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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Authority To Require Special Reports; Reporting and Recordkeeping Violations

The purposes of this amendment are to (1) provide for the Cost of Living Council to require the submission of special reports and (2) explicitly provide that persons who fail to comply with the Council's reporting and recordkeeping requirements are subject to the sanctions provided for in the Economic Stabilization Act of 1970, as amended, for violations of regulations issued under that act.

A new § 130.9 is being added to subpart A of part 130. Paragraph (a) of the new section provides for the requiring of special reports that would be in addition to those specified under §§ 130.21 or 130.23. Paragraph (b) of the new section explicitly provides that failure to file a required report on a timely basis or to maintain a required record shall constitute a distinct and separate violation of the Economic Stabilization Act of 1970, as amended, for each day the person fails to comply with the applicable requirement.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

In consideration of the foregoing, effective May 7, 1973, title 6 of the Code of Federal Regulations is amended by adding a new § 130.9 immediately following § 130.7 to read as follows:

§ 130.9 Reports required by Cost of Living Council: Violations.

(a) Whenever the Cost of Living Council considers it necessary for the effective administration of the economic stabilization program, it may order any person to file special or separate reports, setting forth information relating to the economic stabilization program, in addition to any other reports required by this part.

(b) Whoever fails to submit on a timely basis any report or fails to maintain any record required under this part or by any special rule or order issued under this part is subject to the sanctions provided for in the Act for violations of the regulations issued thereunder. Each day the failure continues is a separate violation.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973).

Issued in Washington, D.C., on May 7, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-9303 Filed 5-9-73;8:45 am]

Title 7—Agriculture

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

[Grapefruit Reg. 73, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulation

This amendment lowers the minimum grade requirement on the handling of pink seedless grapefruit grown in the Interior District in Florida. A determination as to the need for less restrictive requirements on shipments of pink seedless grapefruit was based upon all available information on market prices for grapefruit, level of supplies on hand at the principal markets, condition, and remaining supply of regulated varieties in the production area.

Findings.—(1) Pursuant to the marketing agreement, as amended, and order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade limitations on fresh shipments of pink seedless grapefruit is consistent with the external appearance and remaining supply of such grapefruit in the Interior District and the current and prospective demand for such fruit by fresh market outlets.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of pink seedless grapefruit grown in Florida.

Order.—In § 905.546 (Grapefruit Reg. 73; 37 FR 21799, 24432, 27619; 38 FR 10151) the provisions of paragraph (a) (3) are amended to read as follows:

§ 905.546 Grapefruit Regulation 73.

(a) * * *

(3) Any seedless grapefruit, other than pink seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1, or any pink seedless grapefruit, grown in such area, which do not grade at least U.S. No. 1 Golden;

* * * * *

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

Dated May 4, 1973, to become effective May 7, 1973.

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

[FR Doc.73-9286 Filed 5-9-73;8:45 am]

Title 9—Animals and Animal Products

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

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

[Docket No. 73-518]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines Cameron and Hidalgo Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products

from or through quarantined areas as contained in 9 CFR part 76, as amended, will apply to the quarantined areas.

Pursuant to provisions of the act of May 29, 1884, as amended, the act of February 2, 1903, as amended, the act of March 3, 1905, as amended, the act of September 6, 1961, and the act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), part 76, title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(1) relating to the State of Texas is added to read:

(e) * * *

(1) *Texas.*—(i) Cameron County.

(ii) Hidalgo County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective May 4, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

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

[FR Doc.73-9289 Filed 5-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Refund of Unearned Finance Charge; Prepayment Penalty

This interpretation specifies that the method of rebate—such as the "Rule of 78's"—may be identified on a disclosure statement without including a mathematical formula or narrative description which might detract from the other important disclosures required by the regulation. The interpretation also specifies that the use of a rebate method in an installment contract does not involve a "prepayment penalty" of the type that must be disclosed.

§ 226.818 Refund of unearned finance charge; prepayment penalty.

(a) Under § 226.8(b)(7) a creditor must provide an identification of the method of computing any unearned portion of the finance charge in the event of prepayment of an obligation, as well as a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate. Section 226.8(b)(6) requires the creditor to provide "a description of any penalty charge that may be imposed by the creditor or his assignee for prepayment of the principal of the obligation * * *" A question arises whether the computation of certain rebates of unearned finance charges on contracts with precomputed finance charges involves a "prepayment penalty." A second question concerns the disclosures required to identify the method of computing any finance charge rebate.

(b) Section 226.8(b)(6) relates only to charges assessed in connection with obligations which do not involve precomputed finance charges included in the obligation. It applies to transactions in which the finance charge is computed from time to time by application of a rate to the unpaid principal balance. Prepayment penalties which require disclosure under this section (which principally arise in connection with prepayment of real estate mortgages) occur when the obligor in such a transaction is required to pay separately an additional amount for paying all or part of the obligation before maturity. On the other hand, § 226.8(b)(7) is designed to encompass the disclosures necessary with regard to the prepayment of an obligation involving precomputed finance charges which are included in the face amount of the obligation. Therefore, although in a precomputed obligation the finance charge rebate to a customer may be less when calculated according to the "Rule of 78's," "sum of the digits," or other method than if calculated by the actuarial method, such difference does not constitute a penalty charge for prepayment that must be described pursuant to § 226.8(b)(6).

(c) Section 226.8(b)(7) requires "identification" of the rebate method used on precomputed contracts. Many State statutes provide for rebates of unearned finance charges under methods known as the "Rule of 78's" or "sum of the digits" or other methods. In view of the fact that such statutory provisions involve complex mathematical descriptions which generally cannot be condensed into simple accurate statements, and which if repeated at length on disclosure forms could detract from other important disclosures, the requirement of rebate "identification" is satisfied simply by reference by name to the "Rule of 78's" or other method, as applicable.

(Interprets and applies 15 U.S.C. 1638 and 1639.)

By order of the Board of Governors, April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.73-9236 Filed 5-9-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity Requirements

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 7 percent to 6½ percent of its liquidity base and of reducing each member's short-term liquidity requirement from 3 percent to 2½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective May 10, 1973:

§ 523.11 Liquidity requirements.

(a) *General.*—For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month beginning with January 1972, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraph (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that in view of current economic conditions such amendment should become effective so that both the reduced overall liquidity requirement of 6½ percent and the reduced short-term liquidity requirement of 2½ percent shall apply beginning with the month of May 1973, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period

specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

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

By the Federal Home Loan Bank Board.

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

[FR Doc.73-9323 Filed 5-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-WE-38]

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

Alteration of Transition Area

On March 5, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 5912) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would alter the 700-foot transition area to contain the modified VOR Runway 7 instrument approach procedure for Ventura County Airport, Oxnard, Calif.

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

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435) the 700-foot portion of the Oxnard, Calif., Transition Area is amended to read as follows:

OXNARD, CALIF.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the point Mugu RBN, and within 4.5 miles each side of the Oxnard, Calif., VOR 204° radial, extending from the end of Runway 7 at Ventura County Airport to 9.5 miles W. of the runway.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 FR 9565) and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c).)

Issued in Washington, D.C., on May 2, 1973.

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

[FR Doc.73-9228 Filed 5-9-73;8:45 am]

[Airspace Docket No. 73-GL-9]

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

Designation of Transition Area

On page 6194 of the FEDERAL REGISTER dated March 7, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Lockport, Ill.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., June 21, 1973.

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

Issued in Des Plaines, Ill., on April 19, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

LOCKPORT, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lewis-Lockport Airport (latitude 41°-36'25" N.; longitude 88°05'10" W.).

[FR Doc.73-9227 Filed 5-9-73;8:45 am]

[Docket No. 12807; Amdt. Nos. 91-114, 121-103, 141-11, and 183-5]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Updating of References

The purpose of these amendments is to update the references to certain sections of part 61 of the Federal Aviation Regulations that are incorporated in parts 91, 121, 141 and 183 of the FARs.

By amendment No. 61-60 dated February 1, 1973 (38 FR 3156), the FAA adopted a substantial revision to part 61 which resulted in the renumbering of the sections in that part. Some of the affected sections are incorporated by reference in parts 91, 121, 141 and 183 of the FARs. Therefore, in order to make the references in those parts consistent with the revised part 61, these amendments are necessary.

Because of the extent of the changes necessary with respect to the part 61 references in part 135, those reference corrections are being processed in a separate rulemaking action.

Since these amendments are editorial in nature and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, parts 91, 121, 141, and 183 of the Federal Aviation Regulations are amended effective November 1, 1973, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. Part 91 is amended—

(a) By striking out the reference to "§ 61.163" in § 91.15(d)(2)(ii) and by inserting a reference to "§ 61.169" in place thereof;

(b) By striking out the reference to "§ 61.38" in § 91.18(a) and by inserting a reference to "§ 61.69" in place thereof; and

(c) By striking out the reference to "§ 61.46" in § 91.213(c) and by inserting a reference to "§ 61.55" in place thereof.

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

2. Part 121 is amended by striking out the reference to "§ 61.147" in § 121.441(a) and by inserting a reference to "§ 61.157" in place thereof.

PART 141—PILOT SCHOOLS

3. Part 141 is amended—

(a) By striking out the reference to "§ 61.17" in § 141.75(a) and by inserting a reference to "§ 61.63" in place thereof;

(b) By striking out the reference to "§ 61.178" in § 141.75(b) and by inserting a reference to "§ 61.191" in place thereof; and

(c) By striking out the reference to "§§ 61.143 and 61.147" in § 141.75(c) and by inserting a reference to "§§ 61.153 and 61.157" in place thereof.

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

4. Part 183 is amended by striking out the reference to "§ 61.61" in § 183.21(d) and by inserting a reference to "§ 61.85" in place thereof.

(Sec. 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 1, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-9226 Filed 5-9-73;8:45 am]

[Docket No. 12766; Amdt. No. 862]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the standard instrument approach procedures (SIAP's) that were

recently adopted by the Administrator to promote safety at the airports concerned.

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective May 10, 1973:

Tifton, Ga.—Henry Tift Myers Airport, VOR Runway 33, original.

* * * effective April 25, 1973:

Kent, Ohio—Andrew W. Paton of Kent State University Airport, VOR-A, amendment 6.

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

Barre-Montpelier, Vt.—Edward F. Knapp State Airport, LOC runway 17, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective June 7, 1973:

Orlando, Fla.—Herndon Airport, NDB runway 31, original.

Orlando, Fla.—McCoy AFB, NDB runway 18L and 18R, original.

* * * effective May 17, 1973:

Tell City, Ind.—Perry County Municipal Airport, NDB runway 31, original, effective March 30, 1972; canceled.

Tell City, Ind.—Perry County Municipal Airport, NDB runway 31, original.

* * * effective May 10, 1973:

Tifton, Ga.—Henry Tift Myers Airport, NDB runway 33, amendment 3.

* * * effective April 26, 1973:

Port Clinton, Ohio—Carl R. Keller Field, NDB runway 26, amendment 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 31, 1973:

Atlanta, Ga.—Fulton County Airport, ILS runway 8R, original.

* * * effective April 24, 1973:

Dayton, Ohio—James M. Cox-Dayton Municipal airport, ILS runway 18, amendment 2.

* * * effective April 26, 1973:

Miami, Fla.—Miami International Airport, ILS runway 9L, amendment 15.

(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) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on April 26, 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.73-9224 Filed 5-9-73;8:45 am]

[Docket No. 10858]

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS UNDER THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

The purpose of this part is to implement section 23 (use of Government-owned lands) of the Airport and Airway Development Act of 1970 (84 Stat. 232).

Interested persons have been afforded an opportunity to participate in the making of these regulations by a notice of proposed rulemaking (notice 71-6) issued on February 12, 1971, and published in the FEDERAL REGISTER on February 23, 1971 (36 FR 3373). Due consideration has been given to all comments received in response to that notice. The four public comments received favored the proposal. However, several recommendations were made for modification of proposed provisions. Except as modified by the following discussion, the reasons for the provisions in this part are those contained in the notice.

Two comments concerned the provision in proposed § 154.1(b) requiring that the airport for which the property interest in U.S. land is to be acquired be included in, or currently meet the entrance criteria for, the current National Airport system plan. It was recommended that airports included in a State airport system plan be eligible for acquisition of U.S. lands.

Notice 71-6 stated that this provision as proposed was considered appropriate to make the part consistent with the proposed rules in part 152 of the Federal Aviation regulations covering airport development aid that would limit grants of Federal funds for airports to projects for airports listed in the National Airport system plan. The FAA is of the opinion that since the Airport and Airway Development Act of 1970 in all other respects contemplates development of, and aid to, airports in the NASP, section 23 of the act cannot be considered as applicable to airports other than those included in, or which meet the criteria for entrance in, the current NASP. Accordingly, § 154.1(b) is being adopted as published in the notice.

With reference to another comment, it should be noted that proposed §§ 154.13(d)(2) and 154.13(d)(3), pertaining to exclusive rights are consistent. Section 154.13(d)(2) applies only to exclusive rights for the sale of gasoline and oil that were authorized prior to July 17, 1962, by FAA policy. Section 154.13(d)(3) applies to all other exclusive rights.

One comment recommended that the definition of "operational use" proposed in § 154.1(d)(1), in connection with the definition of "airport purposes," be expanded to include land for clear zones, buffer zones, and adjacent to airport boundaries for compatible land use. The FAA believes that the term "clear zones" should be used in lieu of "aerial approaches" in the definition since it is a term defined in part 152. The phrase "land necessary to preserve the operational integrity of the airport" has also been included in the definition of operational use. This language contemplates land on or adjacent to the airport where incompatible development or encroachment would interfere with current airport operation or future development and operation. Section 154.1(d)(1) has been amended accordingly. In this connection, it should be noted that under § 154.13(a) the grantee covenants that such property interest will be used for airport purposes, and that he will develop that interest for airport purposes within 1 year after the conveyance, and that if the property interest is necessary to meet future development of the airport in accordance with the NASP, the grantee will develop that interest for airport purposes within a period of time satisfactory to the Administrator, and that any interim use of that interest for other than airport purposes will be subject to such terms and conditions as the Administrator may prescribe.

In response to a comment received, proposed § 154.1(d)(3) has been revised consistent with § 139.89 of part 139 by changing the words "crash rescue, fire fighting" to "fire fighting and rescue equipment and service."

Section 154.13 relating to covenants in conveyance has been changed to conform with Department of Transportation policy on discrimination expressed in part 21 of the regulations of the Office of the Secretary (49 CFR 21), and order 1050.2 of the Office of the Secretary of Transportation (Standard DOT Title VI Assurances) issued August 24, 1971. Appendix B of the current order contains an appropriate assurance clause. This change appears in § 154.13(c) in the rules as issued.

Order 5610.1A (36 FR 23679) of the Office of the Secretary of Transportation has implemented section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), portions of section 16 of the 1970 act, and section 4(f) of the Department of Transportation Act (airport programs or projects affecting public parks, recreation areas, wildlife refuges, or historic sites). Pursuant to that order, these regulations require the applicant for a conveyance of a property interest under this part to submit a proposed draft environmental impact statement, to be utilized in the preparation of an environmental impact statement or negative declaration by the Administrator. This provision is substituted for the statement on environmental impact proposed by the notice and appears in § 154.7(b)(14).

An additional item has been added to the list of items required to be submitted with an application for conveyance under § 154.7(b) which would require a statement to be included in the application that if the conveyance involves the displacement of any person or the acquisition of any interest in real property that is within the purview of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the applicant will make the assurances required by §§ 25.57(a) and 25.59(a) of the regulations of the Office of the Secretary of Transportation.

Finally, the title of this new part has been changed to read: "Acquisition of U.S. Land for Public Airports Under the Airport and Airway Development Act of 1970." The title change has been made to distinguish this part from part 153 (Acquisition of U.S. Land for Public Airports), which prescribes policies and procedures for administering section 16 of the Federal Airport Act. Until the programs under the Federal Airport Act are completely phased out, part 153 will continue to apply to U.S. lands acquired for public airports under that act.

In consideration of the foregoing, title 14, chapter I of the Code of Federal Regulations is amended, effective June 9, 1973, by adding the following new part 154 in subchapter I.

Issued in Washington, D.C., on May 3, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

Sec.

154.1 Applicability and purpose.
154.3 Public agencies eligible for conveyances.
154.5 Application for conveyance.
154.7 Form and content of application for conveyance.
154.9 Determinations by the Administrator.
154.11 Determination and conveyance by head of controlling agency.
154.13 Covenants in conveyances.

AUTHORITY.—Secs. 11-27, Airport and Airway Development Act of 1970, 84 Stat. 220-233; § 1.47(g) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.)

§ 154.1 Applicability and purpose.

(a) *General.*—This part applies to the acquiring by public agencies, under section 23 of the Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 232), of property interests in land owned or controlled by the United States, the use of which is reasonably necessary to carry out a project for airport development under part II of that act or to operate a public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 23 of the act to request the head of the Department, Board, Bureau, Commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "controlling agency") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that agency is then required to determine whether the conveyance is inconsistent with the needs of that agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 154.11 of this part.

(b) *Property interests to which this part applies.*—This part applies with respect to fee title or any other interest in land that is reasonably necessary to carry out a project under the airport development aid program or to operate a public airport or in lands reasonably necessary to meet future development of an airport, in accordance with the national airport system plan, including leaseholds, permits, licenses, and easements, over lands adjacent to the airport that will assure freedom from interference with the intended purpose. The property interest must be in land for an airport that is included in, or currently meets the entrance criteria for, the current national airport system plan.

(c) *Property interests to which this part does not apply.*—This part does not apply with respect to—

(1) Property interests in lands owned or controlled by the United States within—

(i) Any national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(ii) Any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or

(iii) Any national forest or Indian reservation; or

(2) Any entire, existing Federal airport.

(d) *Definition of "airport purposes."*—For the purposes of this part, "airport purposes" means uses of property interests in land that are directly related to the actual operation of the foreseeable aeronautical development of the public airport. It includes—

(1) *Operational use.*—Use of property interest for clear zones, navigation aids, runways, taxiways, aprons and other aircraft movement areas, and land necessary to preserve the operational integrity of the airport.

(2) *Future developmental use.*—Reservation of property interests for foreseeable aeronautical development (for example, a planned runway extension or a planned terminal building development);

(3) *Essential support services use.*—Use of property interests for activities directly supporting flight operations (for example, aircraft maintenance, fueling, and servicing; mail, passenger, and cargo processing facilities; communications and air traffic control; airport firefighting and rescue equipment and service, and airport maintenance); and

(4) *Complementary activities use.*—Use of property interests for facilities or services that enhance the utility or convenience of the aeronautical services (for example, facilities to provide food, shelter, surface transportation, or vehicular parking).

§ 154.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, Guam, any agency of any of them, a municipality or other political subdivision, a tax-supported organization, or an Indian tribe or pueblo may apply for a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the airport development aid program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under the program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 152.41 of this chapter, improvement, or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

§ 154.5 Application for conveyance.

A public agency that is eligible under § 154.3 of this part may apply for a conveyance of a property interest under this part by filing an application for it in quadruplicate with the FAA office serving the area in which the property interest is located.

§ 154.7 Form and content of application for conveyance.

(a) An application for a conveyance of a property interest under this part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to apply for the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest applied for is reasonably necessary to carry out a project under the airport development aid program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency applying for a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, or other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the U.S. land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport under the airport development aid program.

(13) A statement that it has the legal authority to accept a conveyance subject to the covenants and reverter clause described in § 154.13 of this part.

(14) The sponsor's proposed draft environmental impact statement prepared in conformance with Department of Transportation "Procedures for Considering Environmental Impacts" (DOT Order 5610.1A, 36 FR 23679, Dec. 11, 1971), and Federal Aviation Administration "Interim Instructions for Processing Airport Development Actions Affecting the Environment" (FAA Order 5050.2), 36 FR 23686, December 11, 1971.

(15) A statement that if the conveyance involves the displacement of any person or the acquisition of an interest in real property that is within the purview of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 18949), the applicant will make the assurances required by §§ 25.57(a) and 25.59(a) of the regulations of the Office of the Secretary of Transportation (49 CFR 25).

(c) Each application for a conveyance under this part must be signed by an officer of the public agency concerned who has been authorized by it to file the application. The application must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the application and indicating that the public agency is willing to accept the conveyance subject to the covenants described in § 154.13 of this part.

§ 154.9 Determinations by the Administrator.

The Administrator reviews each application for a conveyance under this part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 23 of the Airport and Airway Development Act of 1970 and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the controlling agency to convey to the public agency as much of an interest as the Administrator considers to be reasonably necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes. The Administrator accompanies his request with a detailed statement of the items required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

§ 154.11 Determination and conveyance by head of controlling agency.

(a) Upon receiving a request for a conveyance under this part from the Administrator, the head of the controlling agency is required, by section 23(b) of the Airport and Airway Development Act of 1970, to determine whether the conveyance is inconsistent with the needs of his agency, and to notify the Administrator of his determination within 4 months after receiving the Administrator's request.

(b) Section 23(b) of the act provides that, if the head of the controlling agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

§ 154.13 Covenants in conveyances.

Whenever the Administrator requests the head of a controlling agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, the following provisions:

(a) That the grantee will use the property interest for airport purposes, and will develop that interest for airport purposes within 1 year after the date of this conveyance. However, if the property interest is necessary to meet future development of an airport in accordance with the national airport system plan the grantee will develop that interest for airport purposes within a period of time satisfactory to the Administrator, and any interim use of that interest for other than airport purposes will be subject to such terms and conditions as the Administrator may prescribe.

(b) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without unjust discrimination.

(c) That in the operation of the airport and its appurtenant areas, whether or not on the land conveyed, the grantee—

(1) Agrees that no person shall be excluded from any participation, be denied any benefits, or be otherwise subjected to any discrimination, on the grounds of race, color, or national origin; and

(2) Agrees to comply with all requirements imposed by or pursuant to part 21 of the regulations of the Office of the Secretary of Transportation (49 CFR 21)—nondiscrimination in federally assisted programs of the Department of Transportation—effectuation of title VI of the Civil Rights Act of 1964.

(d) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now owned or controlled by it.

(e) That in furtherance of the policy of the FAA under this covenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted

before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right to conduct any aeronautical activity now existing at such an airport.

(f) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance.

(g) That, if the covenant to develop the property interest (or any part thereof) for airport purposes within the time specified in paragraph (a) of this section is breached, or if the property interest (or any part thereof) is not used in a manner consistent with paragraph (a) of this section or the terms of the conveyance, the Administrator may give notice to the grantee requiring him to take specified action, within a fixed period, towards development or use as prescribed, as the case may be. These notices may be issued repeatedly, and outstanding notices may be amended or supplemented. Upon expiration of a period so fixed without completion by the grantee of the required action, the Administrator may, on behalf of the United States, enter, and take title to, the property interest conveyed or the particular part of that interest to which the breach relates.

(h) That, if any covenant or condition in the instrument of conveyance, other than the covenant contained in paragraph (g) of this section, is breached, the Administrator may, on behalf of the United States, immediately enter, and take title to, the property interest conveyed or, in his discretion, that part of that interest to which the breach relates.

(i) That a determination by the Administrator that one of the foregoing covenants has been breached is conclusive of the facts; and that, if the right of entry and possession of title stipulated in the foregoing covenants is exercised, the grantee will, upon demand of the Administrator, take any action (including prosecution of suit or executing of instruments) that may be necessary to evidence transfer to the United States of title to the property interest conveyed, or, in the Administrator's discretion, to that part of that interest to which the breach relates.

[FR Doc.73-9225 Filed 5-9-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-800]

PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

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

In EDR-231,[1] the Board issued a notice of proposed rulemaking to enact a new part 252 of the economic regulations to require certificated air carriers (both route and supplemental carriers) to establish procedures designed to segregate passengers who desire to be seated in designated "smoking" areas and to prohibit smoking in all areas not so designated on commercial flights. Pursuant to the notice, formal comments[2] have been filed by certain member carriers of the Air Transport Association (ATA),[3] with an individual supplementary comment by Frontier Airlines; Pan American World Airways; Overseas National Airways; Saturn Airways; World Airways; and Kodiak Airways and Western Alaska Airlines (jointly). Besides the carriers, formal comments have been filed by Action on Smoking and Health (ASH), which favors the rule, Aviation Consumers Action Project (ACAP), which advocates a complete ban on smoking, and five members of the public. In addition, 4,500 letter comments have been timely filed, most of them in favor of the proposed rule.[4] Upon consideration, the Board has determined to adopt the proposed rule, as revised herein, and the tentative findings and conclusions set forth in EDR-231 are incorporated and made final, except as modified. Except to the extent indicated herein, all requests contained in the comments are denied.

