PLANNED SCIENTIFIC LITERATURE REVIEW

Amines (filming)
Benzoyl peroxide
Borax
Brandy
Calcium stearate
Carbon
Char smoke flavor
Collagen (avitene)
Cyclohexylamine
Enzymes (proteolytic)
Ferrocyanide salts
Glucono delta lactone
Glycerol lactopalmitate
Hesperidin complex
Lignin
Malt syrup
Milk powder (whole, enzyme modified)
Amino tri (methylene phosphoric acid) sodium salt
Bergamot oil
Bouillon (vegetable, smoked)
Butter fat, enzyme modified w/added butyric acid
Candellilla wax
Carboxymethyl hydroxyethyl cellulose
Chlorophyll
Corn mint oil (mentha arvenis oil)
Enzymes (bacterial)
Ferrous citrate
Furcelleran
Gluten (corn)
Gums (vegetable)
Iron citrate
Liver fractions
Methylpolysilicone
Mono and diglycerides (sodium sulfoacetate derivatives)
< Morpholine
<Nickel
< Octadecylamines
Oiticia
Peptone (pepsin-modified soy bean protein; brewers peptone)
Piperazine dihydrochloride
Potassium gluconate
Rutin
Silver-silver dragees
Sodium fluoride
Sodium metasilicate
Soya fatty acid amine (ethoxylated)
Starch (food, modified)
Vitamin B complex and syrup
Yeasts
Pepsin
Potassium bromate
Potassium phosphates
Sausage casings (HCl and cellulose fibers)
Sodium chlorite
Sodium hypochlorite
Sodium zinc metasilicate
Stearyl alcohol
Wax (shellac)
Zein powder

To be considered for inclusion in a Scientific Literature Review, two copies of all relevant safety data, and information shall be submitted to the organization preparing the Review before the listed completion date, and the original and two copies of all such information shall simultaneously be sent to GRAS Review Branch (BF-335), Bureau of Foods, Food and Drug Administration, 200 "C" Street SW., Wash., DC 20204. Immediately upon receipt of any such submission, one copy will be placed on display at the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, where it may be reviewed during working hours, Monday through Friday.

If the contractor has not been named, the original and four copies of any such data and information shall be submitted to the GRAS Review Branch (address above), which will distribute two copies to the contractor for the Scientific Literature Review when he is selected. A copy of all such submissions will also immediately be placed on display at the office of the Hearing Clerk, at the above address.

If the estimated date of completion of the Review has passed, copies of any such safety data and information shall be submitted to the Select Committee on GRAS Substances and the GRAS Review Branch as provided by the notice published elsewhere in this issue of the FEDERAL REGISTER, and a copy of any such submission will immediately be placed on display at the office of the Hearing Clerk pursuant to that notice.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15220 Filed 7-25-73;8:45 am]

SAFETY OF GRAS AND PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Opportunity To Present Data Information and Views

The Food and Drug Administration is conducting a study of the safety of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As part of this study, information on each such ingredient (or group of ingredients), gathered from literature searches and other sources, is being summarized in a series of written Scientific Literature Reviews by organizations under contract with the Food and Drug Administration. The organizations preparing the Scientific Literature Reviews are responsible for including a summary of the world literature on safety published since January 1, 1920. Opportunity is provided, elsewhere in this issue of the FEDERAL REGISTER, for any interested person to submit unpublished safety data and information on these food ingredients for inclusion in Scientific Literature Reviews now under preparation.

Several Scientific Literature Reviews have now been completed and submitted to the Food and Drug Administration. A list of those completed Reviews appears elsewhere in this issue of the FEDERAL REGISTER, (38 FR), and notice is given of their public availability.

The Food and Drug Administration briefly examines each Scientific Literature Review before accepting it. This brief examination covers only the general quality of the work, to make certain that the major scientific information is included in a balanced and complete presentation. The examination is not intended to determine that all pertinent scientific information is included. Notice is therefore hereby given that any interested person who, after study of a Scientific Literature Review, believes that additional pertinent published or unpublished data or information should be included in considering the safety of the ingredient(s) covered in the Scientific Literature Review, may submit ten copies of such written data, information, or views to:

Select Committee on GRAS Substances,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014

The original of this material and two additional copies shall simultaneously be sent to:

Bureau of Foods,
Food and Drug Administration,
GRAS Review Branch (BF-335),
200 "C" Street, S.W.,
Washington, DC. 20204.