[1] Sept. 13, 1972, 37 FR 19146 (docket 21708).

[2] By "formal comments" is meant comments submitted in 12 copies as specified in EDR-231.

[3] The 10 U.S. trunkline carriers (excluding Pan American), the 8 local service carriers, Alaska Airlines, Wien Consolidated Airline, and Hawaiian Airlines.

[4] ACAP has filed a motion for "Rectification Of Record," requesting the Board, inter alia, to "[a]scertain, through an appropriate investigation, the extent to which any parties have engaged in campaigns to distort the record herein by causing their agents and employees to submit comments without disclosing their source." The motion is based on evidence that Lorillard, a tobacco company, through its general counsel, Mr. Arthur J. Stevens, covertly organized a campaign involving the inducement of advertising agency employees to write letters to the Board in sample format opposing the rule. Mr. Stevens has filed a letter in answer to the motion, in which he does not deny generating the campaign, but does deny that he violated any Board rules. We appreciate ACAP's bringing the matter to our attention, but no useful purpose would be served by pursuing the matter further. Assuming a violation of the Board's rules, as contended by ACAP, to conduct an investigation to determine the extent to which comments received were generated by the tobacco company would be a major undertaking without compensating productive results. The Board does not decide issues by polling the number of comments received on each side, and there would be no point in "invalidating" comments which were generated by the tobacco company. Although the extent to which passengers favor the regulation of smoking is a relevant consideration, it obviously cannot be measured by counting the number of comments pro and con, particularly since both sides on the issue have engaged in campaigns soliciting the submission of comments to the Board. The motion is therefore denied.

Among the carriers, only ONA supports Board regulation of smoking on aircraft they operate. The consolidated comment of the ATA carriers contains the most extensive argument against the proposal, and we now consider these contentions.

In EDR-231, it was noted that a joint study of the Federal Aviation Administration and the Department of Health, Education, and Welfare[5] had concluded that the low levels of contaminants measured do not represent a health hazard to the nonsmoking passengers on aircraft. On the other hand, the study found that a significant portion of the nonsmokers (over 60 percent) stated that they were bothered by tobacco smoke, and suggested that corrective action should be taken, such as a ban on smoking or the segregation of smokers from nonsmokers on commercial flights. It was further noted in EDR-231 that although the FAA had not yet taken final rulemaking action with respect to the issue of whether smoking presented a health hazard, there no longer seemed to be any reason for the Board to defer institution of rulemaking proceedings on whether the extent to which tobacco smoke causes annoyance and discomfort to passengers warrants remedial action, and, if so, what form of action should be taken.

The ATA carriers object to the Board's reliance on the study as a measure of passenger annoyance with smoking on aircraft and the appropriate corrective action to be taken. They assert that the Board ignored the finding in the study that the atmosphere in aircraft cabins is substantially cleaner than is advised for public buildings or required by Environmental Protection Agency standards and also ignored the evidence that commercial aircraft cabins are extremely effective in changing air throughout the cabin every 5 minutes or less.

We find this objection to be without merit. Aircraft cabins are not public buildings. There is no indication that standards applicable to public buildings are applicable to the special high-density seating conditions of aircraft. Moreover, unlike persons in public buildings, nonsmoking passengers on aircraft may be assigned a seat next to, or otherwise in close proximity to, persons who smoke and cannot escape this environment until the end of the flight. Finally, notwithstanding that aircraft cabins are very effective in changing cabin air, a substantial number of passengers are bothered by smoking on aircraft, as will be seen.

It is also alleged that the questionnaire on which the study was based was "loaded" against toleration of smoking on aircraft. Specifically, the carriers refer to the fact that the question asking whether smoking on aircraft should be permitted in certain areas, not at all, or as at present, makes no distinction as to

[5] "Health Aspects of Smoking in Transport Aircraft," December 1971, conducted jointly by the Federal Aviation Administration, Department of Transportation, and the National Institute for Occupational Safety and Health.

cigar, cigarette, or pipe smoke.[6] Apparently, the carriers contend that if this question had been broken down by type of smoke, relatively few passengers would be in favor of restricting the smoking of cigarettes aboard aircraft.

If this is the point of the argument, it cannot be sustained. Of the 3,073 passengers on the MAC flights,[7] 1,604 (52 percent) stated that they had smoked on the flights, as follows: 1,538 passengers—cigarettes; 28—cigars; 37—pipe. Of the 265 passengers on domestic flights, 83 (31 percent) reported that they had smoked on the flights, as follows: 72 passengers—cigarettes; 1—cigars; 5—pipe. On the MAC flights, 26 percent of the passengers reported that they were bothered by cigarette smoking and 30 percent on domestic flights. In sum, since cigarette smoking was the overwhelming type of smoking engaged in and since substantial numbers of passengers specifically stated they were bothered by cigarette smoking, it seems clear that cigarette smoking was of serious concern to those urging that corrective action be taken.

In addition, the ATA carriers calculate that if 60 percent of nonsmokers were bothered by smoking and favored corrective action, the number of such passengers would be 900, or less than 27 percent of the total number of passengers surveyed. This calculation assumes that only nonsmokers are bothered by tobacco smoke and want remedial action taken. This assumption ignores the fact that a number of smokers side with the nonsmokers on this issue. Thus, the study shows that of the total 3,338 passengers, 1,258 (38 percent of the total) stated that they were bothered by tobacco smoke and 1,343 passengers (40 percent of the total) want corrective action taken.

The ATA carriers further note that the survey took place primarily on international military flights, and not on actual air carrier flights where the great percentage of passengers desiring remedial action "would have already been accommodated by the voluntary smoker segregation efforts of the air carriers."[8] The carriers add that the "fact that 3,072 passengers of the total 3,338 were military passengers should make it obvious that this was a study of military flights and military passengers and cannot be relied upon to the extent conceived by the Board to show a need for rulemaking in the area of domestic civil air transportation."

Certainly the fact that the study concerned mostly MAC flights and passengers is a factor to be considered in weighing the results of the study. But, as will appear, this consideration suggests that the results obtained from the MAC flights understate the dimensions of the smoking problem in civil air transportation.

On MAC flights, 1,745 passengers (56 percent of all passengers) were smokers, and 92 percent of the latter smoked on the flights. On the domestic flights, 116 passengers (43 percent of all passengers) were smokers, and 72 percent of the latter smoked on the flights. The greater incidence of smokers and smoking on the MAC flights would suggest that there would be greater tolerance of smoking on such flights than on domestic flights. This is confirmed by the study data. Corrective action was asked by only 39 percent of the MAC passengers (41 percent of those answering the question). But remedial action was asked by 54 percent of domestic flight passengers (58 percent of those responding). Accordingly, if the study had been confined to civil air transportation, it seems evident that even greater support for corrective action would have been manifested than was shown in the study.

Finally, it is asserted that the questions used in the survey do not test the depth of concern of the passenger. Any defect of the questions on this score has been fully compensated for by the many comments filed by nonsmokers in this proceeding which forcefully illustrate that antipathy against unsegregated smoking runs deep. Based upon these comments, as well as complaints received by the Board, there can no longer be any doubts that smoking aboard aircraft causes real discomfort to passengers, and the survey shows that such passengers constitute a substantial number of air travelers.

We conclude that the ATA carriers have failed in their effort to discredit the study results as to the extent of passenger annoyance and discomfort over smoking on aircraft and their views that remedial action be taken. It is also to be emphasized that if the carriers believed that unregulated smoking aboard aircraft does not give rise to significant and widespread discomfort among nonsmoking passengers, they were free to, and had the full capability to, conduct their own surveys and offer them in rebuttal. Moreover, their own efforts at segregating smokers and nonsmokers on aircraft is, we believe, convincing evidence that the carriers are quite cognizant of the considerable passenger annoyance with smoking on aircraft and their demand that corrective action be taken.

This brings us to the argument that the rulemaking of the Board is totally unnecessary at present. In this connection, the ATA carriers' comment states that all trunk carriers now offer segregation of smokers from nonsmokers, and an increasing number of local service operators are either actually segregating or initiating steps to do so. In addition, the ATA carriers have supplemented their comments by advising that in November 1972, the Air Traffic Conference of America adopted a resolution, recently filed for Board approval, with an effectiveness date of January 1, 1973, which reads: "Members shall provide for the separation of smokers and nonsmokers on all scheduled flights. Methods of separation shall be determined and supplemented by members individually."

If the carriers' voluntary rules in this area had been effective in separating smokers from nonsmokers, and could thus be reasonably expected to continue to be effective, there would be some force to the argument that the Board should not adopt these rules. But this is far from being the case. The docket in this proceeding is replete with letters from passengers—many of them copies to airlines—complaining that the carriers have not maintained the purported separation and that they have been subjected to discomfort and distress thereby.[9] A recurrent theme is that the nonsmoking passengers are told the nonsmoking section is full; or, having been placed in a nonsmoking section, nevertheless find that fellow passengers who smoke in their section are not required to desist.[10]

We conclude that the carriers' self-imposed smoking rules have not offered an adequate remedy, and that the recent ATC resolution is so vague and general that it cannot reasonably be expected to make them more effective. We therefore reject the argument that industry action on the smoking problem renders Board rulemaking unnecessary.

The ATA carriers also submit that the Board does not possess the requisite authority to promulgate the proposed regulation. We cannot agree.

Section 204(a) of the act empowers the Board to make such rules, "pursuant to and consistent with the provisions of this act as it shall deem necessary to carry out the provisions of and to exercise and perform its powers and duties under this act." Section 404(a)(1), among other things, requires air carriers "to provide safe and adequate service, equipment and facilities," and sections 404(a)(1) and (2) require air carriers "to establish, observe and enforce * * * just and reasonable * * * practices * * * relating to air transportation.

In the Board's judgment, service and

[6] The carriers also assert that passengers on being handed questionnaires near the end of the flights were informed that "the HEW was investigating the hazards of smoking on aircraft," which would invite passengers to support regulation of smoking. Nothing is cited to support the statement that passengers were so informed. The study shows that an announcement was made to passengers "briefly describing the purpose of the study and requesting the passengers' cooperation in answering the questions" (p. 18). The principal objectives of the study are stated to be "(1) to measure the levels of environmental contaminants resulting from tobacco smoking by passengers during flight of commercial transport aircraft and (2) to obtain from the passengers information about their smoking history and their reaction to passenger smoking" (p. 15).

[7] The study sample involved 20 MAC flights to Europe and Asia carrying 3,073 passengers and 8 "domestic flights" with a total of 265 passengers.

[8] It appears, however, that the study's domestic passenger flights, which took place in June 1971, provided no smoker separation. Otherwise, the question asking whether smoking should be permitted only in certain places, not at all, or "as at present" would have been meaningless.

[9] That the carriers do not enforce segregation is also evidenced by the many letters from smokers strongly opposing the change in the status quo which would result from adoption of the proposed rule.

[10] The ATC carriers acknowledge that this situation exists. (Comment, pp. 10–13.)

practices which do not provide for the effective separation of smokers and nonsmokers on aircraft are not "adequate service" or "just and reasonable practices." Moreover, the carriers' certificates expressly state that the exercise of the privilege granted therein shall be subject to such other reasonable terms, conditions, and limtations required by the public interest as may from time to time be prescribed by the Board. The restrictions on smoking aboard aircraft imposed by this rule are, in our view, reasonable limitations required by the public interest.

In the first place, there can be no doubt that substantial numbers of passengers are bothered by smoking. As indicated earlier the study shows that 38 perecent of the total number of passengers surveyed stated that they were bothered by smoking on aircraft. Furthermore, it is clear that this annoyance is rooted in a perceived physical discomfort, rather than on moralistic judgment. Thus, the passengers stated that tobacco smoke in the aircraft cabin bothered their eyes, nose, throat or chest to the extent shown in the margin.[11] The survey also shows substantial sentiment that smoking should be permitted only in certain areas.[12] Moreover, the study stated:

"If it is presumed that two trends in American society continue, namely that: (1) Greater emphasis is placed on the health aspects of nonsmoking; and (2) the incidence of respiratory symptomology among the American population is increasing,[13] it can be predicted that more people will be annoyed by tobacco smoke in the future, unless corrective action is taken." (p. 48)

In addition, the carriers, as noted, have taken voluntary action to provide for the separation of smokers and nonsmokers on scheduled flights. And in doing so, they are, in the words of the ATA carriers, "responding to market interest and demands." This is a palpable indication that the carriers themselves recognize that they have an obligation to substantial numbers of their passengers to relieve the annoyance and discomfort they are subjected to from being seated in close proximity to smokers and that the era of indiscriminate and unsegregated smoking on aircraft is over.

Finally, we take note of the ATA carriers' argument that the adequacy of service language in section 404(a) cannot be considered to constitute statutory authority for the regulation by the Board "of the level of comfort of air passengers." The question here is not one of requiring the carriers to provide optimum comfort to passengers. The question instead is whether the carriers should be free to subject passengers (both nonsmokers and numbers of smokers) to the discomfort of unregulated smoking. We cannot agree that they have such freedom and cannot accept the implied thesis that it is wholly within the discretion of management to decide whether or not to provide for segregated smoking on aircraft. To the contrary, as shown by the survey and comments, the extent and depth of passenger discomfort and annoyance from unsegregated and unregulated smoking on aircraft compels the conclusion that service which does not provide for the effective separation of smokers constitutes neither adequate service nor reasonable practice and cannot be permitted under the act.

The ATA carriers point to section 401(e)(4) of the Act, which they assert must be regarded as outweighing any implicit authority ascribed to section 404(a). Section 401(e)(4) proscribes the imposition of certificate conditions restricting "the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require," with an exception not pertinent here. This section is not relevant, in our opinion, since the rule does not restrict a carrier's right to add to or change schedules, equipment, accommodations, or facilities. In any event, although section 401(e)(4) prohibits prior restraints by way of certificate conditions upon managerial discretion, the Board may nevertheless impose restraints on carrier discretion where such action is required under other provisions of the act. In particular, where the Board finds that service provided is inadequate, the Board clearly is empowered to "specify in detail what constitutes minimally adequate service" [14] and "[i]n fashioning its remedy, the Board has wide discretion." [15] In our estimation, a regulation providing for the separation of smokers and nonsmokers is an appropriate and reasonable remedy.

In light of the foregoing, the Board finds that it has authority to adopt a regulation providing for the separation of smokers and nonsmokers.

A number of comments opposing the rule contend that the segregation of smokers discriminates against them. We find no reasonable basis for this contention. Smoking plainly causes annoyance and discomfort to nonsmokers to a degree warranting separate placement of smokers. Although smokers often refer to their "right" to smoke, their freedom to smoke, as a court recently observed, "may have to give way to the freedom of others to be unannoyed by smoke." [16] For reasons given, the right to smoke must be restricted on aircraft through the segregation of smokers.

At the other extreme are those who urge an absolute ban on smoking on aircraft, the position advocated by ACAP.[17] Just as the attitude of many smokers appears insensitive to the rights of nonsmokers to be relieved of the annoyance and discomfort caused by smoking, so does the attitude of many nonsmokers appear insensitive to the rights of smokers. Smoking is a lawful activity, and requiring smokers to abstain totally on flights would cause many of them severe discomfort. Nor is there any reason to believe, at this juncture, that the discomfort caused by smoking aboard aircraft can be reasonably dealt with only by an absolute ban. The segregation of smokers, we believe, strikes an equitable balance, allowing neither smokers nor nonsmokers to infringe on the reasonable exercise of the rights of others.

We turn next to suggested revisions of the rule.[18]

Kodiak and Western Alaska ask that the rule be modified to exclude any aircraft having 30 seats or less. The carriers contend that the regulation will place the small certificated carrier at a disadvantage vis-a-vis an air taxi or a commuter carrier, since the latter are not covered by the rule.[19] But Kodiak and Western Alaska have not shown that this circumstance would put small certificated car-

[11] See the following table:

	MAC flights		Domestic flights	
	Passengers	Percent	Passengers	Percent
Eyes	998	32	85	32
Nose	594	19	66	24
Throat	286	9	27	10
Chest	82	2	9	3

[12] See the following table:

	MAC flights		Domestic flights	
	Passengers	Percent	Passengers	Percent
Permitted only in certain areas	990	32	105	40
Not at all	211	7	37	14
As at present	1,706	56	102	38

[13] In this connection, it is noted that 32 and 39 percent, respectively, of the passengers on the MAC and domestic flights stated that they had been told they have hay fever, asthma, sinus trouble, lung disorder, or an allergy.

[14] *Capital Airlines* v. *C.A.B.*, 108 U.S. App. D.C. 215, 218 F. 2d 48, 52 (1960).

[15] *National Airlines, Inc.* v. *Civil Aeronautics Board*, 112 U.S. App. D.C. 119, 300 F. 2d 711, 716 (1962).

[16] *Nader* v. *Federal Aviation Administration*, 440 F. 2d. 292, 295 at fn. 4 (C.A.D.C. 1971).

[17] In its comment ACAP requests that "voluminous data and factual material" submitted in rulemaking proceedings before the FAA "be incorporated fully in the proceedings in this docket." The request is denied. To the extent that such material bears on whether exposure to tobacco smoke aboard aircraft creates a health hazard to passengers, that issue is before the FAA. (See EDR-231, pp. 3-4). To the extent such data may bear on the issue of passenger annoyance from smoking, ACAP does not show why the already voluminous record here on the issue needs to be supplemented.

[18] In addition to those noted hereafter, ONA suggests that the maintenance of manuals with the Board as required by § 252.4 is unnecessary and a futile gesture with no regulatory significance. We do not agree. The requirement is a necessary adjunct to the requirement in § 252.2 that each carrier shall adopt procedures to insure a sufficient number of seats in the "no-smoking" areas.

[19] The carriers also refer to serious load-balancing problems were they required to seat all smokers at the rear of the aircraft. As will be seen, this feature of the proposed rule is being withdrawn.

riers at a disadvantage. To the contrary, it is just as reasonable to believe that by offering a more attractive service to the substantial number of passengers who want and demand segregated smoking, the small certificated carriers will have a competitive advantage over part 298 carriers who do not provide such service. The request is therefore denied.

The ATA carriers, Saturn and World, urge that charter services should be treated separately from scheduled services and that, as to charters, the decision whether to provide a special smoking section should be left to the charterer in each case. This request will also be denied.

The provision of smoking and no-smoking areas on aircraft is, as previously indicated, required as an element of adequate service and reasonable practice. It does not fall within the discretion of a charterer any more than it falls within the discretion of management.[20] Indeed, in view of the generally greater length of charter flights, as compared to scheduled flights, the need for segregation would appear greater.

We also find no need for the alternate suggestion of World that any regulation adopted require each chartering organization to notify the carrier in advance of the charter flight as to the number of seats which must be set aside as a smoking area. Since the identity of the charterer is known to the carrier in advance of the flight and considerable contact between the carrier and charterer normally occurs during the charter planning, we see no reason why the carrier cannot ascertain the number of seats to be set aside for nonsmoking passengers. If a carrier considers an affirmative obligation be placed on the charterer to supply the information, this may be stipulated in the charter contract.

We have determined, however, to delete the proposed requirement that smoking be confined to the rear of each compartment. This proposed provision was based on a tentative finding that smoke drifts to the rear of an aircraft.[21] On the basis of the comments received it appears that in many aircraft types[22] cabin air flow circulates downward and exhausts through floor vents, and tobacco contaminants are vectored along this same flow pattern.

Accordingly, the rule (§ 252.2) will be revised to require a "no-smoking" area or areas for each class of service and for charter service. The rule, as revised, will avoid load-balancing problems and provide greater flexibility to the carriers. We expect this flexibility to be used in such a manner as to minimize, to the greatest practicable extent, points of contact between smokers and nonsmokers. If it is not so used, we shall consider the prescription of the location of no-smoking areas in a future rulemaking proceeding.

ACAP criticizes the proposed rule in that it "establishes a mandatory right to smoke aboard aircraft and removes from the carriers the option of prohibiting smoking altogether," since the proposed rule would obligate carriers to provide smoking areas and establish company rules to permit smoking. It had not been our intent to require carriers to permit smoking of any kind, and indeed we are aware that certain carriers prohibit the smoking of pipes and cigars. Accordingly, in line with ACAP's comment, § 252.1 (applicability) has been revised to require the provision of "no-smoking" areas rather than "smoking" areas, and it will also provide that nothing in this regulation shall be deemed to require that carriers permit the smoking of cigarettes, pipes, and/or cigars aboard aircraft.[23] And § 252.3 is being revised to provide that each carrier shall take necessary action to insure that smoking is not permitted in "no-smoking" areas.

The Board is aware that the adoption of the rule, even as revised, will create problems at peak periods and in high load factor and multi-stop flights. Thus, the requirement of procedures to insure sufficient seats in the "no-smoking" area to accommodate persons who wish to be seated there[24] may, from time to time, result in insufficient seats for passengers who prefer the "smoking" area and their placement in the "no-smoking" area. However, nothing in the rule would prevent stewardesses from arranging for the temporary exchange of seats between passengers in the "smoking" area and those in the "no-smoking" area who wish to smoke. In any event, the Board is convinced that any problems attending the implementation of this rule will be considerably less than those under the present system of voluntary and largely unforced segregation of smokers.

In consideration of the foregoing, the Board hereby enacts a new part 252 of its Economic Regulations (14 CFR Part 252) effective July 10, 1973, as follows:

Sec.
252.1 Applicability.
252.2 Carrier to provide specially designated "no-smoking" areas in which smoking is prohibited.
252.3 Carrier to insure smoking not permitted in "no-smoking" areas and to nforce its rules for the segregation of smokers and non-smokers.
252.4 Manual containing company rules for smoking by passengers aboard aircraft.
252.5 Board may modify manual rules to conform them to the provisions of this part.

AUTHORITY.—Sec. 204(a), 404(a), and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 766 (as amended); 49 U.S.C. 1324, 1374, 1377.

§ 252.1 Applicability.

This part establishes the rules for the provision of specially designated areas in which smoking of cigarettes, cigars, or pipes is prohibited (hereinafter "no-smoking" areas). This part shall apply to each direct air carrier which holds a certificate of public convenience and necessity issued pursuant to section 401 of the act authorizing the transportation of persons. Nothing in this regulation shall be deemed to require such carrier to permit the smoking of cigarettes, cigars, and/or pipes aboard aircraft.

§ 252.2 Carriers to provide specially designated "no-smoking" areas in which smoking is prohibited.

Carriers subject to this part shall provide a "no-smoking" area or areas for each class of service and for charter service. Each carrier shall adopt procedures, pursuant to this section, which shall insure that a sufficient number of seats in the "no-smoking" areas of the aircraft are available to accommodate persons who wish to be seated in such areas.

§ 252.3 Carrier to insure smoking not permitted in "no-smoking" areas and to enforce its rules for the segregation of smokers and nonsmokers.

Each carrier shall take such action as is necessary to insure that smoking is not permitted in "no-smoking" areas and to enforce its rules with respect to the segregation of passengers in "smoking" and "no-smoking" areas.

§ 252.4 Manual containing company rules for smoking by passengers aboard aircraft.

Each air carrier subject to this part shall maintain an employees manual containing company rules for smoking by passengers aboard aircraft. Two copies of such manual shall be filed with the Bureau of Economics on or before August 9, 1973, and revisions and amendments shall be filed within 15 days following adoption by the company.

§ 252.5 Board may modify manual rules to conform them to the provisions of this part.

If the Board finds that any company rule set forth in the manual is at vari-

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[20] We are unwilling to permit a charterer or a majority of those in a chartering organization, for example, to impose unsegregated smoking on a minority, in the case of single-entity or affinity charters. Moreover, other charters (ITC and TGC) are comprised of members of the general public.

[21] Its source was a statement in material submitted by a carrier in connection with the Bureau of Enforcement's investigation of the practices of carriers in providing segregated smoking. (See EDR-231, p. 3.)

[22] Such as the B-707, B-727, B-747, and DC-10.

[23] ACAP has filed a petition for a public hearing. The petition is moot to the extent that it seeks a hearing "on the issue of whether it is in the public interest for the Board to issue a regulation which compels air carriers to establish designated smoking areas on all commercial aircraft." Moreover, to the extent the petition seeks a public hearing on other issues all interested persons have been given full opportunity to express their views through written comments, the comments received are voluminous, and the petition fails to show why the record needs to be supplemented through a public hearing. The petition is denied.

[24] Section 252.2 of the proposed rule has been revised to require carriers to provide sufficient seats "to accommodate persons who wish to be seated in such [no-smoking] areas." This should make it clear that a person wishing to sit in a "no-smoking" area must be accommodated, regardless of his reason for such preference.

ance with any provision of this part, the Board may by order modify such company rule to the extent necessary to conform the rule to the provisions of the part.

Effective July 10, 1973.

Adopted May 7, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-9320 Filed 5-9-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Listing of Methadone With Special Requirements for Use

The Honorable Paul G. Rogers, Member of Congress from Florida, Chairman of the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, U.S. House of Representatives, has written the Commissioner of Food and Drugs to request revision of the regulations governing methadone, published in the FEDERAL REGISTER of December 15, 1972 (37 FR 26789), to include a requirement for discontinuance of methadone after 2 years of treatment unless, based on clinical judgment, the patient's status indicates that treatment with methadone should be continued for a longer period of time. The Commissioner concurs in this suggestion and regards it as a clarification of the intent of the regulations.

Therefore, pursuant to the provisions of sections 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257(a)), and under authority delegated to the Commissioner (21 CFR 2.120), part 130 is amended in § 130.44 by adding two new sentences to the end of paragraph (d)(8), by adding the same two new sentences to the end of item IX.D. of Form FD 2632 in paragraph (k)(1), and by adding the same two new sentences to the end of item VI.D. of Form FD 2633 in paragraph (k)(2), as follows:

§ 130.44 Conditions for use of methadone.

* * * * *

(d) * * *

* * * * *

(8) * * * Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be coninued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

* * * * *

(k) * * *

(1) * * *

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2632 Application for Approval of Use of Methadone in a Treatment Program

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IX. * * *

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D. * * * Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be continued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

* * * * *

(2) * * *

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD 2633 Medical Responsibility Statement for Use of Methadone in a Treatment Program

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VI. * * *

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D. * * * Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be continued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

* * * * *

The Commissioner finds that publication of a proposal on this matter, time for comment, and delayed effective date, are impracticable, unnecessary, and contrary to the public interest, since the change made is merely a clarification of the intent of the regulation previously published and the regulation is just being implemented throughout the country and should therefore include this clarification immediately. The clarification further protects the health and safety of patients treated with methadone and is consistent with the earlier regulation on which substantial relevant comment was received, and no further purpose would be served by delaying this clarification until further comment of the type already received has been obtained.

Effective date.—This order shall become effective on May 10, 1973.

(Secs. 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), sec. 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257(a).)

Dated May 4, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-9261 Filed 5-9-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Lincomycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (33-887V) filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use of lincomycin hydrochloride monohydrate tablets for the treatment of dogs and cats. The supplemental application is approved.

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

§ 135c.100 Lincomycin hydrochloride monohydrate tablets.

(a) *Specifications.*—The lincomycin hydrochloride monohydrate meets the specifications prescribed by § 148x.1(a)(1). The quantity of antibiotic activity cited in this section refers to the equivalent weight of the base activity of the drug.

(b) *Sponsor.*—See code No. 037 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is indicated in infections caused by gram-positive organisms which are sensitive to its action, particularly streptococci and staphylococci.

(2) It is administered orally to dogs and cats at a dosage level of 10 mgs per pound of body weight every 12 hours, or 7 mgs per pound of body weight every 8 hours. Treatment may be continued for periods as long as 12 days if clinical judgment indicates.

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

Effective date.—This order shall be effective May 10, 1973.

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

Dated May 3, 1973.

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

[FR Doc.73-9262 Filed 5-9-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 4—VEHICLES AND TRAFFIC SAFETY

Load, Weight, Length and Width Limitations

A proposal was published at page 2765 of the FEDERAL REGISTER of January 30, 1973, to amend § 4.11 by the addition of a new paragraph (e) to establish a limitation on the length of side mirrors on

motor vehicles being operated in the parks, except when a second vehicle is being towed. The purpose of this proposal is to insure primarily the greater safety of pedestrians who might otherwise be struck by the protruding mirrors.

Interested persons were given until March 1, 1973, to submit written comments, suggestions, or objections on the proposed amendment. No written commentary or response has been received on the proposal and, accordingly, the amendment is hereby adopted without change as set forth below. It shall become effective on June 11, 1973.

(5 U.S.C. 553; 16 U.S.C. 3)

Section 4.11 of title 36 is amended by the addition of a new paragraph (e) to read as follows:

§ 4.11 Load, weight, length, and width limitations.

* * * * *

(e) No motor vehicle shall be operated with a side mirror of auxiliary detachable type which extends more than 6 inches beyond the side fender line on either side of the motor vehicle, except when the motor vehicle is towing a second vehicle.

Dated April 23, 1973.

RAYMOND L. FREEMAN,
Associate Director,
National Park Service.

[FR Doc.73-9305 Filed 5-9-73;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyo.; Fishing

A proposal was published at page 5257 of the FEDERAL REGISTER of February 27, 1973, to revise paragraph (e) of § 7.13 of title 36 of the Code of Federal Regulations. The effect of this revision is to protect the fishery resource and at the same time provide a high quality angling experience for park visitors. A permit will be required to allow a personal contact with the fisherman, thus assuring his awareness of the regulations and giving the National Park Service an accurate means of determining fishing pressures on the fishery resources of the park. The numbers of park visitors and people seeking a unique fishing experience continues to increase each year. This demand can be accommodated in a wild trout fishery only by decreasing the number of fish that may be taken. Because of numerous changes, the affected paragraph is rewritten here in its entirety.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and set forth below. These amendments shall take effect on May 10, 1973.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 28 Stat. 73, as amended, 16 U.S.C. 26.)

Paragraph (e), § 7.13 of title 36 of the Code of Federal Regulations is revised as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing.*—(1) *Fishing permit.*— An annual nonfee fishing permit is required and shall be in the possession of all persons 12 years of age and older who are fishing in the waters of the park area. Said permit shall be displayed on demand of any authorized employee of the park. Permits shall be available at all ranger stations within the park.

(2) *Open fishing season.*—(i) All rivers and creeks in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in paragraph (e)(3) of this section, are open to fishing from 5 a.m. on July 15, to 10 p.m., m.d.t., on October 31. Rivers and creeks includes those portions of Yellowstone Lake marked by buoys within 100 yards of the river or creek inlet.

(ii) All lakes in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in paragraph (e)(3) of this section, are open to fishing from 5 a.m. on June 15, to 10 p.m., m.d.t., on October 31. The marking buoys in the vicinity of the outlet of Yellowstone Lake shall define the northern limit of Yellowstone Lake.

(iii) All other waters, except as provided in paragraph (e)(3) of this section, are open to fishing from 5 a.m. on May 28, to 10 p.m., m.d.t., on October 31.

(3) *Closed waters.*—The following waters of the park are closed to fishing and are so designated by appropriate signs:

(i) Pelican Creek from its mouth to a point 2 mi upstream.

(ii) The Yellowstone River and its tributary streams from the Yellowstone Lake outlet to a point 1 mi downstream.

(iii) The Yellowstone River and its tributary streams from the confluence of Alum Creek with the Yellowstone River upstream to the Sulphur Caldron.

(iv) The Yellowstone River from the top of the Upper Falls downstream to a point directly below the overlook known as Inspiration Point.

(v) Bridge Bay Lagoon and Marina and Grant Village Lagoon and Marina and their connecting channels with Yellowstone Lake.

(vi) Fishing is prohibited from the shores of the southern extreme of the West Thumb thermal area (posted) along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(vii) The Mammoth water supply reservoir.

(viii) Old Faithful water supply consisting of that section of the Firehole River from the Old Faithful water intake to the Shoshone Lake trail crossing above Lone Star Geyser.

(ix) Other park waters not specifically identified may, by the posting of signs, be temporarily closed to fishing for spawning or research study purposes.

(4) *Daily fishing period.*—Fishing in those waters of the park that are open is permitted only between the hours of 5 a.m., and 10 p.m., m.d.t.

(5) *Catch-and-release waters.*—Catch and release shall mean that all fish caught shall be carefully and immediately returned to the water from which they were taken. The following waters of the park are catch-and-release waters and are so designated by appropriate signs:

(i) Yellowstone River from 1 mi below the Yellowstone Lake outlet downstream to the Sulphur Caldron.

(ii) Yellowstone River from Alum Creek downstream to the Upper Falls.

(iii) Slough Creek proper and McBride Lake.

(iv) Lamar River proper from its confluence with the Yellowstone River upstream to the mouth of Cache Creek.

(v) Lewis River proper below Lewis Falls.

(6) *Daily limits by waters.*—Daily limit shall mean the numbers, sizes, or species of fish that may be legally taken from specified waters during the legal fishing hours of a day. All fish a person does not elect to keep in possession shall be carefully and immediately returned to the water from which they were taken:

(i) The possession of grayling caught in park waters is prohibited (catch-and-release fishing only).

(ii) Firehole and Madison Rivers, Lower Gibbon River up to the base of Gibbon Falls: Two fish, 16 in or longer.

(iii) Yellowstone Lake (except as provided in subparagraph (3) of this paragraph): Two fish, 14 in or longer.

(iv) Gardner River drainage above Osprey Falls, Glen Creek drainage above Rustic Falls, Lava Creek drainage above Undine Falls, and Blacktail Deer Creek drainage including Blacktail Ponds: Five fish, any size, of which at least three must be brook trout.

(v) All other waters open to fishing other than catch-and-release waters: Two fish, any size.

(7) *Possession limit.*—Possession limit shall mean the numbers or species of fish taken within Yellowstone National Park which may be in the possession of a person, regardless if fresh, stored in freezers or ice chests, or otherwise preserved. A person must cease fishing immediately upon filling his possession limit.

(i) The possession limit is five fish of which at least three must be brook trout. The possession of grayling is prohibited.

(8) *Restriction of use of lines, bait, and lures.*—

(i) Each person fishing in park waters shall use only one rod or line held in the hand. Snagging of fish is prohibited, and any fish hooked other than in the mouth shall be carefully and immediately returned to the water from which taken.

(ii) Only artificial flies on single hook or lures with one single, double, or treble hook may be used in park waters except as specified in the following paragraphs.

(iii) Only artificial flies on a single hook may be used for fishing in the Firehole River, Madison River, and that section of the Gibbon River extending from the mouth of the stream to the base of Gibbon Falls.

(iv) When in the possession of any fishing equipment and while immediately adjacent to or on waters of the park, no person shall possess any fish bait such as, but not limited to, worms, insects, minnows, fish eggs, or other organic matter, or parts thereof, or fish lures, except as provided for in subdivisions (ii), (iii), and (v) of this subparagraph.

(v) Persons 12 years of age or under may fish with worms as bait on the Gardner River, Obsidian Creek, Indian Creek, and Panther Creek.

* * * * *

ROBERT C. HARADEN,
Acting Superintendent
Yellowstone National Park, Wyo.

[FR Doc.73-9306 Filed 5-9-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Release of Information Procedures

On page 6695 of the FEDERAL REGISTER of March 12, 1973, there was published a notice of proposed regulatory development to amend § 1.556 to further implement the provisions of 5 U.S.C. 552 concerning the right of the public, subject to certain safeguards, to obtain specified categories of information under Government control upon request. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date.—This VA regulation is effective May 2, 1973.

Approved May 2, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

§ 1.556 Requests for other identifiable records.

(a) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.553. This responsibility includes maintaining a uniform listing of such requests. Data logged will consist of: Name and address of requester; date of receipt of request; brief description of request; action taken on request—granted or denied; citation of the specific section when request is denied; and date of reply to the requester. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head. All denials or proposed denials at the Central Office level will be coordinated with the Director, Information Service, as well as the General Counsel.

(b) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial, cite the specific exemption in § 1.554 upon which the denial is based, and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.557.)

[FR Doc.73-9291 Filed 5-9-73;8:45 am]

PART 3—ADJUDICATION

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

AUTOMOBILES OR OTHER CONVEYANCES

On page 8284 of the FEDERAL REGISTER of March 30, 1973, there was published a notice of proposed regulatory development to amend § 3.808 to include charges for State and local taxes in the amount payable by the Veterans Administration up to a maximum of $2,800 in the purchase of automobiles or other conveyances by veterans. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date.—This VA regulation is effective May 2, 1973.

Approved May 2, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

In § 3.808, the portion preceding paragraph (a) is amended to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $2,800 (including State and/or local taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section. State and local taxes may be included only when the sales agreement is signed by seller and claimant on or after _____, 1973.

* * * * *

[FR Doc.73-9290 Filed 5-9-73;8:45 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Veteran-Student Services

On page 8284 of the FEDERAL REGISTER of March 30, 1973, there was published a notice of proposed regulatory development to amend §§ 21.145 and 21.4145 to provide for a veteran-student services benefit in addition to the allowance the veteran receives under the Veterans Administration vocational rehabilitation program or under the GI bill. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date.—These VA regulations are effective October 24, 1972.

Approved May 2, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. Section 21.145 is added to read as follows:

§ 21.145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

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

2. Section 21.4145 is added to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under Chapter 34 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

[FR Doc.73-9292 Filed 5-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.8—Price Negotiation Policies and Techniques

SELECTION OF OFFERORS FOR NEGOTIATION AND AWARD

Subsection 15-3.805-1, general, section 15-3.805, subpart 15-3.8, part 15-3, chapter 15, title 41 of the Code of Federal Regulations, is hereby revised to provide in 15-3.805-1(a)(8) that preaward notice of unacceptable proposals shall be given to unsuccessful offerors.

Effective date.—This regulation will become effective on May 10, 1973.

Dated May 7, 1973.

ROBERT W. FRI,
Acting Administrator.

Section 15-3.805-1(a)(8) is amended to read as follows:

§ 15-3.805-10 General.

(a) * * *

(8) *Preaward notice to unsuccessful offerors and debriefing.*—In any procurement in excess of $10,000 in which it appears that the period of evaluation of proposals is likely to exceed 30 days or in which a limited number of offerors has been selected for additional negotiation, the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of the fact to the offeror submitting the proposal. Such notice need not be given where disclosure will prejudice the Government's interest. In addition to stating that the proposal has been determined unacceptable, notice to the offeror may indicate, in general terms, the basis for such determination and may advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered. Promptly after award of the contract, notice to all unsuccessful offerors shall be given in accordance with § 15-3.103.

[FR Doc.73-9337 Filed 5-9-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICLULTURAL COMMODITIES

2-chloro-1-(2,4,5-trichlorophenyl)Vinyl Dimethyl Phosphate

A petition (PP 2F1281) was filed by the Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodity alfalfa at 110 p/m (parts per million).

Subsequently, the petitioner amended the petition by proposing an additional tolerance of 0.5 p/m for residues in the fat, meat, and meat byproducts of goats, horses, and sheep.

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

1. The insecticide preferentially stores in fat. It has since been determined that to establish one tolerance on fat and another on meat and meat byproducts of the same animal is unnecessary from a regulatory standpoint. Thus, the established 0.5 p/m tolerance for residues of the insecticide in meat and meat byproducts of cattle and hogs and the established 0.1 p/m tolerance for residues in meat and meat byproducts of poultry should be deleted, while retaining the established tolerances of 1.5 p/m for residues in the fat of cattle and hogs and the established 0.75 p/m tolerance for residues in the fat of poultry. Also the proposed tolerance of 0.5 p/m for residues of the insecticide in the fat, meat, and meat byproducts of goats, horses, and sheep should be expressed as "0.5 p/m in the fat of goats, horses, and sheep."

2. The insecticide is useful for the purpose for which the tolerances are being established.

3. Established tolerances for residues in eggs and the fat of cattle, hogs, milk, and poultry are adequate to cover residues resulting from the proposed and established uses and § 180.6(a)(2) applies.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.252 is amended by revising the paragraphs "110 parts per million * * *", "0.5 part per million * * *", and "0.1 part per million * * *", as follows:

§ 180.252 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate; tolerances for residues.

* * * * *

110 p/m in or on alfalfa and corn fodder and forage (including field corn, sweet corn, and popcorn).

* * * * *

0.5 p/m in milk fat (reflecting negligible residues in whole milk) and in the fat of goats, horses, and sheep.

* * * * *

0.1 p/m in eggs.

Any person who will be adversely affected by the foregoing order may at any time on or before May 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on May 10, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated May 7, 1973.

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

[FR Doc.73-9334 Filed 5-9-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethyl Phosphate of 3-Hydroxy-N-Methyl-Cis-Crotonamide

A petition (PP 3F1348) was filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodities peanut hay and hulls at 0.5 p/m (part per million) and peanuts at 0.05 p/m.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance for residues in or on peanut hay.

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

1. The insecticide is useful for the purpose for which the tolerances are being established.

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

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.296 is revised to read as follows:

§ 180.296 Dimethyl phosphate of 3-hydroxy - *N*-methyl-*cis*-crotonamide; tolerances for residues.

Tolerances are established for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on raw agricultural commodities as follows:

0.5 p/m in or on peanut hulls.

0.1 p/m in or on cottonseed, potatoes, and sugarcane.

0.05 p/m in or on peanuts.

Any person who will be adversely affected by the foregoing order may at any time on or before May 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective May 10, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated May 7, 1973.

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

[FR Doc.73-9333 Filed 5-9-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

Two petitions (PPs 3F1307 and 3F1308) were filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbaramoyl) oxy] thioacetimidate) in or on the raw agricultural commodities apples and sorghum forage at 1 p/m (part per million) and sorghum grain at 0.2 p/m.

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

1. The insecticide is useful for the purpose for which the tolerances are being established.

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

3. The tolerances established by this order will protect the public health.

4. The 0.2 p/m tolerance on sorghum grain is a negligible residue tolerance.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.253 is amended by adding the new paragraph "1 part per million * * *" after the paragraph "2 parts per million * * *" and by revising the paragraph "0.2 part per million (negligible residue) * * *", as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

1 p/m in or on apples and sorghum forage.

0.2 p/m (negligible residue) in or on the commodity groups cucurbits, fruiting vegetables, leafy vegetables (except cabbage, endive (escarole), and lettuce), root crop vegetables, and sorghum grain and soybeans.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 11, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on May 10, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated May 7, 1973.

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

[FR Doc.73-9332 Filed 5-9-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71 and 73]

[Airspace Docket No. 73-RM-15]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to parts 71 and 73 of the Federal Aviation regulations that would designate a joint-use restricted area at Blanding, Utah, and include it in the continental control area.

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, Rocky Mountain Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before June 11, 1973, will be considered before action is taken on the proposed amendments. The proposals 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 restricted area is requested to provide for the launching of the U.S. Army Pershing ballistic missiles. The boundaries are defined so as to contain the first stage booster impact and, when required, the unignited second stage and missile warhead. A normal launch would result in the expended second stage and the warhead impacting in R-5107A, R-5107B, or R-5107C. The proposed area will be activated for a period of approximately 3 months, commencing October 1, 1973, through December 31, 1973. Tentatively, eight launches are scheduled for the period October 1, 1973, through December 31, 1973, during which time the proposed restricted area would be activated for approximately 2 hours for each launch. The launch site restricted area would be utilized only long enough to clear the area of air traffic and to launch the missile. Immediately thereafter, the area would be released for general usage.

The need for restricted airspace for this activity is a recurring one. As there is no expected change in justification, each successive period would be announced by NOTAM published 48 hours in advance.

The FAA is considering the designation of R-6410, Blanding, Utah, as follows:

1. R-6410, Blanding, Utah.

BOUNDARIES

Beginning at latitude 37°33'00" N., longitude 109°33'00" W.; to latitude 37°21'00" N., longitude 109°21'00" W.; to latitude 37°10'00" N., longitude 109°08'00" W.; to latitude 37°03'00" N., longitude 109°20'00" W.; to latitude 37°17'00" N., longitude 109°29'00" W.; to latitude 37°31'00" N., longitude 109°36'00" W.; to point of beginning.

Designated altitudes.—Surface to unlimited.

Time of designation.—As published by NOTAM issued 48 hours in advance.

Controlling agency.—Federal Aviation Administration, Denver ARTC Center.

Using agency.—Air Force Special Weapons Center, Kirtland AFB, N. Mex.

2. The continental control area would be altered by adding restricted area R-6410, Blanding, Utah.

These amendments are 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 May 2, 1973.

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

[FR Doc.73-9220 Filed 5-9-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-EA-27]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 75 of the Federal Aviation Regulations that would realign jet route 152 between Harrisburg, Pa., and Bucktown, Pa.

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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 11, 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 proposed amendment would realine J-152 from Harrisburg, Pa., VOR TAC to INT Harrisburg 099° T (107° M) and Westminster, Md., 058° T (066° M) radials. This realinement would provide an orderly transition from high to low altitude for aircraft en route to Philadelphia, Pa., and McGuire AFB, terminal areas.

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 May 1, 1973.

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

[FR Doc.73-9221 Filed 5-9-73;8:45 am]

DEPARTMENT OF THE ARMY

Corps of Engineers

[33 CFR Part 209]

PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS OR OCEAN WATERS

Proposed Policy, Practice, and Procedure

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to supersede the present regulations in 33 CFR 209.120 and 209.130. The proposed regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters. Amendment of the regulation is necessary to provide guidance to Corps of Engineers installations in order to insure more uniform exercise of regulatory authority and to incorporate the authorities and requirements of the Federal Water Pollution Control Act Amendments of 1972, the Marine Protection, Research, and Sanctuaries Act of 1972, and the Coastal Zone Management Act of 1972.

The appendices referred to in the regulation will be published separately. Prior to the adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, attention: DAEN-CWO-N, on or before June 11, 1973.

Until final regulations are promulgated by the Secretary of the Army (acting through the Chief of Engineers) these proposed regulations will provide interim guidance to all Corps of Engineers installations on the processing of permit applications.

Dated May 4, 1973.

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

§ 209.120 Permits for activities in navigable waters or ocean waters.

(a) *Purpose.*—This regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.

(b) *Laws requiring authorization of structures or work.*—(1) Section 9 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401) prohibits the construction of any dam or dike across any navigable water of the United States in the absence of congressional consent and approval of the plans by the Chief of Engineers and the Secretary of the Army. Where the navigable portions of the waterbody lie wholly within the limits of a single State, the structure may be built under authority of the legislature of that State, if the location and plans or any modification thereof, are approved by the Chief of Engineers and by the Secretary of the Army. The instrument of authorization is designated a permit. Section 9 also pertains to bridges and causeways but the authority of the Secretary of the Army and Chief of Engineers with respect to bridges and causeways was transferred to the Secretary of Transportation under the Department of Transportation Act (80 Stat. 941, 49 U.S.C. 1165g(6)(A)).

(2) Section 10 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), prohibits the unauthorized obstruction or alteration of any navigable water of the United States. The construction of any structure in or over any navigable water of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters are unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The instrument of authorization is designated a permit or letter of permission. The authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States was extended to artificial islands and fixed structures located on the Outer Continental Shelf by section 4 of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333 (f.)).

(3) Section 11 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 404), authorizes the Secretary of the Army to establish harbor lines channelward of which no pier, wharves, bulkheads, or other works may be extended or deposits made without approval of the Secretary of the Army. Regulations (ER 1145-2-304) have been promulgated relative to this authority and published at title 33 of the Code of Federal Regulations, § 209.150. By policy stated in those regulations effective May 27, 1970, harbor lines are guidelines only for defining the offshore limits of structures and fills insofar as they impact on navigation interests. Permits for work shoreward of those lines must be obtained in accordance with section 10 of the same act, cited above.