Immediately upon receipt, one copy of any such submission will be placed on display at the office of the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, where it may be reviewed during working hours, Monday through Friday.

The Select Committee on GRAS Substances is utilizing the services of special consultants with particular expertise in considering specific issues that arise in the evaluation of these substances. The Select Committee also recognizes that the presentation of oral views with respect to the safety of these substances may be helpful in its work. Therefore, an opportunity will be provided for any interested person to present oral views on the safety of these substances to the Select Committee at a hearing, as part of the evaluation process. Notices providing an opportunity to participate in a hearing, for the presentation of such oral views to the Select Committee, will be published in the FEDERAL REGISTER at the appropriate time.

Following completion of its evaluation, the Select Committee will prepare a report to the Commissioner of Food and Drugs containing its evaluation and recommendations, with respect to the safety of the particular ingredient(s) covered by a Scientific Literature Review. Upon acceptance of the report by the Food and Drug Administration, it will be made available to the public in accordance with the notice on this matter published elsewhere in this issue of the FEDERAL REGISTER. After evaluating this report, the Commissioner will publish in the FEDERAL REGISTER, an appropriate proposal to (1) affirm GRAS status, (2) publish a prior sanction, (3) establish an interim food additive regulation, (4) establish a permanent food additive regulation, or (5) eliminate food use of the ingredient. These proposals will be issued pursuant to the procedural provisions contained in §§ 121.40, 121.41 published in the FED-

ERAL REGISTER of December 2, 1972 (37 FR 25705), and § 121.2000 published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12737). The Commissioner is proposing elsewhere in this issue of the FEDERAL REGISTER, to establish new §§ 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, 121.105 *Substances in food contact surfaces affirmed as generally recognized as safe (GRAS)*, and 121.106 *Substances prohibited from use in food*. Thus, each food ingredient will be proposed for inclusion in one of these three new sections, in Subpart D (direct human food additives), in Subpart E (prior sanctions), in Subpart F (indirect human food additives), or in Subpart H (interim human food additives).

Following publication of any such proposal, all interested persons will have an opportunity to submit written comments on the proposal. Where good cause is shown, the Commissioner may order a public hearing at which an oral presentation of data, information, and views may be made. The final regulation will be final agency action from which appeal lies to the courts.

The Commissioner urges the cooperation of all segments of the public in this important work.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15221 Filed 7-25-73;8:45 am]

SELECT COMMITTEE ON GRAS SUBSTANCES

Request for Nominations

The Food and Drug Administration is conducting a study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The available information relating to the safety of each such ingredient is first being evaluated by a Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology under a contract with the Food and Drug Administration. The Select Committee is considering information on GRAS substances provided by a series of Scientific Literature Reviews based primarily upon a literature survey of material published from 1920 to 1973, by current production and consumption patterns obtained from a recent survey by the National Academy of Sciences, and by additional recent toxicological screening tests on certain of the substances. The Select Committee is presently comprised of the following individuals:

1. Dr. Bert N. Ladu, Jr.,
Dept. of Pharmacology,
New York University Medical Center.
New York University School of Medicine,
550 1st Ave.,
New York University Medical Center,
2. Dr. John R. McCoy,
Professor of Comparative Pathology,
New Jersey College of Medicine & Dentistry,
Rutgers Medical School,
P.O. Box 2100,
New Brunswick, NJ 08903.
3. Dr. Aaron M. Altschul,
Dept. of Community Medicine & International Health,
School of Medicine,
Georgetown University,
3750 Reservoir Road, NW.,
Wash., DC 20007.
4. Dr. Joseph F. Borzelleca,
Professor of Pharmacology,
Medical College of Virginia,
Health Sciences Division,
Virginia Commonwealth University,
Richmond, VA 23219.
5. Dr. Sanford A. Miller,
Dept. of Nutrition and Food Science,
Rm. E 18-564,
Massachusetts Institute of Technology,
Cambridge, MA 02139.
6. Dr. Ralph G. H. Siu,
Consultant,
4428 Albemarle St., NW.,
Wash., DC 20016.
7. Dr. John L. Wood,
University of Tennessee Medical Units,
62 S. Dunlap St.,
Memphis, TN 38103.
8. Dr. Gabriel L. Plaa,
Dept. of Pharmacology,
University of Montreal,
Faculty of Medicine,
Case Postale 6128,
Montreal 101, Que., Canada.
9. Dr. George W. Irving, Jr., Chairman,
Research Associate,
Life Sciences Research Office,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014.