(4) Section 13 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), provides that the Secretary of the Army, whenever the Chief of Engineers determines that anchorage and navigation will not be injured thereby, may permit the discharge of refuse into navigable waters. In the absence of a permit, such discharge of refuse is prohibited. While the prohibition of this section, known as the Refuse Act, is still in effect, the permit authority of the Secretary of the Army has been superseded by the permit authority provided the Administrator, Environmental Protection Agency, under sections 402 and 405 of the Federal Water Pollution Control Act (Public Law 92-500, 86 Stat. 816).

(5) Section 14 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1152; 33 U.S.C. 408), provides that the Secretary of the Army on the recommendation of the Chief of Engineers may grant permission for the temporary occupation or use of any seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States. This permission will be granted by an appropirate real estate instrument in accordance with existing real estate regulations.

(6) Section 1 of the River and Harbor Act of June 13, 1902 (32 Stat. 371; 33 U.S.C. 565), allows any persons or corporations desiring to improve any navigable river at their own expense and risk to do so upon the approval of the plans and specifications by the Secretary of the Army and the Chief of Engineers. Improvements constructed under this authority, which are primarily in Federal project areas, remain subject to the control and supervision of the Secretary of the Army and the Chief of Engineers. The instrument of authorization is designated a permit.

(7) Section 404 of the Federal Water Pollution Control Act (Public Law 92-500, 86 Stat. 816) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites. The selection of disposal sites will be in accordance with guidelines developed by the Administrator of the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. Furthermore, the Administrator can prohibit or restrict the use of any defined area as a disposal site whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water supplies, shell-

fish beds and fishery areas, wildlife or recreational areas.

(8) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532, 86 Stat. 1052), authorizes the Secretary of the Army to issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it in ocean waters. However, similar to the EPA Administrator's limiting authority cited in paragraph (b)(7) of this section, the Administrator can prevent the issuance of a permit under this authority if he finds that the dumping of the material will result in an unacceptable adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries or recreational areas.

(9) The New York Harbor Act of June 29, 1888, as amended (33 U.S.C. 441 et seq.), provides for the issuance of permits by the supervisors of the New York, Baltimore, and Hampton Roads Harbors for the transportation upon and/or discharge in those harbors of a variety of materials including dredgings, sludge, and acid. The district engineers of New York, Baltimore, and Norfolk have been designated the supervisors of these harbors, respectively. However, section 511 (b) of the Federal Water Pollution Control Act (Public Law 92-500, 86 Stat. 816) provides that the discharge of these materials into navigable waters shall be regulated pursuant to that act and not the New York Harbor Act except as to the effect on navigation and anchorage. In addition, section 106(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532, 86 Stat. 1052) provides that all permits for discharges in ocean waters shall only be issued in accordance with the act after April 23, 1973. Therefore, the supervisors of these three harbors will no longer issue permits under the authority of the New York Harbor Act, as amended, for transportation and/or discharge of these materials.

(c) *Related legislation.*—(1) Section 401 of the Federal Water Pollution Control Act (Public Law 92-500; 86 Stat. 816) requires any applicant for a Federal license or permit to conduct any activity which may result in a discharge into navigable waters to obtain a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that the discharge will comply with the applicable effluent limitations and water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility.

(2) Section 307(a)(3) of the Coastal Zone Management Act of 1972 (Public Law 92-583, 86 Stat. 1280) requires any applicant for the Federal license or permit to conduct an activity affecting land or water uses in the State's coastal zone to furnish a certification that the proposed activity will comply with the State's coastal zone management program. Generally, no permit will be issued until the State has concurred with the applicant's certification. This provision becomes effective upon approval by the Secretary of Commerce of the State's coastal zone management program.

(3) Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532, 86 Stat. 1052) authorizes the Secretary of Commerce, after consultation with other interested Federal agencies and with the approval of the President, to designate as marine sanctuaries those areas of the ocean waters or of the Great Lakes and their connecting waters or of other coastal waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. After designating such an area, the Secretary of Commerce shall issue regulations to control any activities within the area. Activities in the sanctuary authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with the purposes of title III of the act and can be carried out within the regulations for the sanctuary.

(4) The National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) declares the national policy to encourage a productive and enjoyable harmony between man and his environment. Section 102 of that act directs that "to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this act, and (2) all agencies of the Federal Government shall * * * insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations * * *." See also paragraph (l)(1) of this section, on environmental statements.

(5) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et seq.), the Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g), and the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) express the concern of Congress with the quality of the aquatic environment as it affects the conservation, improvement, and enjoyment of fish and wildlife resources. The latter act requires that any Federal permits which authorize the control or modification of any body of water must be coordinated with the U.S. Fish and Wildlife Service and with the head of the appropriate State agency exercising administration over the wildlife resources of the affected State. Reorganization Plan No. 4 of 1970 transferred certain functions from the Secretary of the Interior to the Secretary of Commerce. The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce has an interest in fish and wildlife coordination.

(6) The Federal Power Act of 1920 (41 Stat. 1063; 16 U.S.C. 791a et seq.), as amended, authorizes the Federal Power Commission (FPC) to issue licenses for the construction, operation, and maintaining of dams, water, conduits, reservoirs, powerhouses, transmission lines, and other physical structures of a power project. However, where such structures will affect the navigable capacity of any navigable waters of the United States (as defined in 16 U.S.C. 796), the plans for the dam or other physical structures affecting navigation must be approved by the Chief of Engineers and the Secretary of the Army. In such cases, the interests of navigation should normally be protected by a recommendation to the FPC for the inclusion of appropriate provisions in the FPC license rather than the issuance of a separate Department of the Army permit under 33 U.S.C. 401 et seq. As to any other activities in navigable waters not constituting construction, operation, and maintenance of physical structures licensed by the FPC under the Federal Power Act of 1920, as amended, the provisions of 33 U.S.C. 401 et seq. remain fully applicable. In all cases involving the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping in ocean waters, Department of the Army permits under section 404 of the Federal Water Pollution Control Act, or under section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 will be required.

(7) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) created the Advisory Council on Historic Preservation to advise the President and Congress on matters involving historic preservation. In performing its function the Council is authorized to review and comment upon activities licensed by the Federal Government which will have an effect upon properties listed in the National Register of Historic Places.

(d) *Definitions.*—For the purpose of issuing or denying authorizations under this regulation:

(1) The term "navigable waters of the United States" mean those waters of the United States which are presently, or have been in the past, or may be in the future susceptible for use for purpose of interstate or foreign commerce. See 33 CFR 209-260 (ER 1165-2-302) (37 FR 18289, Sept. 9, 1972, and correction on 37 FR 18911, Sept. 16, 1972) for more complete definition of this term.

(2) The term "navigable waters" as defined in the Federal Water Pollution Control Act (Public Law 92-500, 86 Stat. 816), means the waters of the United States, including the territorial seas.

(3) The term "ocean waters," as defined in the Marine Protection Research and Sanctuaries Act of 1972 (Public Law 92-532, 86 Stat. 1052), means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(4) The term "dredged material" means any material excavated or dredged from the navigable waters.

(5) The term "fill material" means any material discharged into navigable waters which results in creating fast land.

(6) The term "person" means any individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, any interstate body, or any agency or instrumentality of the Federal Government.

(7) The term "coastal zone" means the coastal waters and adjacent shorelands designated by a State as being included in its approved coastal zone management program under the Coastal Zone Management Act of 1972.

(e) *Activities requiring authorizations.*—(1) The provisions of law cited in paragraph (b) of this section, requiring Department of the Army authorizations, are considered applicable to all structures or work in the navigable waters of the United States except for bridges and causeways (see appendix A),[1] the placement of aids to navigation by the U.S. Coast Guard, and structures licensed under the Federal Power Act of 1920. Structures or work are in the navigable waters of the United States if they are within limits defined in 33 CFR 209.260 (ER 1165–2–302). Structures or work outside these limits are subject to the provisions of law cited in paragraph (b) of this section, if these structures or work affect the course, location, or condition of the water body in such a manner as to impact on the navigable capacity of the water body. A tunnel or other structure under a navigable water of the United States is considered to impact on the navigable capacity of the water body.

(2) In addition, Department of the Army authorizations will be required for the discharge of dredged or fill material into the navigable waters, for the transportation of dredged material for the purpose of dumping it into ocean waters, and for artificial islands and fixed structures on the Outer Continental Shelf.

(3) Permit activities by other Federal agencies: (i) Except as specifically provided in this subparagraph, activities of the type described in paragraphs (e)(1) and (e)(2) of this section, done by or on behalf of any Federal agency, other than the civil works activities of the Corps of Engineers, are subject to the authorization procedures of this regulation. Agreement for construction or engineering services performed for other agencies by the Corps of Engineers do not constitute authorization under this regulation. Division and district engineers will therefore advise Federal agencies accordingly, and cooperate to the fullest extent in expediting the processing of their applications.

(ii) By section 10 of the Act of March 3, 1899 (see paragraph (b)(2) of this section), Congress has delegated to the Secretary of the Army and the Chief of Engineers the duty of authorizing or prohibiting certain work or structures in navigable waters of the United States. The general legislation by which Federal agencies are empowered to act is not considered to be sufficient authorization by Congress to satisfy the purposes of section 10. If an agency asserts that it has congressional authorization meeting the test of section 10, the legislative history should clearly demonstrate that Congress was approving the exact location and plans from which Congress could have considered the effect on navigable waters of the United States. Very often such legislation reserves final approval of plans or construction for the Chief of Engineers. In such cases evaluation and authorization under this regulation are limited by the intent of the statutory language involved.

(iii) The policy provisions set out in paragraph (f)(3) of this section, relating to State or local authorizations, do not apply to work or structures undertaken by Federal agencies, except where compliance with non-Federal authorization is required by Federal law or executive policy. Federal agencies are not required to provide certification of compliance with effluent limitations and water quality standards from State or interstate water pollution control agencies in connection with activities involving discharges into navigable waters.

(f) *General policies for evaluating permit applications.*—(1) The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed structure or work and its intended use on the public interest. Evaluation of the probable impact which the proposed structure or work may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process (e.g., see ER 1105–2–105, Guidelines for Assessment of Economic, Social and Environmental Effects of Civil Works Projects). That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered; among those are conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classifications, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

(2) The following general criteria will be considered in the evaluation of every application:

(i) The relative extent of the public and private need for the proposed structure of work;

(ii) The desirability of using appropriate alternative locations and methods to accomplish the objective of the proposed structure or work;

(iii) The extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work may have on the public and private uses to which the area is suited; and

(iv) The probable impact of each proposal in relation to the cumulative effect created by other structures or work in the general area.

(3) *Local authorization or recommendations.*—(i) As a matter of policy, permits will not be issued where authorization of the proposed work is required by State and/or local law and that authorization has been denied. However, initial processing of an application for a Department of the Army permit will proceed until definitive action has been taken by the responsible State or local body to grant or deny authorization. Where the required authorization has been denied and procedures for reconsideration exist, reasonable time will be allowed for the applicant to attempt to resolve the problem and/or obtain a reconsideration of the denial. If the State or local denial of authorization cannot be thus resolved, the application will be denied in accordance with paragraph (p) of this section.

(ii) Where authorized State, regional, or local land-use classifications, determinations, or policies are applicable to the land or water areas under consideration, they shall be presumed to reflect local factors of the public interest.

(iii) Even if official authorization is not required by State and/or local law, but an affected State, regional, or local agency comments on the application, due consideration shall be given to those official views as a reflection of local factors of the public interest.

(g) *Policies on particular factors of consideration.*—In applying the general policies cited above to the evaluation of a permit application, Corps of Engineers officials will also consider the following policies when they are applicable to the specific application:

(1) *Interference with adjacent properties or water resource projects.*—Authorization of work or structures by the Department of the Army does not convey a property right nor authorize any injury to property or invasion of other rights.

(i) (*a*) Because a landowner has the general right to protect his property from erosion, applications to erect protective structures will usually receive favorable consideration. However, if the protective structure may cause damage to the property of others, the district engineer will so advise the applicant and inform him of possible alternative methods of protecting his property. Such advice will be given in terms of general guidance only so as not to compete with private engineering firms nor require undue use of Government resources. A significant probability of resulting damage to nearby properties can be a basis for denial of an application.

(*b*) A landowner's general right of access to navigable waters is subject to the similar rights of access held by nearby landowners and to the general public's right of navigation on the water surface. Proposals which create undue interference with access to, or use of, navigable

[1] Appendix A to be published at a later date.

waters will generally not receive favorable consideration.

(ii) (*a*) Where it is found that the work for which a permit is desired may interfere with a proposed civil works project of the Corps of Engineers, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation should be apprised in writing of the fact and of the possibility that a civil works project which may be constructed in the vicinity of the proposed work might necessitate its removal or reconstruction. They should also be informed that the United States will in no case be liable for any damage or injury to the structures or work authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

(*b*) Proposed activities which are in the area of a civil works project which exists or is under construction will be evaluated to insure that they are compatible with the purposes of the project.

(2) *Non-Federal dredging for navigation.*—(i) The benefits which an authorized Federal navigation project is intended to produce will often require similar and related operations by non-Federal agencies (e.g., dredging an access channel to dock and berthing facilities or deepening such a channel to correspond to the Federal project depth). These non-Federal activities will be considered by Corps of Engineers officials in planning the construction and maintenance of Federal navigation projects and, to the maximum practical extent, will be coordinated with interested Federal, State, regional, and local agencies and the general public simultaneously with the associated Federal projects. In evaluating the public interest in connection with applications for permits for such operations, equal treatment will, therefore, be accorded to the fullest extent possible to both Federal and non-Federal operations. Furthermore, permits for non-Federal dredging operations will contain conditions requiring the permittee to comply with the same practices or requirements utilized in connection with related Federal dredging operations with respect to such matters as turbidity, water quality, containment of material, nature and location of approved spoil disposal areas (non-Federal use of Federal contained, disposal areas will be in accordance with laws authorizing such areas and regulations governing their use), extent and period of dredging, and other factors relating to protection of environmental and ecological values. See also paragraph (g)(17) of this section.

(ii) A permit for the dredging of a channel, slip, or other such project for navigation will also authorize the periodic maintenance dredging of the project. Authority for maintenance dredging will be subject to revalidation at regular intervals to be specified in the permit. Revalidation will be in accordance with the procedures prescribed in paragraph (n)(5) of this section. The permit, however, will require the permittee to give advance notice to the district engineer each time maintenance dredging is to be performed.

(3) *Effect on wetlands.*—(i) Wetlands are those land and water areas subject to regular inundation by tidal, riverine, or lacustrine flowage. Generally included are inland and coastal shallows, marshes, mudflats, estuaries, swamps, and similar areas in coastal and inland navigable waters. Many such areas serve important purposes relating to fish and wildlife, recreation, and other elements of the general public interest. As environmentally vital areas, they constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest.

(ii) Wetlands considered to perform functions important to the public interest include:

(*a*) Wetlands which serve important natural biological functions, including food chain production, general habitat, and nesting, spawning, rearing, and resting sites for aquatic or land species;

(*b*) Wetlands set aside for study of the aquatic environment or as sanctuaries or refuges;

(*c*) Wetlands contiguous to areas listed in paragraphs (a) and (b) of this section, the destruction or alteration of which would affect detrimentally the natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, current patterns, or other environmental characteristics of the above areas;

(*d*) Wetlands which are significant in shielding other areas from wave action, erosion, or storm damage. Such wetlands often include barrier beaches, islands, reefs and bars;

(*e*) Wetlands which serve as valuable storage areas for storm and flood waters; and

(*f*) Wetlands which are prime natural recharge areas. Prime recharge areas are locations where surface and ground water are directly interconnected.

(iii) Although a particular alteration of wetlands may constitute a minor change, the cumulative effect of numerous such piecemeal changes often results in a major impairment of the wetland resources. Thus, the particular wetland site for which an application is made will be evaluated with the recognition that it is part of a complete and interrelated wetland area. In addition, the district engineer may undertake reviews of particular wetland areas, in response to new applications, and in consultation with the field representative of the Secretary of the Interior, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, the Regional Administrator of the Environmental Protection Agency, and the head of the appropriate State agency to assess the cumulative effect of activities in such areas.

(iv) Unless the public interest requires otherwise, no permit shall be granted for work in wetlands identified as important by subparagraph (ii), above, unless the district engineer concludes, on the basis of the analysis required in paragraph (f) of this section, that the benefits of the proposed alteration outweigh the damage to the wetlands resource and the proposed alteration is necessary to realize those benefits.

(*a*) In evaluating whether a particular alteration is necessary, the district engineer shall primarily consider whether the proposed activity is dependent upon the wetland resources and environment and whether feasible alternative sites are available.

(*b*) The applicant must provide sufficient data on the basis of which the availability of feasible alternative sites can be evaluated.

(v) In accord with the policy expressed in paragraph (f)(3) of this section, and with the congressional policy expressed in the Estuary Protection Act, Public Law 90–454, State regulatory laws or programs for classification and protection of wetlands will be given great weight. See also paragraph (g)(18) of this section.

(4) *Fish and wildlife.*—(i) In accordance with the Fish and Wildlife Coordination Act (see paragraph (c)(5) of this section) Corps of Engineers officials will in all permit cases, consult with the regional director, U.S. Fish and Wildlife Service, the regional director, National Marine Fisheries Service, and the head of the agency responsible for fish and wildlife for the State in which the work is to be performed, with a view to the conservation of wildlife resources by prevention of their loss and damage due to the work or structures proposed in a permit application (see paragraphs (i)(1)(ii) and (j)(2) of this section). They will give great weight to these views on fish and wildlife considerations in evaluating the application. The applicant will be urged to modify his proposal to eliminate or mitigate any damage to such resources, and in appropriate cases the permit may be conditioned to accomplish this purpose.

(ii) The district engineer will issue a permit over an unresolved objection based on fish and wildlife considerations by the regional representative of Federal fish and wildlife agencies only upon approval of the Chief of Engineers. The policies and procedures stated in the memorandum of understanding between the Department of the Army and the Department of the Interior (appendix B) [1] will be followed.

(5) *Water quality.*—(i) Applications for permits for activities which may affect the quality of navigable waters will be evaluated with a view toward compliance with applicable effluent limitations and water quality standards. Certification of compliance with applicable effluent limitations and water quality standards required under provisions of section 401 of the Federal Water Pollution Control Act will be considered conclusive with respect to water quality considerations unless the regional administrator, Environmental Protection Agency

[1] Appendix B to be published at a later date.

(EPA), advises of other water quality aspects to be taken into consideration. If the certification provided is to the effect that no effluent limitation and water quality standards have been established as applicable to the proposed activity, or if certification is not required for the proposed activity, the advice of the regional administrator, EPA, on water quality aspects will be given great weight in evaluating the permit application. Any permit issued may be conditioned to implement water quality protection measures.

(ii) If the regional administrator, EPA, objects to the issuance of a permit on the basis of water quality considerations and the objection is not resolved by the applicant or the district engineer, and the district engineer would otherwise issue the permit, the application will be forwarded through channels to the Chief of Engineers for further coordination with the Administrator, EPA, and decision. See also paragraphs (g)(17) and (i)(2)(i) of this section.

(6) *Historic, scenic, and recreational values.*—(i) Applications for permits covered by this regulation may involve areas which possess recognized historic, cultural, scenic, conservation, recreational, or similar values. Full evaluation of the general public interest requires that due consideration be given to the effect which the proposed structure or activity may have on the enhancement, preservation, or development of such values. Recognition of those values is often reflected by State, regional, or local land use classifications (see paragraph (f)(3) of this section), or by similar Federal controls or policies. In both cases, action on permit applications should, insofar as possible, be consistent with, and avoid adverse effect on, the values or purposes for which those classifications, controls, or policies were established.

(ii) Specific application of the policy in paragraph (g)(6)(i) of this section, applies to:

(*a*) Rivers named in section 3 of the Wild and Scenic Rivers Act (82 Stat. 906, 16 U.S.C. 1273 et seq.), and those proposed for inclusion as provided by sections 4 and 5 of the act, or by later legislation.

(*b*) Historic, cultural, or archeological sites or practices as provided in the National Historic Preservation Act of 1966 (83 Stat. 852, 42 U.S.C. 4321 et seq.) (see also Executive Order 11593, May 13, 1971, and statutes there cited). Particular attention should be directed toward any district, site, building, structure, or object listed in the "National Register of Historic Places." Comments regarding such undertakings shall be sought and considered as provided by paragraph (i)(2)(iii) of this section. (See also ER 1105-2-11.)

(*c*) Any other areas named in acts of Congress as national rivers, national seashores, national recreation areas, national lakeshores, or established for similar purposes.

(7) *Structures for small boats.*—As a matter of policy, in the absence of overriding public interest, favorable consideration will generally be given to applications for riparian proprietors for permits for piers, boat docks, moorings, platforms, and similar structures for small boats. Particular attention will be given to the location and general design of such structures to prevent possible obstructions to navigation with respect to both the public's use of the waterway and the neighboring proprietors' access to the waterway. Obstructions can result from both the existence of the structure, particularly in conjunction with other similar facilities in the immediate vicinity, and from its inability to withstand wave action or other forces which can be expected. District engineers will inform applicants of the hazards involved and encourage safety in location, design, and operation. Corps of Engineers officials will also encourage cooperative or group use facilities in lieu of individual proprietor use facilities.

(i) Letters transmitted permits for structures for small boats will, where applicable, include the following language: "Notice is hereby given that a possibility exists that the structure permitted may be subject to damage by wave wash from passing vessels. Your attention is invited to special condition _____ of the permit." The appropriate designation of the permit condition placing responsibility on the permittee and not on the United States for integrity of the structure and safety of boats moored thereto will be inserted.

(ii) Floating structures for small boats or other purposes in lakes operated by the Corps of Engineers under a resources manager are normally subject to permit authorities cited in paragraph (b) of this section. Such structures will not be authorized under this regulation but will be regulated under applicable regulations of the Chief of Engineers published in chapter III, § 327.19 of title 36, Code of Federal Regulations. District engineers will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the lake resources manager's office.

(8) *Aids to navigation.*—The placing of non-Federal fixed and floating aids to navigation in a navigable water of the United States is within the purview of section 10 of the River and Harbor Act of 1899. Furthermore, these aids are of particular interest to the U.S. Coast Guard because of their control of marking, lighting and standardization of such navigation aids. Applications for permits for installation of aids to navigation will, therefore, be coordinated with the appropriate district commander, U.S. Coast Guard, and permits for such aids will include a condition to the effect that the permittee will conform to the requirements of the Coast Guard for marking, lighting, etc. Since most fixed and floating aids to navigation will not ordinarily significantly affect environmental values, the usual form of authorization to be used will be a letter of permission.

(9) *Outer Continental Shelf.*—Artificial islands and fixed structures located on the Outer Continental Shelf are subject to the standard permit procedures of this regulation. Where the islands or structures are to be constructed on lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, that agency fully evaluates the potential effect of the leasing program on the total environment.

Accordingly, the decision whether to issue a permit on lands which are under mineral lease from the Department of the Interior will be limited to an evaluation of the impact of the proposed work on navigation and national security. The public notice will so identify the criteria (see paragraph (j)(1)(viii)(*b*) of this section.

(10) *Effect on limits of the territorial sea.*—Structures or work affecting coastal waters may modify the coastline or baseline from which the 3-mile belt is measured for purposes of the Submerged Lands Act and International Law. Generally, the coastline or baseline is the line of ordinary low water on the mainland; however, there are exceptions where there are islands or low-time elevations offshore. (See the Submerged Lands Act, 67 Stat. 29, U.S. Code Section 1301(c), and United States v. California, 381 U.S. 139 (1965), 382 U.S. 448 (1966)). All applications for structures or work affecting coastal waters will therefore be reviewed specifically to determine whether the coastline or baseline might be altered. If it is determined that such a change might occur, coordination with the Attorney General and the Solicitor of the Department of the Interior is required before final action is taken. The district engineer will submit a description of the proposed work and a copy of the plans to the Solicitor, Department of the Interior, Washington, D.C. 20240, and request his comments concerning the effects of the proposed work on the outer continental rights of the United States. These comments will be included in the file of the application. After completion of standard processing procedures, the file will be forwarded to the Chief of Engineers. The decision in the application will be made by the Secretary of the Army after coordination with the Attorney General.