The curriculum vitae of each member of the Select Committee is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

The Life Sciences Research Office plans to increase the size of the Select Committee working on this project. Accordingly, notice is hereby provided for all interested parties to nominate additional qualified scientists to serve on the Select Committee. Nominations are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. C. Jelleff Carr,
Life Sciences Research Office,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014.

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15219 Filed 7-25-73;8:45 am]

STATUS OF REVIEW OF GRAS AND PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Availability of Information

Food ingredients that are generally recognized as safe (GRAS), or that were sanctioned through action by the Food and Drug Administration or the United States Department of Agriculture prior to enactment of the Food Additives Amendment of 1958, may be utilized in food without first obtaining approval through a food additive regulation. After enactment of the law, the Food and Drug Administration published a partial list of GRAS and prior-sanctioned ingredients in § 121.101. This list was developed without a thorough scientific review of each ingredient.

In his Consumer Message of October 30, 1969, President Nixon directed the Secretary of Health, Education, and Welfare to initiate a full review of all GRAS ingredients. To implement this mandate, the Food and Drug Administration contracted with the Food Protection Committee of the National Academy of Sciences to survey the entire food industry to determine the national production of all GRAS ingredients and the amount of each such ingredient used in any particular food. The National Academy of Sciences report to the Food and Drug Administration incorporated the results of independent surveys conducted by the United States Department of Agriculture as part of its 1965 Household Food Consumption surveys to determine the sizes of food servings used by consumers, and by the Market Research Corporation of America, to determine how frequently representative consumers eat individual servings of foods in specific food categories. The results of the NAS Survey, describing incorporation of USDA and MRCA data, is now available. The complete Survey report also contains various tabular computer printouts describing the use of GRAS food ingredients in NAS food categories and the total exposure of GRAS food ingredients in human foods.

The Food and Drug Administration also contracted with the Franklin Institute Research Laboratories, The Benjamin Franklin Parkway, Philadelphia, PA 19103, to conduct a search of the world literature since January 1, 1920 on the following 72 GRAS food ingredients that were determined to be a matter of high priority:

Ammoniated glycyrrhizin
Sodium nitrite
Sodium nitrate
Potassium nitrate
Potassium nitrite
Saccharin (acid)
Sodium saccharin
Calcium saccharin
Ammonium saccharin
Potassium bisulfite
Potassium metabisulfite
Sodium bisulfite
Sodium metabisulfite
Sulfur dioxide
Oil of mustard

Oil of garlic
Oil of nutmeg
Oil of rue
Oil of clove
Caramel
Benzoic acid
Sodium benzoate
Methyl paraben
Propyl paraben
Propyl gallate
Carrageenan
Sodium alginate
Gun tragacanth
Gum arabic (acacia)
Carob bean gum
Ghatti gum
Sterculia gum
Guar gum
Furcelleran
Sodium carrageenan
Sorbitol
Mannitol
Butylated hydroxyanisole
Butylated hydroxytoluene
Hydrogen peroxide
Diacety tartaric acid esters of mono- and diglycerides of edible fats and oils, or edible fat-forming acids
Stannous chloride
Diacetyl
Monosodium glutamate
Monopotassium glutamate
Glutamic acid
Glutamic acid hydrochloride
Monoammonium glutamate
Zinc sulfate
Zinc gluconate
Sodium thiosulfate
Dilauryl thiodipropionate
Thiodipropionic acid
Calcium propionate
Bentonite
Carnauba wax
Sodium aluminosilicate
Tricalcium silicate
Vitamin A
Vitamin A acetate
Vitamin A palmitate
Vitamin D_2
Vitamin D_3
Zinc chloride
Zinc oxide
Zinc stearate
Aluminum calcium silicate
Calcium silicate
Magnesium silicate
Sodium calcium aluminosilicate, hydrated

This literature search is being expanded to include all of the GRAS substances for direct human food use included in § 121.101(d) and a number of substances possessing such GRAS status by virtue of a communication from the Food and Drug Administration. A complete list of these substances, and their scheduled coverage by Scientific Literature Reviews, is included in a notice published elsewhere in this issue of the FEDERAL REGISTER.