(11) *Canals and other artificial waterways connected to navigable waters.*—(i) A canal or similar artificial waterway is subject to the regulatory authorities discussed in paragraph (b)(2) of this section, if it constitutes a navigable water of the United States, or if it is connected to navigable waters of the United States in a manner which affects their course, condition, or capacity. In all cases the connection to navigable waters of the United States requires a permit. Where the canal itself constitutes a navigable water of the United States, evaluation of the permit application and further exercise of regulatory authority will be in accordance with the standard procedures of this regulation. For all other canals the exercise of regulatory authority is restricted to those activities which affect the course, condition, or capacity of the navigable waters of the United States. Examples of the latter may in-

clude the length and depth of the canal; the currents circulation, quality, and turbidity of its waters, especially as they affect fish and wildlife values; and modifications or extensions of its configuration.

(ii) The proponent of canal work should submit his application for a permit, including a proposed plan of the entire development, to the district engineer before commencing any form of excavation work. If the connection to navigable waters of the United States has already been made without a permit, the district engineer will proceed in accordance with paragraph (g)(12)(i) of this section. Where a connection has not yet occurred, but canal construction is planned or has already begun, the district engineer will, in writing, advise the proponent of the need for a permit to connect the canals to navigable waters of the United States. He will also ask the proponent if he intends to make such a connection and will request the immediate submission of the plans and permit application if it is so intended. The district engineer will also advise the proponent that any work is done at the risk that, if a permit is required, it may not be issued, and that the existence of partially completed excavation work will not be allowed to weigh favorably in evaluation of the permit application.

(12) *Unauthorized activities.*—(i) When the district engineer becomes aware of any unauthorized activity (see paragraph (e) of this section), he shall immediately inform the responsible person of the need for a permit and order him to stop any further work. Furthermore, the district engineer will instruct the responsible person to file immediately an application for a permit, and, in addition, will determine if immediate legal action is warranted. In appropriate cases the district engineer also may order such changes in the work already completed as may be necessary to protect the public interest. In the event the person does not comply with the district engineer's instructions or the district engineer determines that immediate legal action is warranted, the matter will be referred by the most expeditious means to DAEN–GCK.

(ii) Processing and evaluation of applications for after-the-fact authorizations for activities undertaken without required Department of the Army authorizations will in all other respects follow the standard procedures of this regulation; however, after-the-fact authorizations will not be issued for the discharge or dumping of dredged material in the navigable waters or ocean waters. Thus, notwithstanding compliance with the district engineer's instructions issued in accordance with paragraph (g)(12)(i) of this section, authorizations may be denied in accordance with the policies and procedures of this regulation; furthermore, the processing of an application for an after-the-fact authorization will not be a bar against subsequent legal action as may be determined appropriate.

(iii) Where authorization is determined to be in the public interest the standard permit form for the activity will be used, omitting inappropriate conditions, and including whatever special conditions the district engineer may deem available to mitigate or prevent undesirable effects which have occurred or might occur.

(iv) Where authorization is determined not to be in the public interest, the notification of the denial of the permit will prescribe any corrective actions to be taken in connection with the work already accomplished and establish a reasonable period of time for the applicant to complete such actions.

(v) If the applicant declines to accept the conditions of the permit, or fails to take corrective action prescribed in the notification of denial, the matter will be referred to DAEN–GCK for appropriate legal action.

(vi) Under regulations published prior to 1968, activities which had no direct effect on navigation often were not subjected to permit procedures nor brought to the attention of district engineers, since those activities generally conformed to the permit evaluation criteria then in effect. On December 18, 1968, notice was published in the FEDERAL REGISTER (33 FR 18670) which reflected the Chief of Engineer's increased recognition of the need to consider all those relevant factors of the general public interest in evaluating permit applications (now set forth in paragraph (f) of this section; see also Zabel v. Tabb, 430 F. 2d 199 (5th Cir. 1970), Cert. den. 401 U.S. 910 (1971)). Since that time, full evaluation of all relevant factors has been required for all permit applications. Accordingly, applications will generally not be required for work or structures completed before December 18, 1968, nor where potential applicants had received expressions of disclaimer prior to the date of this regulation: *Provided, however,* That the procedures of paragraph (g)(12)(i) of this section shall apply to all work or structures which were commenced or completed on or after December 18, 1968, and may be applied to all specific cases, regardless of date of construction or previous disclaimers, for which the district engineer determines that the public interest requires an exercise of regulatory authority.

(13) *Facilities at the borders of the United States.*—(i) The construction, operation, maintenance, or connection of facilities at the borders of the United States are subject to executive control and must be authorized by the President, Secretary of State, or other delegated official.

(*a*) Applications for permits for the construction, operation, maintenance, or connection at the borders of the United States of facilities for the transmission of electric energy between the United States and a foreign country, or for the exportation or importation of natural gas to or from a foreign country, must be made to the Federal Power Commission. (See Executive Order 10485, Sept. 3, 1953, 16 U.S.C. 824(a)(e), 15 U.S.C. 717b, and 18 CFR pts. 32 and 153.)

(*b*) Applications for the landing or operation of submarine cables must be made to the Federal Communications Commission. (See Executive Order 10530, May 10, 1954, 47 U.S.C. 34 to 39, and 47 CFR sec. 1.767.)

(*c*) The Secretary of State is to receive applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of petroleum products, coals, minerals, or other products to or from a foreign country; (ii) facilities for the exportation or importation of water or sewage to or from a foreign country; (iii) monorails, aerial cable cars, aerial tramways and similar facilities for the transportation of persons or things, or both, to or from a foreign country. (See Executive Order 11423, Aug. 16, 1968.)

(ii) A Department of the Army permit under section 10 of the River and Harbor Act of March 3, 1899, is also required for all of the above facilities which affect the navigable waters of the United States, but in each case in which a permit has been issued as provided above, the decision whether to issue the Department of the Army permit will be based primarily on factors of navigation, since the basic existence and operation of the facility will have been examined and permitted as provided by the Executive orders. Furthermore, in those cases where the construction, maintenance, or operation at the above facilities involves the discharge of dredged or fill material in navigable waters or the transportation of dredged material for the purpose of dumping it into ocean waters, appropriate Department of the Army authorizations under section 404 of the Federal Water Pollution Control Act or under section 103 of the Marine Protection Research and Sanctuaries Act of 1972 are also required. Evaluation of applications for these authorizations will be in accordance with paragraph (g)(17) of this section.

(14) *Aerial power transmission lines.*—(i) Permits under section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403), are required for aerial power transmission lines crossing navigable waters of the United States unless those lines are part of a water power project subject to the regulatory authorities of the Federal Power Commission under the Federal Water Power Act of 1920 (16 U.S.C. 797). If an application is received for a permit for lines which are part of a water power project, the applicant will be instructed to submit his application to the Federal Power Commission. If the lines are not part of a water power project, the application will be processed in accordance with the procedures prescribed in in this regulation.

(ii) The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed powerline crossing. The clearances are based on the

low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code.

Nominal system voltage, in kilovolts:	*Minimum additional clearance (feet) above-clearance required for bridges*
115 and below	20
138	22
161	24
230	26
345	30
500	35
700	42
750 to 765	45

(15) *Seaplane operations.*—Structures in navigable waters of the United States associated with seaplane operations require Department of the Army permits, but close coordination with the Federal Aviation Administration (FAA), Department of Transportation, is required on such applications.

(i) The FAA must be notified by an applicant whenever he proposes to establish or operate a seaplane base. The FAA will study the proposal and advise the applicant, district engineer, and other interested parties as to the effects of the proposal on the use of airspace. The district engineer will therefore refer any objections regarding the effect of the proposal on the use of airspace to the FAA, and give due consideration to their recommendations when evaluating the general public interest.

(ii) If the seaplane base will serve air carriers licensed by the Civil Aeronautics Board, the applicant must receive an airport operating certificate from the FAA. That certificate reflects determination and conditions relating to the installation, operation, and maintenance of adequate air navigation facilities and safety equipment. Accordingly, the district engineer may, in evaluating the general public interest, consider such matters to have been primarily evaluated by the FAA.

(16) *Foreign trade zones.*—The Foreign Trade Zones Act (48 Stat. 998–1003, 19 U.S.C. secs. 81a to 81u, as amended) authorizes the establishment of foreign-trade zones in or adjacent to U.S. ports of entry under terms of a grant and regulations prescribed by the Foreign-Trade Zones Board. Pertinent regulations are published at title 15 of the Code of Federal Regulations, part 400. The Secretary of the Army is a member of the Board, and construction of a zone is under the supervision of the district engineer. (See also Engineer Regulation 15–2–2.) Laws governing the navigable waters of the United States remain applicable to foreign-trade zones, including the general requirements of this regulation. Evaluation by a district engineer of a permit application may give recognition to the consideration by the Board of the general economic effects of the zone on local and foreign commerce, general location of wharves and facilities, and other factors pertinent to construction, operation, and maintenance of the zone.

(17) *Discharge of dredged or fill material in navigable waters or dumping of dredged material in ocean waters.*—(i) Applications for permits for the discharge of dredged or fill material into navigable waters at specific disposal sites will be reviewed in accordance with guidelines promulgated by the Administrator, EPA, under authority of section 404(b) of the Federal Water Pollution Control Act. If the EPA guidelines alone prohibit the designation of a proposed disposal site, the economic impact on navigation and anchorage of the failure to authorize the use of the proposed disposal site in navigable waters will also be considered in evaluating whether or not the proposed discharge is in the public interest.

(ii) Applications for permits for the transporting of dredged material for the purpose of dumping it into ocean waters will be evaluated to determine that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. In making the evaluation, Corps of Engineers officials will apply criteria established by the Administrator, EPA, under authority of section 102(a) of the Marine Protection, Research, and Sanctuaries Act of 1972, and will specify the dumping sites, using the recommendations of the Administrator, pursuant to section 102(c) of the act, to the extent feasible. In evaluating the need for the dumping as required by paragraph (f)(2)(i) of this section, Corps of Engineers officials will consider the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States.

(iii) Sites previously designated for use as disposal sites for discharge or dumping of dredged material will be specified to the maximum practicable extent in permits for the discharge or dumping of dredged material in navigable waters or ocean waters unless restricted by the Administrator in accordance with section 404(c) of the Federal Water Pollution Control Act or section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

(iv) Prior to actual issuance of permits for the discharge or dumping of dredged or fill material in navigable or ocean waters, Corps of Engineers officials will advise appropriate Regional Administrators of the intent to so issue permits. If the Regional Administrator advises, within 15 days of the advice of the intent to issue, that he objects to the issuance of the permits, the case will be forwarded to the Chief of Engineers in accordance with paragraph (s) of this section, for further coordination with the Administrator, EPA, and decision. The report forwarding the case will contain an analysis for a determination by the Secretary of the Army that there is no economically feasible method or site available other than that to which the Regional Administrator objects.

(18) *Activities in coastal zones and marine sanctuaries.*—(i) Applications for Department of the Army authorizations for activities in the coastal zones of those States having a coastal zone management program approved by the Secretary of Commerce will be evaluated with respect to compliance with that program. No permit will be issued until the applicant has certified that his proposed activity complies with the coastal zone management program and the appropriate State agency has concurred with the certification or has waived its right to do so (see paragraph (i)(2)(ii) of this section); however, a permit may be issued if the Secretary of Commerce, on his own initiative or upon appeal by the applicant, finds that the proposed activity is consistent with the objectives of the Coastal Zone Management Act of 1972 or is otherwise necessary in the interest of national security.

(ii) Applications for Department of the Army authorization for activities in a marine sanctuary established by the Secretary of Commerce under authority of section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 will be evaluated for impact on the marine sanctuary. No permit will be issued until the applicant provides a certfication from the Secretary of Commerce that the proposed activity is consistent with the purposes of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary. Authorizations so issued will contain such special conditions as may be required by the Secretary of Commerce in connection with his certification.

(h) *Applications for Authorizations.*—(1) Any person proposing to undertake any activity requiring Department of the Army authorization as specified in paragraph (e) of this section, must apply for a permit to the district engineer in charge of the district where the proposed activity is to be performed. Applications for permits must be prepared in accordance with instructions in the pamphlet entitled "Applications for Department of the Army Permits for Activities in Waterways" published by the Corps of Engineers, utilizing the prescribed application form (ENG form 4345). The form and pamphlet may be obtained from the district engineer who will furnish assistance in completing the application. Local variation of the application form for purposes of facilitating coordination with State and local agencies may be proposed by district or division engineers. These variations will be submitted for approval to DAEN–CWO–N and for clearance by the Office of Management and Budget.

(2) Generally, the application must include a complete description of the proposed activity, which includes necessary drawings, sketches, or plans, the location, purpose, and intended use of the proposed activity; scheduling of the activity; the names and addresses of adjoining property owners; and the approvals or denials granted by other Federal, interstate, State, or local agencies for the work.

(i) If the activity involves dredging in navigable waters of the United States,

the application must include a description of the type, composition, and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material.

(ii) If the activity includes the discharge of dredged or fill material in the navigable waters or the transportation of dredged material for the purpose of dumping it in the ocean waters, the application must include the source of the material, a description of the type, composition, and quantity of the material, the method of transportation and disposal of the material, and the location of the disposal site. Certification under section 401 of the Federal Water Pollution Control Act is required for such discharges into navigable water. In addition, applicants for permits for these activities are required to pay a fee of $100 per application if the quantity of the material to be discharged in navigable waters or to be dumped in ocean waters exceeds 2,500 yd^3; if the quantity of material is 2,500 yd^3 or less, the fee is $10 per application. Agencies or instrumentalities of Federal, State, or local governments will not be required to pay any fee in connection with applications for permits. This fee structure will be reviewed from time to time.

(iii) If the activity includes the construction of a fill or pile supported platform, the project description must include specific structures to be erected on the fill or platform.

(iv) If the activity includes the construction of a structure the normal use of which may result in a discharge of pollutants, other than dredged or fill material, into navigable waters or ocean waters, the application must include either the identification of the application for the discharge permit assigned by the appropriate water pollution control agency or a copy of that application. Certification under section 401 of the Federal Water Pollution Control Act is required for such discharges into navigable waters.

(v) If the activity will be located within a marine sanctuary established by the Secretary of Commerce, the application must include a copy of the certification from the Secretary of Commerce that the proposed activity is consistent with the purposes of title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary.

(3) In addition to that information indicated in paragraph (h)(2) of this section, the applicant will be required to furnish such additional information as the district engineer may deem necessary to assist him in his evaluation of the application. Such additional information may include an environmental assessment, including information on alternate methods and sites, as may be necessary for the preparation of an environmental impact statement (see par. (h)(1) of this section).

(4) The application must be signed by the person who desires to undertake the proposed activity; however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish, upon request, supplemental information in support of the application. In either case, the signature of the applicant will be understood to be an affirmation that he possesses the authority to undertake the activity proposed in his application, except where the lands are under the control of the Corps of Engineers, in which case the district engineer will coordinate the transfer of the real estate and the permit action. When the application is submitted by an agent, the application may include the activity of more than one owner provided the character of the activity of each owner is similar and in the same general area.

(i) *Processing applications for permits.*—(1) *Standard procedures.*—(i) When an application for a permit is received, the district engineer shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it. He shall review the application for completeness and obtain from the applicant any additional information he deems necessary for further processing.

(ii) When all required information has been provided, the district engineer will issue a public notice as described in paragraph (j) of this section, unless specifically exempted by other provisions of this regulation. The notice will be distributed for posting in post offices or other appropriate public places in the vicinity of the site of the proposed work and will be sent to the applicant, to appropriate city and county officials, to adjoining property owners, to appropriate State agencies, to concerned Federal agencies, to local, regional, and national shipping and other concerned business and conservation organizations, and to any other interested parties. If in the judgment of the district engineer the proposal may result in substantial public interest, the public notice (without drawings) may be published for 5 consecutive days in the local newspaper, and the applicant shall reimburse the district engineer for the costs of publication. Copies of public notices will be sent to all parties who have specifically requested copies of public notices, to the U.S. Senators and Representatives for the area where the work is to be performed, the field representative of the Secretary of the Interior, the regional director of the Bureau of Sport Fisheries and Wildlife, the regional director of the National Park Service, the regional administrator of the Environmental Protection Agency (EPA), the regional director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), the head of the State agency responsible for fish and wildlife resources, the district commander, U.S. Coast Guard, and the Office of the Chief of Engineers, attention: DAEN–CWO–N.

(iii) The district engineer shall consider all comments received in response to the public notice in his subsequent actions on the permit application. Receipt of the comments will be acknowledged and they will be made a part of the official file on the application. Comments received as form letters or petitions may be acknowledged as a group to the person or organization responsible for the form letter or petition. If comments relate to matters within the special expertise of another Federal agency, the district engineer may seek the advice of that agency. The applicant must furnish the district engineer his proposed resolution or rebuttal to all official objections and substantive adverse comments before final decision will be made on the application.

(iv) At the earliest time during the processing of the application when he can make an assessment of the environmental impact of a proposed activity, which in some cases may be upon receipt of the application due to the magnitude of the proposed project or the nature of the area involved, the district engineer will consider whether or not an environmental impact statement is necessary (see paragraph (1) of this section). This will be reconsidered as additional information is developed; however, at the earliest time that it appears an environmental impact statement may be required, the district engineer will require the applicant to furnish additional information and an analysis of the environmental impacts of the proposed action. A preliminary determination of whether an environmental impact statement will be prepared will be announced in the public notice (see paragraph (j) of this section). If he determines that an environmental impact statement will not be prepared for the proposed activity, a finding to that effect will immediately be placed in the permit file and, if the public notice has indicated an intent to prepare a statement, will be announced to the public. This finding shall be dated and signed and shall include a brief statement of the facts and reasons for the decision. If the district engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental impact statement in accordance with ER 1105–2–507. In such cases and if a public hearing is to be held (see subparagraph (v) of this section), the proposed final environmental impact statement must be completed prior to the hearing. If a public meeting is held, however, the draft environmental impact statement will be filed with the Council on Environmental Quality (CEQ) at least 15 days prior to the meeting.

(v) If the proposed activity includes the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters and a person or persons having an interest which may be adversely affected by the issuance of a permit requests a hearing, or if a second State objects to issuance of a

permit on the basis of water quality and requests a hearing, or if otherwise required by law or directed by the Chief of Engineers, the district engineer will arrange a public hearing in accordance with applicable Corps of Engineers regulations § 209.132. If no public hearing is to be held and the district engineer determines that public interest warrants and additional information necessary to the proper evaluation of the application would probably be obtained thereby, the district engineer will hold a public meeting (see paragraph (k) of this section).

(vi) After all above actions have been completed, the district engineer will determine in accordance with the record and applicable regulations whether or not the permit should be issued. If a permit is warranted, he will determine the conditions and duration which should be incorporated into the permit (see paragraphs (m) and (n) of this section). In accordance with the authorities specified in paragraph (p) of this section, the district engineer will take final action or forward the application with all pertinent comments, records, and studies, including the final environmental impact statement if prepared, through channels to the official authorized to make the final decision. The report forwarding the application for decision will be in the format prescribed in paragraph (s) of this section. Notice that the application has been forwarded to higher headquarters will be furnished the applicant. When the final decision is made, the official making the decision will make a statement of findings to support that decision and this statement of findings will be dated, signed and placed in the permit file. If an environmental impact statement was filed with CEQ, a copy of the statement of findings will be submitted to DAEN–CWO–N for filing with CEQ.

(vii) If the final decision is to deny the permit, the applicant will be advised in writing of the reason for denial. If the final decision is to issue the permit, the issuing official will forward two copies of the draft permit to the applicant for signature accepting the conditions of the permit. The applicant will return both signed copies to the issuing officials who then signs and dates the permit. The permit is not valid until signed by the issuing official. Final action on the permit application is the signature on the letter notifying the applicant of the denial of his application or signature of the issuing official on the authorizing document.

(viii) The district engineer will publish monthly a list of permits issued or denied during the previous month. The list will identify each action by public notice number, name of applicant, and brief description of activity involved. This list will be distributed to all persons who received any of the public notices listed.

(ix) If the applicant fails to respond within 6 months to any request or inquiry of the district engineer, the district engineer may advise the applicant by registered letter that his application will be considered as having been withdrawn unless the applicant responds thereto within 30 days of the date of the letter.

(2) *Procedures for particular types of permit situations.*—(i) Activities requiring water quality certification.—(*a*) If water quality certification for the proposed activity is necessary under the provisions of the Federal Water Pollution Control Act, the district engineer shall so notify the applicant and obtain from him either the appropriate certification or a copy of his application for such certification. The district engineer shall forward to the appropriate certifying agency one copy of the permit application and to the Regional Administrator of the Environmental Protection Agency (EPA) two copies of those portions of the permit application that relate to water quality consideration. The district engineer may issue the public notice of the application jointly with the certifying agency if arrangements for such joint notices have been approved by the division engineer. When the certification is received a copy of the certification will be forwarded to the Regional Administrator of EPA who shall determine if the proposed activity may affect the quality of the waters of any State or States other than the State in which the work is to be performed. If he needs supplemental information in order to make this determination, the Regional Administrator may request it from the district engineer who shall obtain it from the applicant and forward it to the Regional Administrator. The Regional Administrator shall, within 30 days of receipt of the application, certification and supplemental information, notify the affected State, the district engineer, and the applicant in the event such a second State may be affected. The second State then has 60 days to advise the district engineer that it objects to the issuance of the permit on the basis of the effect on the quality of its waters and to request a hearing.

(*b*) No authorization will be granted until required certification has been obtained or has been waived. Waiver is deemed to occur if the certifying agency fails or refuses to act on a request for certification within a reasonable period of time after receipt of such request. The request for certification must be made in accordance with the regulations of the certifying agency. In determining whether or not a waiver period has commenced, the district engineer will verify that the certifying agency has received a valid request for certification. Three months shall generally be considered to be a reasonable period of time. If, however, special circumstances identified by the district engineer require that action on an application be taken within a more limited period of time, the district engineer shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date and that, if certification is not received by that date, it will be considered that the requirement for certification has been waived. Similarly if it appears that circumstances may reasonably require a period of time longer than 3 months, the district engineer may afford the certifying agency up to 1 year to provide the required certification before determining that a waiver has occurred. District engineers shall check with the certifying agency at the end of the allotted period of time before determining that a waiver has occurred.

(ii) If the proposed activity will be located in the coastal zone of a State, the district engineer shall obtain from the applicant a certification that the activity conforms to the coastal zone management program of the State. Upon receipt of the certification, the district engineer will forward a copy of the permit application and certification to the State agency responsible for implementing the coastal zone management program and request its concurrence or objection. The district engineer can issue the public notice of the application jointly with the State agency if arrangements for such joint notices have been approved by the division engineer. A copy of the certification will also be sent, along with the public notice of the application to the Director, Office of Coastal Zone Management, NOAA, Department of Commerce, Rockville, Md. 20852. If the State agency fails to concur or object to the certification within 6 months of receipt of the request, it will be presumed to waive its right to so act and the certification will be presumed to be valid. Before determining that a waiver has occurred, the district engineer will check with the State agency to verify that it has failed to act. If the State agency objects to the proposed activity, the district engineer will so advise the Director, Office of Coastal Zone Management, NOAA, and request advice within 30 days whether or not the Secretary of Commerce will review the objection. If the objection will not be reviewed, the permit will be denied. If, however, the Secretary of Commerce indicates he will review the objection, further action on the application will be held in abeyance pending notification of the results of the review. If the objection is sustained, the permit will be denied. If the objection is over-ruled by the Secretary's finding, however, the processing will be continued.

(iii) If the proposed activity involves any property listed in the National Register of Historic Places (which is published in its entirety in the FEDERAL REGISTER annually in February with addenda published each month), the district engineer will determine if any aspect of the activity causes or may cause any change in the quality of the historical, architectural, archeological, or cultural character that qualified the property for listing in the National Register. Generally, adverse effects occur under conditions which include but are not limited to destruction or alteration of all or part of the property; isolation from or alteration of its surrounding environment; and introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting. If the district engineer determines

that the activity will have no effect on the property, he will proceed with the standard procedures for processing the application. If, however, the district engineer determines that the activity will have an effect on the property, he will proceed in accordance with the procedures specified in the FEDERAL REGISTER, volume 37, No. 220, November 14, 1972, pages 24146 to 24148.

(iv) If the proposed activity consists of the dredging of an access channel and/or berthing facility associated with an authorized Federal navigation project, the activity will be included in the planning and coordination of the construction or maintenance of the Federal project to the maximum extent feasible. Separate notice, meeting or hearing, and environmental impact statement will not be required for activities so included and coordinated; and the public notice issued by the district engineer for these Federal and associated non-Federal activities will be the notice of intent to issue permits for those included non-Federal dredging activities required by paragraph (g) (17) (iv) of this section. The decision whether to issue or deny such a permit will be consistent with the decision on the Federal project unless special considerations applicable to the proposed activity are identified.

(v) In addition to the general distribution of public notices cited in paragraph (i) (1) (ii) of this section, notices will be sent to other addressees in appropriate cases as follows:

(*a*) If the activity involves structures or dredging along the shores of the sea or Great Lakes, to the Coastal Engineering Research Center, Washington, D.C. 20016.

(*b*) If the activity involves construction of fixed structures or artificial islands on the Outer Continental Shelf or in the territorial seas, to the Deputy Assistant Secretary of Defense (Installations and Housing), Washington, D.C. 20310, the Commander, U.S. Naval Oceanographic Office, Washington, D.C. 20390, and the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Md. 20852.

(*c*) If the activity involves the construction of obstructions to enhance fish propagation along the Atlantic and gulf coasts, to the Atlantic Estuarine Fisheries Center, National Marine Fisheries Service, NOAA, Department of Commerce, Beaufort, N.C. 28416.

(*d*) If the activity involves the construction of structures which may affect aircraft operations or for purposes associated with seaplane operations, to the Regional Director of the Federal Aviation Administration.

(*e*) If the activity is in connection with a foreign-trade zone, to the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Washington, D.C. 20230 and to the appropriate District Director of Customs as Resident Representative, Foreign-Trade Zones Board.

(vi) Copies of permits will be furnished to other agencies in appropriate cases as follows:

(*a*) If the activity involves the construction of structures or artificial islands on the Outer Continental Shelf, to the Commander, U.S. Naval Oceanographic Office, Washington, D.C. 20390, and to the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Md. 20852.

(*b*) If the activity involves the construction of obstructions to enhance fish propagation (fish havens) along the coasts of the United States, to U.S. Naval Oceanographic Office and National Ocean Survey as in paragraph (i) (2) (vi) (a) of this section, and to the Atlantic Estuarine Fisheries Center, National Marine Fisheries Service, NOAA, Department of Commerce, Beaufort, N.C. 28416.

(*c*) If the activity involves the erection of an aerial transmission line across a navigable water, to the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Md. 20852, reference C322.

(*d*) If the activity involves the transportation of dredged material for the purpose of dumping it in ocean waters, to the appropriate District Commander, U.S. Coast Guard.

(vii) If the district engineer determines that a letter of permission (see paragraph (m) of this section) is the appropriate form of authorization to be issued, he may omit the publishing of a public notice; however, he will coordinate the proposal with all concerned fish and wildlife agencies, Federal and State, as required by the Fish and Wildlife Coordination Act. A copy of the letter of permission will be sent to the Regional Director, Bureau of Sport Fisheries and Wildlife.

(viii) If the circumstances surrounding a permit application require emergency action and the district engineer considers that the public interest requires that the standard procedures must be abbreviated in the particular case, he will explain the circumstances and recommend special procedures to the Chief of Engineers, attention: DAEN–CWO–N by teletype. The Chief of Engineers, upon consultation with the Secretary of the Army or his authorized representative and other affected agencies, will instruct the district engineer as to further processing of the application.

(3) *Timing of processing of applications.*—In view of the extensive coordination with other agencies and the public and the study of all aspects of proposed activities required by the above procedures, applicants must allow adequate time for the processing of their applications. The district engineer will be guided by the following time limits for the indicated steps in processing permit applications:

(i) Public notice should be issued within 15 days of receipt of all required information from the applicant, unless joint notice with State agencies is to be used.

(ii) The receipt of comments as a result of the public notice should not extend beyond 75 days from the date of the notice.

(iii) The record of a public meeting should be closed not later than 15 days after the meeting.

(iv) The district engineer should either send notice of denial to the applicant, or issue the draft permit to the applicant for acceptance and signature, or forward the application to higher headquarters within 30 days of one of the following whichever is latest: Receipt of notice of withdrawal of objections; completion of coordination following receipt of applicant's rebuttal of objections; receipt of the record of a public hearing; closing of the record of a public meeting; or expiration of the waiting period following the filing of the final environmental impact statement with CEQ.

(j) *Public notice and coordination with interested parties.*—(1) The public notice is the primary method of advising all interested parties of the proposed activity for which a permit is sought and of soliciting comments and information necessary to evaluate the probable impact on the public interest. The notice must, therefore, include sufficient information to give a clear understanding of the nature of the activity to generate meaningful comments. The notice should include the following items of information:

(i) The name and address of the applicant;

(ii) The location of the proposed activity;

(iii) A brief description of the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills or pile supported platforms, and a description of the type, composition and quantity of materials to be discharged or dumped and means of conveyance;

(iv) A sketch showing the location and character of all proposed activities, including depth of water in the area;

(v) A list of other government authorizations obtained or requested, including required certifications relative to water quality, coastal zone management, or marine sanctuaries;

(vi) A statement concerning a preliminary determination of the need for and/or availability of an environmental impact statement.

(vii) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest, including environmental values;

(viii) A reasonable period of time, normally 30 days but not less than 15 days from date of mailing, within which interested parties may express their views concerning the permit application; and

(ix) A paragraph describing the various factors on which decisions are based during evaluation of a permit application.

(*a*) Except as provided in paragraph (j) (1) (ix) (*b*) of this section, the following will be included:

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public

interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, esthetic, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

(*l*) If a Federal agency other than the Corps of Engineers has primary responsibility for licensing an activity and for environmental review as contemplated by the provisions of the National Environmental Policy Act, the public notice shall, in addition to the general paragraph above, describe the actions and reviews pending before those agencies, and recite the fact that district engineers will consult with, and give due consideration to the findings of, those agencies. (See particularly paragraphs (g)(13), (g)(15), and (g)(16) of this section.

(2) If the activity involves the discharge of dredged or fill material into the navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the public notice shall also indicate that the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of section 404(b) of the Federal Water Pollution Control Act, or of the criteria established under authority of section 102 (a) of the Marine Protection, Research, and Sanctuaries Act of 1972 as appropriate.

(*b*) In cases involving construction of fixed structures or artificial islands on Outer Continental Shelf lands which are under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security."

(x) If the activity includes the discharge of dredged or fill material in the navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the following statement will also be included in the public notice:

Any person who has an interest which may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the district engineer within 30 days of the date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

(2) It is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the application. A copy of the public notice with the list of the addressees to whom the notice was sent will be included in the record. If a question develops with respect to an activity for which another agency has responsibility and that other agency has not responded to the public notice, the district engineer may request their comments. Whenever a response to a public notice has been received from a Member of Congress, either in behalf of a constitutent or himself, the district engineer will inform the Member of Congress of the final decision.

(3) Notices sent to several agencies within the same State may result in conflicting comments from those agencies. While many States have designated a single State agency or individual to provide a single and coordinated State position regarding pending permit applications, where a State has not so designated a single source, district engineers will elicit from the Governor an expression of his views and desires concerning the application. Where coordination is required by the Fish and Wildlife Coordination Act (see paragraph (c)(5) of this section), district engineers will address a letter to the designated single State agency or Governor, as appropriate, inviting attention to the coordination requirements of the Fish and Wildlife Coordination Act and requesting that a report from the head of the State agency responsible for fish and wildlife resources be appended to the coordinated State report.

(k) *Public meetings and hearings.*—(1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, mutual cooperation, and in a manner responsive to the public interest. The views of all concerned persons are initially sought by means of public notices in connection with applications for permits. Where response to a notice indicates further opportunity for public expressions of interest may be warranted, and a public hearing is not required by law or directed by the Chief of Engineers, the district engineer may hold a public meeting.

(2) A public meeting is a forum at which all concerned persons are given an opportunity to present additional information relevant to a proper evaluation of an application for a permit for an activity. If a public meeting is held, notice announcing the meeting will be published at least 30 days in advance of the meeting. A summary of environmental considerations will be included in the notice. The applicant will be given an opportunity to present his proposal and explain why he thinks it is in the public interest. Officials of other Federal agencies or of State and local governments will be given opportunity to express their views, as well as all other persons. The conduct of the meeting will be in accordance with 33 CFR 209-405 (ER 1105-2-502) and a transcript of the meeting will be part of the record.

(l) *Environmental impact statement.*—(1) Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) requires all Federal agencies, with respect to major Federal actions significantly affecting the quality of the human environment, to submit to CEQ a detailed statement on:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) As indicated in paragraph (l)(1)(iv) of this section, the district engineer must determine whether an environmental impact statement is required in connection with a permit application. If the district engineer believes that granting the permit may be warranted but that the proposed activity would have a significant environmental impact, an environmental impact statement will be prepared, coordinated and filed in accordance with provisions of ER 1105-2-507 prior to final action on the application. If another agency is the lead agency as defined by section 5b of the CEQ guidelines contained in ER 1105-2-507, the district engineer will coordinate with that agency to insure that the resulting environmental impact statement adequately describes the impact of the activity which is subject to corps permit authority.

(3) The scope of the considerations to be discussed in an environmental impact statement depends heavily on continuing court interpretation of NEPA and on the nature of the activity for which authorization is requested.

(i) All the direct effects of the activity must be evaluated, as must any indirect effects which have a clear or proximate relationship to the activity. Other effects, however, may be too speculative or remote to merit detailed consideration. Thus an environmental impact statement which examines the probable environmental impact of an activity should evaluate all known effects which have a direct or proximate but indirect relationship to the proposal and should cite other remote or speculative effects.

(ii) The scope of the environmental impact statement is often somewhat different from that of the laws under which the activity may be authorized. Thus, an authorization may be only for a part of a much larger and more complex operation or development over which few regulatory controls exist. In such cases, the range of factors to be discussed in the environmental impact statement may of necessity be expanded to include factors which are beyond the normal scope of the law on which the authorization depends.

(m) *Forms of authorization.*—(1) The basic form for authorizing activities in navigable waters or ocean waters is ENG Form 1721, Department of the Army permit (appendix C[2]). This form will be

[2] Appendix C will be published at a later date.

used to authorize activites under provisions of:

(i) Section 10 of the River and Harbor Act of March 3, 1899, in all cases where a letter of permission is not appropriate (see paragraph (m)(3) of this section, below).

(ii) Section 404 of the Federal Water Pollution Control Act.

(iii) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1973.

(2) While the general conditions included in ENG Form 1721 are normally applicable to all permits, some may not apply to certain authorizations (e.g. after-the-fact situations where work is completed, or situations in which the permittee is a Federal agency) and may be deleted by the issuing officer. Special conditions applicable to the specific activity will be included in the permit as necessary to protect the public interest in the navigable waters or ocean waters.

(3) In those cases subject to section 10 of the River and Harbor Act of March 3, 1899, in which, in the opinion of the district engineer, the proposed work is minor, will not have significant impact on environmental values, and should encounter no opposition, the district engineer may use the abbreviated processing procedures of paragraph (i)(2)(vii) of this section, above, and authorize the work by a letter of permission. The letter of permission will not be used to authorize the discharge of dredged or fill material into navigable waters or the transportation of dredged material for purpose of dumping it in ocean waters. The letter of permission will be in letter form and will identify the permittee, the authorized work and location of the work, the statutory authority (i.e., 33 U.S.C. 403), any limitations on the work, a construction time limit and a requirement for a report of completed work. A copy of the general conditions from ENG Form 1721 will be attached and will be incorporated by reference into the letter of permission.

(4) Permits for structures under section 9 of the Act of March 3, 1899, will be drafted during review procedures at Department of the Army level.

(n) *Duration of authorizations.*—(1) Authorizations for activities in or affecting navigable waters or ocean waters may authorize both the work and the resulting structure. Authorizations continue in effect until they automatically expire, or are modified, suspended, or revoked.

(2) Authorization for the existence of a structure or other form of alteration of the waterway is usually for an indefinite duration with no expiration date cited. However, where a temporary structure is authorized, or where restoration of a waterway is contemplated, the authorization will be of limited duration with a definite expiration date. Except as provided in paragraph (n)(5) of this section, permits for the discharge of dredged material in the navigable waters or for the transportation of dredged material for the purpose of dumping it in ocean waters will be of limited duration with a definite expiration date.

(3) Authorizations for construction work or other activity will specify time limits for accomplishing the work or activity. The time limits will specify a date by which the work must be started, normally 1 year from the date of issuance, and a date by which the work must be completed. The dates will be established by the issuing official and will provide reasonable times based on the scope and nature of the work involved. An authorization for work or other activity will automatically expire if the permittee fails to request an extension or revalidation.

(4) Extensions of time may be granted by the district engineer for authorizations of limited duration, or for the time limitations imposed for starting or completing the work or activity. The permittee must request the extension and explain the basis of the request, which will be granted only if the district engineer determines that an extension is in the general public interest. Requests for extensions will be processed in accordance with the regular procedures of paragraph (i) of this section, including issuance of a public notice, except that such processing is not required where the district engineer determines that there have been no significant changes in the attendant circumstances since the authorization was issued, that the work is proceeding essentially in accordance with the approved plans and conditions, and that the work can be completed within 6 months or that the remaining work constitutes no more than 10 percent of the total work authorized; nor for an extension, not to exceed 6 months, to the starting time limitation.

(5) If the authorized work includes periodic maintenance dredging (see paragraph (g)(2) of this section), an expiration date for the authorization of that maintenance dredging will be included in the permit. The expiration date, which in no event is to exceed 10 years from the date of issuance of the permit, will be established by the issuing official after his evaluation of the proposed method of dredging and disposal of the dredged material. If the permittee desires to continue maintenance dredging beyond the expiration date, he must request a revalidation of that portion of his permit which authorized the maintenance dredging. The request must be made to the district engineer 6 months prior to the expiration date, and include full description of the proposed methods of dredging and disposal of dredged materials. The district engineer will process the request for revalidation in accordance with the standard procedures in paragraph (h) of this section, including the issuance of a public notice describing the authorized work to be maintained and the proposed methods of maintenance.

(o) *Modification, suspension, or revocation of authorizations.*—(1) The district engineer may revaluate the circumstance and conditions of a permit either on his own motion or as the result of periodic progress inspections, and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the general public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the activity authorized have changed since the permit was issued, extended or revalidated, and the continuing adequacy of the permit conditions; any significant objections to the activity authorized by the permit which were not earlier considered; and the extent to which modification, suspension, or other action would adversely affect plans, investments, and actions the permittee has reasonably made or taken in reliance on the permit. Significant increases in scope of a permitted activity will be processed as new applications for permits in accordance with paragraph (i), above, and not as modifications under this paragraph.

(2) The district engineer, as a result of revaluation of the circumstances and conditions of a permit, may determine that protection of the general public interest requires a modification of the terms or conditions of the permit. In such cases, the district engineer will hold informal consultations with the permittee to ascertain whether the terms and conditions can be modified by mutual agreement. If a mutual agreement is reached on modification of the terms and conditions of the permit, the district engineer will give the permittee written notice of the modification, which will then become effective on such date as the district engineer may establish, which in no event shall be less than 10 days from its date of issuance. In the event a mutual agreement cannot be reached by the district engineer and the permittee, the district engineer will proceed in accordance with paragraph (o)(3) of this section, below, if immediate suspension is warranted. In cases where immediate suspension is not warranted but the district engineer determines that the permit should be modified, he will notify the permittee of the proposed modification and reasons therefor, and that he may request a hearing. The modification will become effective on the date set by the district engineer which shall be at least 10 days after receipt of the notice unless a hearing is requested within that period in accordance with 33 CFR 209.132. If the permittee fails or refuses to comply with the modification the district engineer will immediately refer the case for enforcement to DAEN–GCK.

(3) The district engineer may, after telephonic consultation with the division engineer, suspend a permit after preparing a written determination and finding that immediate suspension would be in the general public interest. The district engineer will notify the permittee in writing by the most expeditious means available that the permit has been suspended with the reasons therefor, and order the permittee to stop all previously authorized activities. The permittee will also be advised that following this

suspension a decision will be made to either reinstate, modify, or revoke the permit, and that he may request a hearing within 10 days of receipt of notice of the suspension to present information in this matter. If a hearing is requested the procedures prescribed in 33 CFR 209.132 will be followed. After the completion of the hearing (or within a reasonable period of time after issuance of the notice to the permittee that the permit has been suspended if no hearing is requested) the district engineer will take action to reinstate the permit, modify the permit, or recommend revocation of the permit in accordance with paragraph (o)(4) of this section.

(4) Following completion of the suspension procedures in paragraph (o)(3) of this section, if revocation of the permit is recommended, the district engineer will prepare a report of the circumstances and forward it together with the record of the suspension proceedings to DAEN-CWO-N. The Chief of Engineers may, prior to deciding whether or not to revoke the permit, afford the permittee the opportunity to present any additional information not made available to the district engineer at the time he made the recommendation to revoke the permit including, where appropriate, the means by which he intends to comply with the terms and conditions of the permit. The permittee will be advised in writing of the final decision.

(p) *Authority to issue or deny authorizations.*—Except as otherwise provided in this regulation, the Secretary of the Army subject to such conditions as he or his authorized representative may from time to time impose, has authorized the Chief of Engineers and his authorized representatives to issue or deny authorizations for construction or other work in or affecting navigable waters of the United States pursuant to sections 10 and 14 of the act of March 3, 1899, and section 1 of the act of June 13, 1902. He also has authorized the Chief of Engineers and his authorized representatives to issue or deny authorizations for the discharge of dredged or fill material in the navigable waters pursuant to section 404 of the Federal Water Pollution Control Act or for the transportation of dredged material for the purpose of dumping it into ocean waters pursuant to section 103 of Marine Protection, Research, and Sanctuaries Act of 1972. The authority to issue or deny permits pursuant to section 9 of the River and Harbor Act of March 3, 1899, has not been delegated to the Chief of Engineers or his authorized representatives.

(1) District engineers are authorized to issue in accordance with this regulation permits and letters of permission which are subject to such special conditions as are necessary to protect the public interest in the navigable waters or ocean waters pursuant to sections 10 and 14 of the River and Harbor Act of March 3, 1899, section 1 of the River and Harbor Act of June 13, 1902, section 404 of the Federal Water Pollution Control Act, and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, in all cases in which there are no known substantive objections to the proposed work or activity or, in which, objections have been resolved to the satisfaction of the district engineer. District engineers are authorized to deny permits when required State or local authorization has been denied (see paragraph (f)(3)(i) of this section), when a State has objected to a required certification of compliance with its coastal zone management program and the Secretary of Commerce has not reviewed the action and reached a contrary finding (see paragraphs (g)(18) and (i)(2)(ii) of this section), or when the proposed work will unduly interfere with navigation. All other permit applications, including those cases in subparagraphs (p)(2)(i) through (p)(2)(vii) of this section, will be referred to division engineers. District engineers are also authorized to add, modify, or delete special conditions in permits, except for those conditions which have been imposed by higher authority, and to suspend permits according to the procedures of paragraph (o)(3) of this section.

(2) Division engineers will review, attempt to resolve outstanding matters, and evaluate all permit applications referred by district engineers. Division engineers may authorize the issuance or denial of permits pursuant to sections 10 and 14 of the River and Harbor Act of March 3, 1899, section 1 of the River and Harbor Act of June 13, 1902, section 404 of the Federal Water Pollution Control Act, and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 and the inclusion of conditions to those permits as may be necessary to protect the public interest in the navigable waters or ocean waters in accordance with the policies cited in this regulation. However, division engineers will refer to the Chief of Engineers the following cases:

(i) When it is proposed to issue a permit and there are unresolved objections from another Federal agency;

(ii) When the recommended decision is contrary to the stated position of the Governor of the affected State or of a Member of Congress;

(iii) When there is substantial doubt as to authority, law, regulations, or policies applicable to the proposed activity;

(iv) When higher authority requests the case be forwarded for decision;

(v) Where the case is recognized to be highly controversial or litigation is anticipated;

(vi) When the proposed activity would affect the baseline used for determination of the limits of the territorial sea; and

(vii) When any party to a public hearing has filed an appeal of the decision.

Division engineers may also authorize the modification or suspension of permits in accordance with the procedures of this regulation, and may recommend revocation of permits to the Chief of Engineers.

(q) *Supervision and enforcement.*—(1) District engineers will supervise all authorized activities and will require that the activity be conducted and executed in conformance with the approved plans and other conditions of the permit. Inspections must be made on timely occasions during performance of the activity and appropriate notices and instructions will be given permittees to insure that they do not depart from the approved plans. Revaluation of permits to assure compliance with its purposes and conditions will be carried out as provided in paragraph (o) of this section. If there are approved material departures from the authorized plans, the district engineer will require the permittee to furnish corrected plans showing the activity as actually performed.

(2) Where the district engineer determines that there has been noncompliance with the terms or conditions of a permit, he should first contact the permittee and attempt to resolve the problem. If a mutually agreeable resolution cannot be reached, a written demand for compliance will be made. If the permittee has not agreed to comply within 5 days of receipt of the demand, the district engineer will issue an immediately effective notice of suspension in accordance with paragraph (o)(3) of this section, and consider initiation of appropriate legal action.

(3) For purposes of supervision of permitted activities and for surveillance of the navigable waters for enforcement of the permit authorities cited in paragraph (b) of this section, the district engineer will use all means at his disposal. One method of surveillance for unauthorized activities which should be used where appropriate is aerial photographic reconnaissance. In addition, all Corps of Engineers employees will be instructed to observe and report all activities in navigable waters which would require permits. The assistance of members of the public and personnel of other interested Federal, State, and local agencies to observe and report such activities will be encouraged. To facilitate this surveillance, the district engineer will require a copy of ENG form 4336 to be posted conspicuously at the site of all authorized activities and will make available to all interested persons information on the scope of authorized activities and the conditions prescribed in the authorizations. Furthermore, significant actions taken under paragraph (o) of this section, will be brought to the attention of those Federal, State, and local agencies and other persons who express particular interest in the affected activity. Surveillance in ocean waters will be accomplished primarily by the Coast Guard pursuant to section 107(c) of the Marine Protection, Research and Sanctuaries Act of 1973. Enforcement actions relative to the permit authorities cited in paragraph (b) of this section, including enforcement actions resulting from noncompliance with permit conditions, will be in accordance with regulations published at 33 CFR 209.170 (ER 1145-2-301).

(4) The expenses incurred in connection with the inspection of permitted activity in navigable waters normally will be paid by the Federal Government in accordance with the provisions of section 6 of the River and Harbor Act of March

3, 1905 (33 U.S.C. 417), unless daily supervision or other unusual expenses are involved. In such unusual cases, and after approval by the division engineer, the permittee will be required to bear the expense of inspections in accordance with the conditions of his permit; however, the permittee will not be required or permitted to pay the U.S. inspector either directly or through the district engineer. The inspector will be paid on regular payrolls or service vouchers. The district engineer will collect the cost from the permittee in accordance with the following:

(i) At the end of each month the amount chargeable for the cost of inspection pertaining to the permit will be collected from the permittee and will be taken up on the statement of accountability and deposited in a designated depository to the credit of the Treasurer of the United States, on account of reimbursement of the appropriation from which the expenses of the inspection were paid.

(ii) If the district engineer considers such a procedure necessary to insure the United States against loss through possible failure of the permittee to supply the necessary funds in accordance with subparagraph (q)(4)(i) of this section, he may require the permittee to keep on deposit with the district engineer at all times an amount equal to the estimated cost of inspection and supervision for the ensuing month, such deposit preferably being in the form of a certified check, payable to the order of Treasurer of the United States. Certified checks so deposited will be carried in a special deposit account (guaranty for inspection expenses) and upon completion of the work under the permit the funds will be returned to the permittee provided he has paid the actual cost of inspection.