Each scientific literature search is designed to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology, and (13) processing. The results of this search are then incorporated in a Scientific Literature Review on each ingredient (or group of chemically similar ingredients).

Additional toxicological screening tests were conducted on 42 selected GRAS ingredients for mutagenisis and teratology. Teratological screening was conducted on all 42 ingredients in four mammalian species: Rat, mouse, hamster, and rabbit. Chick embryo tests were also conducted on 41 of those ingredients. The mutogenic test conducted on 40 of the ingredients, used the host mediated assay, the dominant lethal, and the cytogenic assay procedures. These studies were designed primarily to evaluate these relatively new toxicological screening tests, and an assessment of their value is not yet possible.

The Food and Drug Administration then contracted with the Federation of American Societies for Experimental Biology (FASEB) to conduct the initial evaluation of the Scientific Literature Reviews, the NAS production and consumption data, and the additional toxicological test data, and to provide a report on the safety of each individual ingredient. The Life Sciences Research Office of FASEB in turn appointed a Select Committee on GRAS Substances (SCOGS) which has been working since June 1972 to conduct this evaluation. Notices appear elsewhere in this issue of the FEDERAL REGISTER requesting nominations for additional qualified scientists to serve on this Select Committee, providing an opportunity to submit unpublished safety data and information on GRAS or prior-sanctioned direct human food ingredients to the organizations preparing the Scientific Literature Reviews, and providing an opportunity to present data, information, and views on the safety of these ingredients directly to the Select Committee for their consideration in the evaluation process.

To implement the review of GRAS and prior-sanctioned direct human food ingredients, the Commissioner of Food and Drugs has published in the FEDERAL REGISTER several regulations and notices. In announcing the review of GRAS food ingredients in the FEDERAL REGISTER of December 8, 1970 (35 FR 18632), the Commissioner proposed new criteria for determining GRAS status. These criteria were promulgated in final form in the FEDERAL REGISTER of June 25, 1971 (36 FR 12084).

A notice published in the FEDERAL REGISTER of October 23, 1971 (36 FR 20546) urged that all interested persons obtain and complete the survey questionnaire being used by the National Academy of Sciences to obtain broad representative information on the production and use of direct human food ingredients that have been listed in § 121.101 as GRAS or that were subject to a prior sanction. In additional to published GRAS substances and known prior-sanctioned substances, the NAS questionnaire also requested information on direct human food ingredients used on the basis of a conclusion that they are GRAS, but which are not published in § 121.101. Neither the Food and Drug Administration study nor the NAS survey includes indirect human food ingredients or animal food ingredients.

A procedure governing affirmation of GRAS status and determination of food additive status was promulgated in the FEDERAL REGISTER for December 2, 1972 (37 FR 25705). The same FEDERAL REGISTER notice promulgated a new Subpart H to govern the promulgation of interim food additive regulations. Subpart E was amended in the FEDERAL REGISTER for May 15, 1973 (38 FR 12737) to provide for publication of all prior sanctions for food ingredients, and to permit the addition of limitations where justified by new toxicological information.

The list of direct human food ingredients published as GRAS in § 121.101 includes 533 ingredients, 261 of which are flavors. The 272 non-flavor published GRAS ingredients will be covered in 120 Scientific Literature Reviews, all of which are completed, in progress, or planned for contract, as indicated elsewhere in this issue of the FEDERAL REGISTER.

The Food and Drug Administration has contracted with the Flavor and Extract Manufacturers Association to prepare similar Scientific Literature Reviews with respect to 276 flavor substances, listed elsewhere in this issue of the FEDERAL REGISTER. Scientific Literature Reviews will then be prepared on all remaining flavor substances, including those published as GRAS in § 121.101, those published in such food additive regulations as §§ 121.1163 and 121.1164, and those used on the conclusion that they are GRAS although they are not published in § 121.101.

The next priority matter will involve additional substances subject to food additive regulations and prior sanctions. A schedule and priorities for these have not yet been determined.