(iii) On completion of work under a permit, and the payment of expenses by the permittee without protest, the account will be closed, and outstanding deposits returned to the permittee. If the account is protested by the permittee, it will be referred to the division engineer for approval before it is closed and before any deposits are returned to the permittee.

(5) If the permitted activity includes restoration of the waterway to its original condition, or if the issuing official has reason to consider that the permittee might be prevented from completing work which is necessary to protect the public interest in the waterway, he may require the permittee to post a bond of sufficient amount to indemnify the Government against any loss as a result of corrective action it might take.

(r) *Publicity.*—District engineer will establish and maintain a program to assure that potential applicants for permits are informed of the requirements of this regulation and of the steps required to obtain permits for activities in navigable waters or ocean waters. Whenever the district engineer becomes aware of plans being developed by either private or public entities who might require permits in order to implement the plans, he will advise the potential applicant in writing of the statutory requirements and the provisions of this regulation. Similarly when the district engineer is aware of changes in corps regulatory jurisdiction he will issue appropriate public notices.

(s) *Reports.*—The report of a district engineer on an application for a permit requiring action by the division engineer or by the Chief of Engineers will be in a letter form with the application and all pertinent comments, records, and studies including the final environmental impact statement if prepared, as inclosures. The following items will be included or discussed in the report:

(1) Name of applicant.
(2) Location of proposed work.
(3) Character and purpose of proposed work.
(4) Other Federal, State, and local authorizations obtained or required and pending.
(5) Date of public notice and public meeting or public hearings, if held, and summary of objections offered with comments of the district engineer thereon. The comments should explain the objections and not merely refer to inclosed letters.
(6) Views of State and local authorities.
(7) Views of district engineer concerning probable effect of the proposed work on:
(i) Navigation, present and prospective.
(ii) Harbor lines, if established.
(iii) Flood heights and drift.
(iv) Beach erosion or accretion.
(v) Fish and wildlife.
(vi) Water quality.
(vii) Aesthetics.
(viii) Ecology.
(iv) Historic values.
(x) Recreation.
(xi) Economy.
(xii) Water supply.
(xiii) Public interest.
(8) Other pertinent remarks, including need for the proposed work and alternatives reasonably available.
(9) A brief summary of the environmental impact statement, when required.
(10) Conclusions.
(11) Recommendations including any proposed special conditions.

[FR Doc.73-9300 Filed 5-9-73; 8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Diethylpropion in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
Washington, D.C. 20201
Feb. 15, 1973.

JOHN E. INGERSOLL
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C.

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above-named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further dis-

cussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) materials submitted spontaneously to the Bureau by the manufacturer of diethylpropion regarding the abuse potential of this drug; (4) published scientific and medical literature from the United States and other nations regarding these drugs; (5) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (6) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Diethylpropion is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Diethylpropion has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Diethylpropion is covered by a new drug application approved by the Food and Drug Administration for use in treatment of obesity.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(5) The legislative history of the Controlled Substances Act makes clear that the Bureau is to schedule drugs based upon their potential for abuse, and should not be required to wait until a number of lives have been destroyed or substantial problems have arisen before designating a drug as subject to controls. (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Report 91-1444 (part 1), p. 35, Sept. 10, 1970). Discussing factors used to measure potential for abuse, the report quotes from the regulations issued under the Drug Abuse Control Amendments of 1965 (id. at p. 34):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> (1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or
>
> (2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or
>
> (3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

The House Report goes on to say (id. at p. 35):

> In speaking of substantial potential [for abuse] the term "substantial" means more than a mere scintilla of isolated abuse, but less than a preponderance. Therefore, documentation that, say, several hundred thousand dosage units of a drug have been diverted would be substantial evidence of abuse despite the fact that tens of millions of dosage units of that drug are legitimately used in the same time period.

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, diethylpropion has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of diethylpropion is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Diethylpropion has a currently accepted medical use in treatment in the United States.

3. Abuse of diethylpropion may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that section 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances....	1405
(2) Diethylpropion	1610

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated May 3, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-9219 Filed 5-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

TULE LAKE AND LOWER KLAMATH NATIONAL WILDLIFE REFUGES, CALIF.

Proposed Elimination of Camping

It has been determined that the Tule Lake and Lower Klamath National Wildlife Refuges cannot adequately protect the health, safety, and personal property of those people who have been camping on the refuges. In the past, overnight camping has occurred on basically undeveloped sites along the State line Highway, Hill Road, and at the Chalk Banks each fall during the waterfowl hunting season. Refuge budgetary and manpower limitations have provided only a minimal sanitary service, trash collection, and police protection for these sites.

Evaluation of the capability of the private enterprise sector in the Klamath Basin Region has led to a recommendation that overnight accommodations for refuge users be shifted from the refuge to the private sector beginning with the 1973–74 waterfowl hunting season. Adequate capacity to provide the places to stay overnight should not place undue hardship upon the hunting public or preclude staying in the area for extended periods of time.

This notice recognizes that the free camping that has occurred on the refuge will no longer be available and that the personal cost to refuge hunters will be increased. The advantages of free camping are offset by the lack of the protection offered the refuge visitor and his property.

The Bureau of Sport Fisheries and Wildlife does not recommend the development of camping facilities on the refuges and the associated refuge staffing for personal and property protection in light of the capability of private enterprise to provide these services.

Therefore, the Regional Director, Region 1, Portland, Oreg., proposes the following regulations under CFR 50 part 28, § 28.28, Special regulations; public access, use and recreation; for individual wildlife refuge areas:

1. Overnight camping is prohibited within the boundaries of Tule Lake and Lower Klamath National Wildlife Refuges and Public Law 88–567 lands.

2. Vehicles are not permitted to remain on the refuge areas between 90 minutes after sunset each day until 2 hours before sunrise the following morning, except as used in the authorized conduct of agricultural operations by valid agricultural leaseholders and their agents.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, Oreg. 97208, on or before June 10, 1973.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 1, 1973.

[FR Doc.73-9229 Filed 5-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rule Making With Respect to Increase in Expenses for the 1972–73 Fiscal Period

Consideration is being given to the following proposal submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof. The proposed amendment would increase the committee's total spending authorization for the 1972–73 fiscal period to $892,500, an increase of $67,500. The committee plans to use the additional funds to expand its market development project, during the current marketing season.

The proposal is that the provisions of § 906.212 (37 FR 23546) be amended to read as follows:

§ 906.212 Expenses and rate of assessment.

(a) *Expenses.*—Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1972, through July 31, 1973, will amount to $892,500.

(b) *Rate of assessment.*—The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per 7/10 bushel carton, or an equivalent quantity of oranges and grapefruit.

All persons who desire to submit written data, views, or arguments in connection with aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than May 21, 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 May 7, 1973.

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

[FR Doc.73-9314 Filed 5-9-73;8:45 am]

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Proposed Rulemaking With Respect to Expenses and Fixing of Rate of Assessment for the 1973–74 Fiscal Period

Consideration is being given to the following proposals which were submitted by the industry committee, established under the marketing agreement, as amended, and order No. 918, as amended (7 CFR part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the industry committee during the period March 1, 1973, through February 28, 1974, will amount to $10,125.

(2) That rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at $0.01 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than May 21, 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 May 4, 1973.

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

[FR Doc.73-9287 Filed 5-9-73;8:45 am]

[7 CFR Part 1096]

[Docket No. AO 257–A22]

MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Sheraton Inn-Shreveporter, 3880 Greenwood Road, Shreveport, La., beginning at 9:30 a.m., on May 22, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northern Louisiana marketing area.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE NORTH LOUISIANA PURE MILK PRODUCERS ASSOCIATION, INC.

PROPOSAL NO. 1

Revise § 1096.7 to read as follows:

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the act or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d) or is diverted to a nonpool plant, other than the plant of a producer-handler, for not more than 10 days' production during the month: *Provided*, That the milk so diverted shall be deemed to have been received at the location of the pool plant to which diverted: *Provided further*, That, if a handler diverts milk of any dairy farmer in excess of the limit prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant: *And provided further*, That such diversion privileges shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire 2 immediately preceding months, except that only for the purpose of determining eligibility for diversion a dairy farmer who was in noncompliance with the Grade A inspection requirements of a duly constituted health authority during part of the immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance.

PROPOSAL NO. 2

Revise § 1096.13 (a) and (b) to read as follows:

§ 1096.13 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than a producer-handler plant) from which the quantity of fluid milk products, except filled milk, disposed of on routes during the month is not less than 50 percent of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted regulatory agency for distribution under a Grade A label and that are physically received at such plant or diverted to a nonpool plant as producer milk pursuant to § 1096.7, and such disposition on routes, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts; or

(b) A supply plant from which during the month not less than 50 percent of the total quantity of Grade A milk approved by a duly constituted regulatory agency that was physically received at such plant from dairy farmers and handlers described in § 1096.8(d) or diverted as producer milk to a nonpool plant pursuant to § 1096.7 is shipped during the month to a plant(s) described in paragraph (a) of this section: *Provided*, That any plant which was a pool plant pursuant to this paragraph in any of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for any of the remaining months through August.

* * * * *

PROPOSAL NO. 3

Revise § 1096.53(a) to read as follows:

§ 1096.53 Location adjustments to handlers.

(a) For milk received from producers at a plant located more than 50 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the city hall in Minden or Monroe, La., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1096.51(a) shall be reduced by 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearer of the city hall in Minden or Monroe; and

* * * * *

PROPOSAL NO. 4

Revise § 1096.75(a) to read as follows:

* * * * *

§ 1096.75 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at or diverted from a pool plant shall be reduced according to the location of the plant at which the milk was physically received, at the rates set forth in § 1096.53; and

PROPOSAL NO. 5

Amend the order to provide that the operator of a pool plant receiving milk directly from producers' farms through a cooperative in its capacity as a handler on bulk tank milk shall settle with the producer-settlement fund at the applicable class prices for such milk and shall make payment to the cooperative at not less than the uniform price.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 6

In § 1096.8, paragraphs (c) and (d) are revised as follows:

§ 1096.8 Handler.

* * * * *

(c) Any cooperative association with respect to milk of any producer which it causes to be diverted to a nonpool plant for the account of such association;

(d) A cooperative association with respect to milk of any producer which it causes to be delivered to a pool plant in a tank truck owned and operated by, or under contract to, such cooperative association. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered; and

* * * * *

PROPOSAL NO. 7

In § 1096.71, paragraph (a) is revised as follows:

§ 1096.71 Computation of uniform prices.

* * * * *

(a) Combine into one total the values computed pursuant to § 1096.70 for all handlers who made reports prescribed by § 1096.30 for such month and who made the payments for the previous month pursuant to § 1096.82;

* * * * *

PROPOSAL NO. 8

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, William J. Larzelere, P.O. Box 456, Metairie, La. 70004, or from the Hearing Clerk, room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 7, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-9313 Filed 5-9-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revision of REA Splicing Standard PC–2

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) and the Rural Development Act of 1972 (PL 92–419), REA proposes to issue REA Bulletin 345–6 to announce a revision of REA Splicing Standard PC–2. On issuance of REA Bulletin 345–6, appendix A to part 1701 will be modified accordingly.

Persons interested in the revised PC–2 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later

than June 11, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Splicing Standard PC–2 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of the REA Bulletin 345–6 announcing the issuance of the revised splicing standard is as follows:

REA BULLETIN 345–6

SUBJECT: REA SPLICING STANDARD PC–2

I. *Purpose.*—To announce a revision of REA Splicing Standard PC–2.

II. *General.*—The primary changes in REA Splicing Standard PC–2 involve the introduction of methods of handling and splicing filled cables and wires in buried plant construction.

The revised standard PC–2 becomes effective immediately and when referenced by the date of this issue in REA Form 511.

III. *Availability of Standard.*—Copies of the revised Standard PC–2 will be furnished by REA upon request. Questions concerning this newly revised standard may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

Dated May 4, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73–9312 Filed 5–9–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Definitions and Standards of Identity and Fill of Container

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Applesauce." The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex Standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex Standard may be accepted by a participating country in one of three ways: Full acceptance; target acceptance; and acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission-Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision. For some years the United States has had definitions and standards of identity (21 CFR 27.80) and fill of container (21 CFR 27.81) for canned applesauce, as promulgated by the Commissioner of Food and Drugs, which differ in several respects from the recommended international standard. The basis of this proposal to amend the FDA canned applesauce standards is the fact that, in the opinion of the Commissioner of Food and Drugs, it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to adopt as far as practicable the recommended worldwide standard for canned applesauce hereinafter referred to as the Codex Standard.

The Codex Standard references the Codex "sampling plans for prepackaged foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables and are being considered by the Codex Committee on Sampling and Analysis. There are no sampling plans of that type in any of the FDA food standards. The Codex sampling plans, although they are included by reference in the Codex Standard, have not reached the final step of development and therefore may be subject to further modification. The Commissioner, however, believes that this is an opportune time to elicit comments on sampling plans for use in the canned applesauce fill of container standard. The Commissioner proposes to limit the sampling plans to Codex inspection level II, which is appropriate where disputes arise and enforcement or need for better lot estimate is necessary. Definitions for "lot" and "sampling unit" have been expanded to make them more applicable to a wider range of size of primary containers. In addition, the definition of "defective" has been reworded to apply directly to the proposed sampling plans for canned applesauce.

The units of measurements in the FDA standards are stated in ounces or in units of the metric system, whereas the Codex standard uses only the metric system. The Commissioner recognizes that the international (metric) system is used throughout the world, is used in the United States for technical purposes, and may eventually be adopted by this country as common usage for measurements. The Commissioner, therefore, proposes that the metric system be used in the FDA standards of identity and fill of container for canned applesauce, with the equivalent units of the U.S. customary system shown parenthetically.

The Codex standard also includes hygiene requirements and certain basic labeling requirements that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act which is the legal basis for the promulgation of food standards. Hygiene and the other factors are, however, a concern of FDA under other sections of the Federal Food, Drug, and Cosmetic Act and, therefore, are not discussed further in this proposal.

Amendment of the FDA standards of identity and fill of container for canned applesauce will be based upon consideration of the following Codex standard, comments and supporting data received, and other available information.

RECOMMENDED INTERNATIONAL STANDARD FOR CANNED APPLESAUCE

1. *Description.*—1.1 *Product Definition.*—Canned applesauce is the comminuted or chopped product (a) prepared from washed, clean apples, conforming to the characteristics of the fruit of *Malus domesticus* Borkhausen which may have been peeled and which after trimming are sound, (b) packed with or without the addition of water as may be necessary to assure proper consistency, suitable nutritive sweeteners and seasoning ingredients appropriate to the product, and (c) processed by heat, in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

1.2 *Styles.*—1.2.1 Sweetened—with nutritive sweeteners; not less than 16.5 percent total soluble solids (16.5° Brix).

1.2.2 Unsweetened—without added sweeteners; not less than 7 percent total soluble solids (7.0° Brix).

1.3 *Classification of "defectives".*—A container that fails to meet the applicable requirements for total soluble solids, as set out in subsection 1.2, shall be considered a "defective".

1.4 *Acceptance.*—A lot will be considered as meeting the applicable requirements for total soluble solids referred to in subsection 1.3, when the number of "defectives", as defined in subsection 1.3, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (1969).

2. *Essential composition and quality factors.*—2.1 *Other ingredients.*—2.1.1 Salt.

2.1.2 Sucrose, invert sugar, dextrose, glucose syrup, dried glucose syrup.

2.1.3 Spices.

2.2 *Quality criteria.*—2.2.1 *Colour.*—Except for applesauce containing artificial colour, the product shall have a normal colour which should not be excessively dull, grey, pink, green, or yellow. Canned applesauce containing permitted ingredients or additives shall be considered to be of characteristic colour when there is no abnormal discolouration for the respective substances used.

2.2.2 *Flavour.*—Canned applesauce shall have a normal flavour and odour free from flavours or odours foreign to the product and canned applesauce with special ingredients shall have a flavour characteristic of that imparted by the applesauce and the other substances used.

2.2.3 *Consistency.*—The product shall possess a consistency that—after stirring and emptying the applesauce from the container to a dry flat surface—may be moderately mounded but is not excessively stiff or may be slightly thin so that it levels itself and such that at the end of two minutes there may be moderate but not excessive separation of free liquid.

2.2.4 *Defects.*—The number, size, and prominence of defects (such as seeds or particles thereof, peel, carpel tissue, bruised apple particles, dark particles, and any other extraneous material of like nature) shall not seriously affect the appearance or the eating quality of the product.

2.2.5 *Classification of "Defectives".*—A container that fails to meet one or more of the applicable quality requirements, as set out in subsection 2.2.1 through 2.2.4, shall be considered a "defective".

2.2.6 *Acceptance.*—A lot will be considered as meeting the applicable quality requirements referred to in subsection 2.2.5, when the number of "defectives", as defined in subsection 2.2.5, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (1969).

3. *Food Additives.*	*Maximum level of use*
3.1 *Acidifying Agents:*	
Malic acid	Not limited.
Citric acid	Not limited.
3.2 *Antioxidants,* ascorbic acid, iso-ascorbic acid	150 mg/kg, singly or in combination.
3.3 Natural flavours and their identical synthetic equivalents except those which are known to represent a toxic hazard.[1]	Not limited.
3.4 *Colours.*—Erythrosine—CI 45 430[1], Amaranth—CI 16 185, Fast Green FCF—CI 42 053, Tartrazine—CI 19 140, Sunset Yellow FCF—CI 15 985, Brilliant Blue FCF—CI 42 090, Indigotine—CI 73 015.[1]	200 mg/kg, singly or in combination.

[1] Temporarily endorsed.

4. *Hygiene.*—4.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC/RCP 2-1969).

4.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

4.3 The product shall not contain any pathogenic micro-organisms of any toxic substance originating from micro-organisms.

5. *Weights and measures.*—5.1 *Fill of Container.*—5.1.1 *Minimum Fill.*—The container shall be well filled with applesauce and the product shall occupy not less than 90 percent of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20° C which the sealed container will hold when completely filled.

5.1.2 *Classification of "defectives.*—A container that fails to meet the requirement for minimum fill (90 percent container capacity) of subsection 5.1.1 shall be considered a "defective".

5.1.3 *Acceptance.*—A lot will be considered as meeting the requirement of subsection 5.1.1 when the number of "defectives", as defined in subsection 5.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL-6.5) in the Sampling Plans for Prepackaged Foods (1969).

6. *Labelling.*—In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

6.1 *The name of the food.*—6.1.1 The name of the product shall include: (a) The designation: "apple sauce" or, if the product has not been sweetened, "unsweetened apple sauce"; (b) A declaration of any seasoning and flavouring which characterizes the product, e.g. "with X", when appropriate.

6.2 *List of ingredients.*—A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with subsections 3.2 (b), (c), and (d) of the General Standard for the Labeling of Prepackaged Foods.

6.3 *Net contents.*—The net contents shall be declared by weight in either the metric (Système International units) or avoirdupois or both systems of measurements as required by the country in which the product is sold.

6.4 *Name and address.*—The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.5 *Country of origin.*—6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

6.6 *Additional requirements.*—If colouring matter has been added, the fact shall be so stated on the label as to be easily discernible by the consumer.

7. *Methods of analysis and sampling.*—The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Method of sampling.*—Sampling shall be in accordance with the sampling plans for prepackaged foods (1969).

7.2 *Determination of total soluble solids.*—According to the A.O.A.C. (1965) method (Official Methods of Analysis of the A.O.A.C., 1965, *29.011:* (Solids) by Means of Refractometer (4) Official, Final action (*) (and 43.009 and 43.008)). Results are expressed as percent m/m sucrose (degree Brix) without correction for insoluble solids or acidity, but with correction for temperature to the equivalent at 20° C.

In many respects the provisions of the present FDA standards and the Codex standard are identical, but in certain instances there are significant variations. The following is a comparison of what, in the opinion of the Commissioner, are the primary differences between the FDA standards and the Codex standard on which the Commissioner particularly requests comments with available supporting data. Following each item of comparison is the action the Commissioner proposes to take; the Commissioner may, however, modify the following proposed action in light of comments received.

COMPARISON OF IDENTITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Botanical name.*—21 CFR 27.80(a) contains the botanical or scientific name for apples as *Pyrus malus.* The Commissioner proposes that the botanical name be changed to the current internationally accepted nomenclature, *Malus domestica* Borkhausen as provided for by Codex (1.1).

2. *Product preparation.*—Codex (1.1) states that the product be prepared from washed, clean apples whereas no such requirement exists in the FDA standard. The Commissioner proposes no change, as adulteration is covered under section 402 of the Federal Food, Drug, and Cosmetic Act and not under section 401 of the act which is the basis for the promulgation of food standards.

3. *Soluble solids content.*—a. *Minimum level.*—21 CFR 27.80(a) requires that the soluble solids content be not less than 9 percent exclusive of the solids of any added optional nutritive sweeteners, whereas Codex (1.2.2) provides for not less than 7 percent in the unsweetened product. The Commissioner proposes no change, for to reduce the soluble solids content would not be in the interest of consumers. Apples grown in the United States meet the 9 percent requirement.

b. *Analytical procedure.*—21 CFR 27.80 (a) references the Official Methods of Analysis of the Association of Official Agricultural Chemists (AOAC), 10th Ed., for use in determining the soluble solids content with the exception that no correction is made for water-insoluble solids. Codex (7.2) states that the analysis be made according to the AOAC, 10th Ed., with results expressed as percent m/m (by weight) sucrose (degrees Brix) and without correction for insoluble solids or acidity, but with correction for temperature to the equivalent at 20° C. The Commissioner proposes that the method be updated to reference the current issue of the AOAC (now the Official Methods of Analysis of the Association of Official Analytical Chemists), 11th Ed., except that there be no correction for water-insoluble solids, invert sugar, or other substances.

c. *Sampling and acceptance procedure.*—The FDA standard does not provide for a sampling and acceptance procedure for soluble solids content. Codex (1.3) states that a container that fails to meet the applicable requirements for total soluble solids shall be considered a defective. A lot will be considered as meeting the applicable Codex (1.4) requirements for total soluble solids when the number of defectives does not exceed the acceptance number in the appropriate sampling plans (AQL—6.5) in the Sampling Plans for Prepackaged Foods (1969). The Commissioner proposes that the Codex sampling and acceptance procedure not apply to soluble solids, in that the percent soluble solids is a formulation requirement for identity purposes and would not be dependent on the individual cans within a lot.

4. *Optional ingredients.*—a. *Apple juice.*—21 CFR 27.80(b)(2) provides for the use of apple juice in such proportion as is reasonably required to accomplish its intended effect, whereas Codex is silent on the use of apple juice. The Commissioner proposes no change in the FDA standard, in that apple juice is a natural apple product and its use would not adversely affect the applesauce, and its use would not offend the Codex standard.

b. *Acidifying agents.*—21 CFR 27.80 (b)(4) provides for the addition of any edible organic acid added for the purpose of acidification (those organic acids generally recognized as having a preservative effect are excluded except erythorbic acid and ascorbic acid when used in specified quantities) in an amount such that the titratable acidity of the finished food is not more than 0.7 percent by weight calculated as malic acid. Codex (3.1) provides for the use of malic and citric acids with no maximum level of

(*) The subtitle "applicable only to liquid samples containing no undissolved solids" does not apply.

use. The Commissioner proposes no change except that the term "edible" organic acid be changed to read "safe and suitable" organic acid in conformity with the language contained in a number of the more recent nonrecipe standards and consistent with the use of this optional ingredient in canned applesauce. The FDA requirement permitting the use of any safe and suitable organic acid allows for greater flexibility in the use of organic acids and sets an upper limit on the amount of the acids that may be used.

c. *Artificial flavoring.*—21 CFR 27.80 (b)(7) provides for the use of flavoring, other than artificial flavorings. Codex (3.3) provides for use of natural flavors and their identical synthetic equivalents except those which are known to represent a toxic hazard. The Commissioner proposes that 21 CFR 27.80(b)(7) be amended to provide for the use of safe and suitable artificial flavoring in addition to natural flavoring.

d. *Fortification with vitamin C.*—21 CFR 27.80(b)(8)(ii) provides for the addition of ascorbic acid in a quantity such that the total vitamin C in each 4 ounces by weight of the finished food amounts to not less than 30 mg nor more than 60 mg. Codex does not provide for fortification with vitamin C. In order to encourage manufacturers to use the maximum level currently provided for in the regulation, the Commissioner now proposes that when the option to add vitamin C is exercised, a single minimum level be provided for with provision made for reasonable overages within the limits of good manufacturing practice.

e. *Color additives.*—21 CFR 27.80(b)(9) provides for the use of color additives in such quantity as to distinctively characterize the food unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is. Codex (3.4) lists seven specific color additives with a maximum level of use. The Commissioner proposes no change, as the specific color additives which may be used are provided for under 21 CFR parts 8 and 9.