Upon receiving a Report from the FASEB Select Committee evaluating the safety of an ingredient, the Commissioner, after conducting his own evaluation, will publish in the FEDERAL REGISTER an appropriate proposal to affirm GRAS status, to publish a prior sanction, to establish an interim food additive regulation, to establish a permanent food additive regulation, or to eliminate food use of the ingredient. These proposals will be published pursuant to the procedural provisions contained in §§ 121.40, 121.41, and 121.2000. The Commissioner is proposing to establish new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, § 121.105 *Substances in food-contact surfaces affirmed as generally recognized as safe (GRAS)*, and § 121.106 *Substances prohibited from use in food*, elsewhere in this issue of the FEDERAL REGISTER. Thus, each of these food ingredients will be proposed for inclusion in one of these three new sections, in Subpart D (direct human food additives), in Subpart E (prior sanctions), in Subpart F (indirect human food additives), or in Subpart H (interim human food additives).

Following publication of any such proposal, all interested persons will have an opportunity to submit written comments on the proposal. Where good cause

is shown, the Commissioner may order a public hearing at which an oral presentation of data, information, and views may be made. The final regulation will be final agency action from which appeal lies to the courts.

Section 121.101 is not limited to direct human food ingredients. Many of the substances listed in § 121.101 have been regarded as GRAS for indirect food ingredient use, in or on food-contact surfaces, and for use in pet food and animal feed. Accordingly, when an ingredient listed in § 121.101 is affirmed as GRAS for direct human food use, it will be retained in § 121.101, with the explanation that it has been affirmed as GRAS, and cross-referenced to the applicable paragraph in new § 121.104. When an ingredient is transferred to an interim food additive regulation, permanent food additive regulation, or prohibited status, for direct human use, a decision will be made as to whether the ingredient may remain as GRAS for uses other than direct human food use, or should be restricted or eliminated from such uses, and § 121.101 and other applicable regulations will be amended accordingly.

In the event that additional toxicological testing is required before the ingredient may be affirmed as GRAS or approved by a permanent food additive regulation, an interim food additive regulation will be proposed (unless there is a reasonable likelihood that a health hazard exists). Pursuant to § 121.4000, use of the ingredient must cease unless an interested person satisfies the Commissioner, in writing within 60 days following the effective date of the interim food additive regulation, that studies adequate and appropriate to resolve the questions raised about the ingredient have been undertaken. The Food and Drug Administration may itself undertake such studies, but this will occur only in very rare instances, if at all. As a general rule, the Food and Drug Administration intends to institute little or no testing for the purpose of providing data necessary to justify continued marketing of food ingredients, because of its conclusion that this is properly the function of private industry.

Many of the substances published as GRAS in § 121.101, or used on a determination that they are GRAS without publication in § 121.101, were approved by the United States Department of Agriculture for use in meat or poultry, or were approved by the Food and Drug Administration for use in various foods pursuant to correspondence, food standards, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS for all prior-sanctioned uses, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS for all prior-sanctioned uses, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the Act as provided in § 121.2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned direct human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the Act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior sanction, a final regulation will be issued under Subpart E Substances for which prior sanctions have been granted, as well under any other applicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to assert such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E, in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

In the past, it has been customary practice for the Food and Drug Administration to issue advisory opinions that a substance is GRAS, or is subject to a prior sanction, or is not a food additive because it is used in or on food-contact surfaces and there is no detectable migration. The Commissioner has concluded that all such past correspondence is publicly available, except that trade secrets will be retained as confidential, and that all future opinions relating to GRAS or prior-sanctioned status will be issued in the form of FEDERAL REGISTER notices proposing appropriate new regulations. Opinions solely with respect to no-migration status of food-contact ingredients will continue to be handled by letter rather than by regulation because of their limited applicability, and all such correspondence will be publicly available, except that trade secrets will be retained as confidential.

The Commissioner recognizes that the data and information obtained in the process of conducting this review of direct human food ingredients is of broad interest to the public. Accordingly, this information is available for public disclosure in the following ways.

1. The report of the National Academy of Sciences on "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe" (September 1972) may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151. This report is now available.

2. A series of computer print-outs of the combined data from the NAS, USDA, and MRCA Surveys may be purchased from NTIS. These print-outs are now available and are explained in the NAS report.

3. The reports of the 1965 USDA Survey on "Food Consumption of Households in the United States" may be purchased separately from Superintendent of Documents, U.S. Government Printing Office, Wash., D.C. 20402, order number HFCS 1965–66, Report No. 1. These documents are now available.

4. Each Scientific Literature Review may be purchased from NTIS as it becomes available. The following Scientific Literature Reviews are now available:

Review title	Ordering No.	Printed copy price
Gum Arabic (Acacia)	PB-221-201	$4.85
Butylated Hydroxytoluene	PB-221-202	4.50
Carob Bean Gum	PB-221-203	3.00
Gum Tragacanth	PB-221-204	3.00
Sterculia	PB-221-205	3.00
Carrageenan	PB-221-206	4.50
Propyl Gallate	PB-221-207	3.75
Benzoates	PB-221-208	5.45
Parabens	PB-221-209	3.75
Sorbitol	PB-221-210	4.85
Mannitol	PB-221-211	4.85
Oil of Rue	PB-221-212	3.00
Gum Ghatti	PB-221-213	3.00
Zinc Salts	PB-221-214	5.45
Oil of Mustard	PB-221-215	4.50
Guar Gum	PB-221-216	3.75
Sulfiting Agents	PB-221-217	6.00
Caramel	PB-221-218	3.75
Oil of Garlic	PB-221-219	3.75
Nitrates-Nitrites	PB-221-220	9.00
Oil of Clove	PB-221-221	3.75
Oil of Nutmeg	PB-221-222	3.00
Dill	PB-221-223	3.00
Phosphates	PB-221-224	6.00
Agar-Agar	PB-221-225	3.75
Alginates	PB-221-226	4.50
Glycerine and Glycerides	PB-221-227	6.75
Cellulose	PB-221-228	4.85
Caprylic Acid	PB-221-229	4.50
Glycyrrhiza	PB-221-230	3.75
Carbonates	PB-221-231	5.45
Stannous Chloride	PB-221-232	4.50
Propylene Glycol and Derivatives	PB-221-233	4.50
Sulfates	PB-221-234	4.85
Ammonium Ion	PB-221-235	5.45
Iron and Iron Salts Used in Foods	PB-221-236	5.45
Tocopherols	PB-221-237	6.75

Each Scientific Literature Review may be purchased in microfiche form for $.95 with the same ordering numbers listed above.

5. Copies of each Scientific Literature Review will be placed in the Library of Congress as they become available, under the title, "Scientific Literature Reviews on GRAS Food Ingredients," L.C. Card No. 73–600105.

6. Each report to the Commissioner from the FASEB Select Committee may be purchased from NTIS as it becomes available. The following reports are now available:

Carob Bean (Locust Bean) Gum
Parabens
Sorbitol
Mannitol

7. A copy of each of the reports of the following toxicological screening tests may be purchased from NTIS:

Ingredient	Teratology	Mutagenesis
Ammoniated Glycyrrhizin	X	
Amaranth (Red No. 2)	X	X
Sodium Saccharin	X	
Calcium Saccharin	X	
Saccharin (Insoluble)	X	X
Ammonium Saccharin	X	
Sodium Nitrate	X	X
Potassium Nitrate	X	
Sodium Nitrite	X	X
Potassium Nitrite	X	
Glycine	XY	
Sodium Bisulfite	XY	
Sodium Meta-bisulfite	XY	X
Butylated Hydroxyanisole	XY	
Butylated Hydroxytoluene	XY	X
Mannitol	XY	
Sorbitol	XY	X
Sodium Thiosulfate	XY	
Stannous Chloride	XY	
Calcium Propionate	X	
Sodium Benzoate	X	
Propyl Gallate	XY	
Methyl Paraben	XY	
Dilauryithiodipropionic Acid	XY	
Calcium Silicated (Hydrated)	XY	
Sodium Carrageenan	X	
Calcium Carrageenan	X	X
Carob Bean (Locust Bean) Gum	X	X
Gum Arabic (Acacia)	X	X
Gum Tragacanth	X	
Gum Ghatti	X	X
Guar Gum	XY	X
Sterculia (Karaya) Gum	XY	X
Propylene Glycol Alginate	XY	X
Talc	XY	
Caffeine	XY	
Oil of Nutmeg	XY	
Sodium Tripolyphosphate	XY	
Zinc Sulfate	XY	
Lactose	XY	
Adipic Acid	XY	
Furcelleran	XY	

No final chick embryo test reports have been received, to date.
X—Tested in Rats, Mice, Hamsters and Rabbits.
XY—Tested in Rats, Mice and Hamsters.

8. A single copy of all of the above data and information is available for review in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday. Additional information relating to these matters will also be placed on display at this office as they become available.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15206 Filed 7–25–73;8:45 am]