5. *Labeling.*—a. *Addition of color and artificial flavoring.*—21 CFR 27.80(c) states that if the applesauce contains a color additive, the name of the food (applesauce) shall be immediately preceded or followed by the statement "Artificially colored" or "Artificially colored ------", the blank being filled in with the word that accurately describes the color of the food. Codex (6.6) requires that the fact that coloring has been added should be stated on the label so as to be easily discernible by the consumer. Codex (6.2) also provides for a complete listing of ingredients. The Commissioner proposes deletion of the label declaration requirement that added color that characterizes the food be a part of the name of the food. In addition, the Commissioner proposes that the name of the food shall include a declaration indicating the presence of any flavoring that characterizes the product as specified in the proposed revision of 21 CFR 1.12 in the FEDERAL REGISTER of January 19, 1973 (38 FR 2139). These changes further the plan of the Commissioner to establish a uniform labeling pattern for both standardized and nonstandardized foods.

b. *Sweetened applesauce.*—21 CFR 27.80(c) provides that if a nutritive sweetener is added, and the soluble solids content of the finished food is not less than 16.5 percent, the name of the food (applesauce) may include the word "sweetened", Codex has no such provision, but does not prohibit such a statement. The Commissioner proposes no change.

c. *Unsweetened applesauce.*—21 CFR 27.80(c) states that if a nutritive sweetener has not been added to the product, the name of the food (applesauce) may include the word "unsweetened", Codex (6.1.1(a)) requires that the name of a product which has not been sweetened shall include the designation "unsweetened applesauce". The Commissioner proposes no change. Some products may be quite sweet yet contain no added sweetener. For a product to be labeled unsweetened may be misleading by implying tartness.

d. *Optional ingredients.*—(i) *Water, apple juice, and salt.*—21 CFR 27.80(d)(1) requires that added water, apple juice, and salt be declared as such. Codex (6.2) requires that a complete listing of ingredients be declared on the label. The Commissioner proposes that 21 CFR 27.80(d)(1) be deleted in view of the proposed requirement that there be a complete listing of optional ingredients.

ii. *Nutritive sweeteners.*—21 CFR 27.80 (d)(2) requires that such ingredients be declared by the common name or names of the sweetener or sweeteners used. Codex (6.2) requires that a complete listing of ingredients be declared on the label. The Commissioner proposes that 21 CFR 27.80(d)(2) be deleted in view of the proposed requirement that there be a complete listing of optional ingredients.

iii. *Edible organic acids.*—The FDA standard (21 CFR 27.80(d)(3)) requires these ingredients to be declared by the statement "With ------ acid added" or "With added ------ acid", the blank to be filled in with the common name of the acid used. Codex has no such specific provision. The Commissioner proposes that 21 CFR 27.80(d)(3) be deleted, in view of the proposed requirement that there be a complete listing of optional ingredients.

iv. *Spices and flavorings.*—21 CFR 27.80(d)(4) requires that spices be declared by the statement "Spiced" or "Spice added" or "With added spice", or in lieu of the word "spice", the common name of the spice. 21 CFR 27.80(d)(5) requires that flavoring be declared by the statement "Flavoring added" or "With added flavoring", or in lieu of the word "flavoring", the common name of the flavoring. Codex (6.2) requires that a complete listing of ingredients be declared on the label, in descending order of proportion. In addition, Codex (6.1.1 (b)) requires that the name of the product include a declaration of any seasoning (i.e., spice) and flavoring which characterizes the product, as for example, "with X", when appropriate. Subsection 3.2(c) of the "Recommended International General Standard for the Labelling of Prepackaged Foods" referenced in Codex (6.2) provides that in the ingredient statement added spice may be declared as "spices" and added flavoring as "flavors" in lieu of the common or usual names. The Commissioner proposes that 21 CFR 27.80(d) (4) and (5) be deleted in view of the proposed requirement that there be a complete listing of optional ingredients. In addition, the Commissioner proposes that the name of the food shall include a declaration indicating the presence of any flavoring that characterizes the product as specified in 21 CFR 1.12 and a declaration of any spice that characterizes the product.

v. *Antioxidants.*—21 CFR 27.80(d)(6) requires that when erythorbic acid or ascorbic acid is added as an antioxidant preservative it shall be declared on the label by the statement "Erythorbic acid added ------" or "Ascorbic acid added ------", the blank being filled in with "to preserve color and flavor" or "as a preservative." Subsection 3.2(c) of the "Recommended International General Standard for the Labeling of Prepackaged Foods" referenced in Codex (6.2) provides that in the ingredient statement added antioxidants may be declared as "antioxidants" in lieu of the common or usual names. The Commissioner proposes that 21 CFR 27.80(d)(6) be deleted and that reference be made that all labeling shall comply with the applicable sections of part 1 of this chapter.

vi. *Fortification with vitamin C.*—21 CFR 27.80(d)(7) requires that applesauce containing ascorbic acid (vitamin C) as provided for in 21 CFR 27.80(b)(8)(ii) shall bear the labeling requirement for antioxidants, and in addition thereto the statement "Vitamin C added" or "With added vitamin C." Codex has no such labeling provision, since fortification with vitamin C is not provided for. The Commissioner is of the opinion that the provision for fortification with vitamin C be retained in the United States' standard. Therefore, he proposes that 21 CFR 27.80(d)(7) be deleted and that when canned applesauce has been fortified with vitamin C the label shall comply with the applicable sections of part 1 of this chapter.

Concerning ascorbic acid, the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036 has requested that the Commissioner of Food and Drugs give consideration to the fact that only when the addition of ascorbic acid is prior to or during the heating process does the substance serve as a color and flavor preservative. Addition of ascorbic acid after the application of heat has no preservative effect and it serves simply as a nutrient. In view of this, the Commissioner further proposes that when ascorbic acid is added after the application of heat to the apples, the applesauce shall be exempt from the label declaration as required under section 403(k) of the Federal Food, Drug, and Cosmetic Act.

e. *Complete listing of ingredients.*—21 CFR 27.80(d) presently provides specific

language for the listing of all optional ingredients except color additives which are included as part of the name of the food. 21 CFR 27.80(e) presently provides the requirements for listing the optional ingredients (namely prominence and conspicuousness) except color additives on the label. The Commissioner proposes that except for spices, flavorings, and colorings, which may be declared as such, the common name of each optional ingredient used shall be declared on the label as required by the applicable sections of 21 CFR part 1.

QUALITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Color criteria.*—The FDA has no specific provision for color criteria. Codex (2.2.1) states that except for artificially colored applesauce the product shall have a normal color. Canned applesauce containing permitted ingredients or additives shall be considered to be of characteristic color when there is no abnormal discoloration for the respective substances used. The Commissioner proposes not to provide for color criteria, in that the Codex language is not specific enough to be useful in enforcing a legal requirement.

2. *Flavor criteria.*—The FDA has no provision for flavor criteria. Codex (2.2.2) requires that canned applesauce shall have a normal flavor and odor free from flavors or odors foreign to the product. The Commissioner proposes not to provide for flavor criteria, in that abnormal odor or flavor would make the food adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act.

3. *Consistency.*—The FDA has no provision for consistency. Codex (2.2.3) provides a general procedure for determining consistency. The Commissioner proposes not to provide for consistency, in that the Codex standard does not provide finite parameters to permit legal enforcement.

4. *Defects.*—The FDA does not provide for a general statement on defects. Codex (2.2.4) states that the number, size, and prominence of defects shall not seriously affect the appearance or the eating quality of the product. The Commissioner proposes not to provide for defects, in that the descriptions of the quality defects are not specific.

5. *Sampling and acceptance procedure for quality factors.*—The FDA does not provide for a sampling and acceptance procedure for quality factors. Codex (2.2.5) states that a container that fails to meet one or more of the applicable quality requirements shall be considered a defective Codex (2.2.6) states that a lot will be considered as meeting the applicable quality requirements when the number of defectives does not exceed the acceptance number of the appropriate sampling plan (AQL-6.5) in the Sampling Plans for Prepackaged Foods (1969). The Commissioner proposes not to provide for such, in that the descriptions of the quality factors are not specific.

COMPARISON OF FILL OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Minimum fill.*—21 CFR 27.81(a) requires that the standard of fill of container be not less than 90 percent of the total capacity of the container, except that in the case of glass containers that have a total capacity of 6½ fluid ounces or less, the fill is not less than 85 percent. Codex (5.1.1) requires that the container shall be well filled with applesauce and the product shall occupy not less than 90 percent of the water capacity of the container. The Commissioner proposes no change in the FDA standard, in that it specifies the minimum fill of small glass containers and there is no basis for change.

2. *Sampling and acceptance procedures.*—The FDA standard has no provision regarding these procedures. Codex (5.1.2) states that a container that fails to meet the requirement for minimum fill shall be considered a "defective". Codex (5.1.3) states that a lot will be considered as meeting the requirement of fill when the number of "defectives" does not exceed the acceptance number of the appropriate sampling plan (AQL-6.5) in the Sampling Plans for Prepackaged Foods (1969). The Commissioner proposes sampling and acceptance procedures for minimum fill that are based on the Codex sampling plans.

3. *Labeling of substandard fill.*—21 CFR 27.81(b) currently provides specific labeling requirements for canned applesauce which falls below the standard of fill of container. Codex is silent on disposition of canned applesauce that does not meet the standard. This is left entirely to the individual country accepting the standard. The Commissioner proposes no change, as the provision provides a means of labeling of canned applesauce that does not meet the minimum fill requirement.

Accordingly, the Commissioner has determined that the existing canned applesauce definition and standards of identity (21 CFR 27.80) and fill of container (21 CFR 27.81) should be amended to provide for certain features, based on the Codex standard, that would, in his opinion, promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend part 27 in §§ 27.80 and 27.81 to read as follows:

§ 27.80 Canned applesauce; identity; label statement of optional ingredients.

(a) Canned applesauce is the food prepared from comminuted or chopped apples (*Malus domestica* Borkhausen), which may or may not be peeled and cored, and which may have added thereto one or more of the optional ingredients specified in paragraph (b) of this section. The apple ingredient is heated and, in accordance with good manufacturing practices, bruised apple particles, peel, seed, core material, carpel tissue, and other coarse, hard, or extraneous materials are removed. The food is sealed in containers. It is so processed by heat, either before or after sealing, as to prevent spoilage. The soluble solids content, measured by refractometer and expressed as percent sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), is not less than 9 percent (exclusive of the solids of any added optional nutritive sweeteners) as determined by the method prescribed in Official Methods of Analysis of the Association of Official Analytical Chemists, 11th Edition, 1970, page 371, § 22.019, Soluble Solids (By Refractometer) in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official First Action[1] without correction for water-insoluble solids, invert sugar, or other substances.

(b) Applesauce may contain the optional ingredients set out in this paragraph; but if any such ingredient is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act, it is used only in conformity with a regulation established pursuant to section 409 or 706 of the act. Optional ingredients that may be used in applesauce in such proportions as are reasonably required to accomplish their intended effects are:

(1) Water.
(2) Apple juice.
(3) Salt.
(4) Any safe and suitable organic acid added for the purpose of acidification in an amount such that the titratable acidity of the finished food is not more than 0.7 percent by weight calculated as malic acid. (Organic acids generally recognized as having a preservative effect are not permitted in applesauce except as provided for in paragraph (b)(8) of this section.)
(5) Nutritive sweeteners.
(6) Spices.
(7) Natural and artificial flavoring.
(8) Either of the following:
(i) Erythorbic acid or ascorbic acid as an antioxidant preservative in an amount not to exceed 150 p/m; or
(ii) Ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 113 g (4 ounces) by weight of the finished food amounts to 60 mg. This requirement will be deemed to have been met if a reasonable overage of the vitamin, within limits of good manufacturing practice, is present to insure that the required level is maintained throughout the expected shelf life of the food under customary conditions of distribution.
(9) Color additives in such quantity as to distinctly characterize the food unless such addition conceals damage or

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

inferiority or makes the finished food appear better or of greater value than it is.

(c) The name of the food is "applesauce." The name of the food shall include a declaration indicating the presence of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice that characterizes the product. If a nutritive sweetener as provided for in paragraph (b)(5) of this section is added and the soluble solids content of the finished food is not less than 16.5 percent as determined by the method referred to in paragraph (a) of this section, the name may include the word "sweetened." If no such sweetener is added, the name may include the word "unsweetened."

(d) All optional ingredients shall be declared on the label. All labeling shall comply with the applicable sections of part 1 of this chapter. However, when ascorbic acid (vitamin C) is added as provided for in paragraph (b)(8)(ii) of this section, after the application of heat to the apples, preservative labeling requirements do not apply.

§ 27.81 Canned applesauce; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned applesauce is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.6(b) of this chapter; except that in the case of glass containers having a total capacity of 192 ml (6½ fluid ounces) or less, the fill is not less than 85 percent.

(b) Sampling and acceptance procedure. A lot will be deemed to fall below the standard of fill when the number of "defectives" exceeds the acceptance number "c" (see par. (b)(2) of this section) in the sampling plans prescribed in paragraph (b)(2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (b)(2) of this section are as follows:

(i) *Lot.*—A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.*—The number of primary containers or units in the lot.

(iii) *Sample size "n".*—(See par. (b)(2) of this section.) The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.*—A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.*—A container that falls below the requirement for minimum fill prescribed in paragraph (a) of this section is considered a "defective."

(vi) *Acceptance number "c".*—The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).*—The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling and acceptance:

• ACCEPTABLE QUALITY LEVEL (AQL) 6.5

Lot Size (Primary Containers)	Size of Container	
	Net weight equal to or less than 1 kg (2.2 lbs)	
4,800 or less	[1] 13	[2] 2
4,801 to 24,000	[1] 21	[2] 3
24,001 to 48,000	[1] 29	[2] 4
48,001 to 84,000	[1] 48	[2] 6
84,001 to 144,000	[1] 84	[2] 9
144,001 to 240,000	[1] 126	[2] 13
Over 240,000	[1] 200	[2] 19
	Net weight greater than 1 kg (2.2 lbs) but not more than 4.5 kgs (10 lbs)	
2,400 or less	[1] 13	[2] 2
2,401 to 15,000	[1] 21	[2] 3
15,001 to 24,000	[1] 29	[2] 4
24,001 to 42,000	[1] 48	[2] 6
42,001 to 72,000	[1] 84	[2] 9
72,001 to 120,000	[1] 126	[2] 13
Over 120,000	[1] 200	[2] 19
	Net weight greater than 4.5 kgs (10 lbs)	
600 or less	[1] 13	[2] 2
601 to 2,000	[1] 21	[2] 3
2,001 to 7,200	[1] 29	[2] 4
7,201 to 15,000	[1] 48	[2] 6
15,001 to 24,000	[1] 84	[2] 9
24,001 to 42,000	[1] 126	[2] 13
Over 42,000	[1] 200	[2] 19

[1] n=number of primary containers in sample.
[2] c=acceptance number.

(c) If canned applesauce falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Interested persons may, on or before August 8, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 30, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-9144 Filed 5-9-73;8.45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

Proposed Compliance Schedule For Tennessee

On December 9, 1972, the Environmental Protection Agency promulgated regulations pursuant to section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857), which clarified requirements related to the completion of State plans implementing national ambient air quality standards. States were directed pursuant to 40 CFR 51.15(a)(2) to submit by February 15, 1973, compliance schedules with increments of progress for all air pollution sources or source categories subject to a final compliance date for an emission limitation in an implementation plan that was after January 31, 1974. The State of Tennessee failed to submit all of the schedules required by February 15, 1973; and some of the schedules submitted by that date failed to satisfy the substantive requirements pertaining to such schedules, as stated in 40 CFR 51.15 (b) and (c). Formal disapproval of those schedules will be published at a later date, unless they are revised in the interim so as to be approvable.

The Administrator has determined pursuant to section 110(c) of the act that it is appropriate at this time to propose a categorical compliance schedule with increments of progress for sources subject to all of the Tennessee air pollution control regulations that require compliance by July 1, 1975. This compliance schedule would require sources which are not in compliance with an applicable regulation to take specified action in order to be in compliance by July 1, 1975. A source which is in compliance may be exempted from such action only by certifying compliance to the Administrator within 30 days after promulgation of the compliance schedule below. Sources and the State are encouraged to continue development of individual schedules. Such schedules may be submitted at any time. If the Administrator approves a schedule that is submitted by the State, an affected source will automatically be exempt from the compliance schedule below.

Several of the regulations involved have interim emission limitations that are now or will soon be effective. One regulation has an optional final limitation that will be effective August 9, 1973, for sources that choose that option. The proposed compliance schedule is not intended to relieve sources from an obligation to conform to these interim or optional limitations.

A notice of public hearing on the proposed compliance schedule appears in this issue of the FEDERAL REGISTER at page 12250. Interested persons may also participate in this rulemaking by submitting ipate in this rulemaking by submitting written comments in triplicate to the Regional Administrator, Environmental Protection Agency, attention: Paul J. Traina, Compliance Schedules for the State of Tennessee, 1421 Peachtree Street NE., Atlanta, Ga. 30309. All comments received no later than June 11, 1973, will be considered. Receipt of comments will be acknowledged, but the Administrator will not provide substantive responses to individual comments. All comments will be available for public inspection during normal business hours at the above address.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, 42 U.S.C. 1857c-5.

Dated May 8, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend part 52 of chapter I, title 40 of the Code of Federal Regulations by adding a new § 52.2223 as follows:

Subpart RR—Tennessee

§ 52.2223 Compliance Schedules.

(a) *Federal compliance schedule.*—(1) Except as provided in paragraph (a) (3) of this section, the owner or operator of any stationary source subject to the following emission limiting regulations in the Tennessee implementation plan shall comply with the compliance schedule in paragraph (a) (2) of this section: Tennessee air pollution control regulations, chapter VI, section 2.A (except sources with less than 4,000 million Btu per hour heat input that must comply with the requirements of section 2.A.2 by August 9, 1973); section 2.C; section 4.B.1; chapter VII, section 8.B.1 (section 6.B.1 in the Tennessee implementation plan); section 9.A.1 (section 7.A.1 in the Tennessee implementation plan).

(2) Compliance schedule:

(i) September 1, 1973—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the applicable regulations.

(ii) November 1, 1973—Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(iii) December 1, 1973—Initiate onsite construction or installation of emission control equipment or process modification.

(iv) May 1, 1975—Complete onsite construction or installation of emission control equipment or process modification.

(v) July 1, 1975—Achieve compliance with the applicable regulations and certify such compliance to the Administrator.

(vi) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Five days after the deadline for completing increments (ii) through (iv) in this paragraph (a) (2) certify to the Administrator whether the increment has been met.

(3) Paragraphs (a) (1) and (2) of this section shall not apply to a source or source category for which the Administrator approves a compliance schedule submitted by the State. Paragraphs (a) (1) and (2) of this section shall also not apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator within 30 days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary for proper certification.

(4) The compliance schedule in (a) (2) of this section shall not excuse a source from complying with any interim emission limitation on the date prescribed in a Tennessee air pollution control regulation listed in paragraph (a) (1) of this section.

(5) Nothing in this paragraph (a) shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (a) (2) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.73-9388 Filed 5-9-73;8:45 am]

[40 CFR Part 113]

LIABILITY LIMITS FOR SMALL ONSHORE OIL STORAGE FACILITIES

Notice is hereby given that the Administrator, Environmental Protection Agency, proposes to amend chapter 40, CFR, by adding a new part 113, subpart A, relating to limiting the financial liability of certain oil storage facilities for removal of discharges by the U.S. Government.

The proposed new part 113 to title 40 of the Code of Federal Regulations would establish liability limits for onshore oil storage facilities having a total fixed capacity of 1,000 bbl (barrels) or less. Section 311(f) (2) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321(f) (2), authorizes the Administrator to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 bbl or less which he determines because of size, type, and location, do not present a substantial risk of the discharge of oil and hazardous substances in violation of subsection (b) (4) of section 311, and apply with respect to such classifications differing limits of liability, which may be less than the amount specified in section 311(f) (2). (Sec. 311(f) (2) provides for a maximum liability of $8 million for onshore facilities.) Inasmuch as section 311(f) (2) authorizes the limiting of liability for small onshore oil or hazardous substances storage facilities and additional study will be required before proposed limits pertaining to those facilities storing hazardous substances can be developed, it is contemplated that part 113 will consist of two subparts. The following is designated as subpart A—Oil Storage Facilities; subpart B, which may be issued in the future, will pertain to those small onshore facilities that store hazardous substances.

The proposed regulations have been prepared after consultation with the Secretary of Commerce and the Small Business Administration.

Limited data are presently available to evaluate the entire range of liabilities which may be expected. Historical data do show, however, that small facilities of the type described in the proposed regulations do not present as substantial a risk of extensive environmental damage as do larger sized fixed oil storage facilities. Because of the relatively small quantities of oil such facilities have stored at any given time, it would be expected that discharges from these facilities, although violating regulations promulgated pursuant to section 311(b) (4) of the act, would not result in large scale environmental degradation. The classifications and financial liability limits specified in the proposed regulation are based on average historical costs of removal and are designed to provide an acceptable level of environmental protection without imposing undue financial requirements on small business enterprises. As additional data on removal costs are accumulated, however, liability limits, size classes or differentials for aboveground as against belowground facilities may be adjusted.

The bases for size classifications, differentials for aboveground as against belowground siting, and dollar values associated thereto, are as follows:

1. The four size classifications contemplated in the proposed regulation are:

Class I—up to 10 bbl capacity.—This size class includes the majority of small commercial and industrial establishments employing standardized welded steel tankage.

Class II—11 to 170 bbl capacity.—This size class includes small apartment buildings, small vehicle fleet operations, and small commercial and industrial establishments.

Class III—171 to 500 bbl capacity.—This size class includes most service stations, marinas, medium sized apartment buildings and some industrial establishments.

Class IV—501 to 1,000 bbl capacity.—This size class includes primarily industrial plants, large hotels, and apartment buildings, and large service stations.

2. The relatively higher liability limit proposed for belowground storage facilities is based upon data that indicate a time lapse between the occurrence of a spill and initiation of containment and countermeasure actions. As a consequence of the time lag, spills from belowground facilities tend to be of larger quantity than from comparably sized aboveground facilities and escaped material spreads over a greater area of the receiving water body, complicating removal and mitigation operations.

3. The dollar values for liability limits were derived from data on cost of removing oil spills of various sizes from the navigable waters of the United States. These data were furnished primarily by the regional offices of EPA, with assistance from the U.S. Coast Guard and various cleanup contracting companies.

Interested persons are invited to submit, in triplicate, written data, views, and arguments concerning the proposed regulations to the Division of Oil and Hazardous Materials, Office of Water Program Operations, EPA, Washington, D.C. 20460. All relevant material received on or before July 9, 1973, will be considered by the Administrator before taking final action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

ROBERT W. FRI,
Acting Administrator.

MAY 7, 1973.

PART 113—LIABILITY LIMITS FOR SMALL ONSHORE STORAGE FACILITIES

Subpart A—Oil Storage Facilities

Sec.
113.1 Purpose.
113.2 Applicability.
113.3 Definitions.
113.4 Size classes and liability limits.
113.5 Exclusions.
113.6 Effect on other laws.

AUTHORITY.—Section 311(f)(2), 86 Stat. 867, 33 U.S.C. 1321 (1972).

§ 113.1 Purpose.

This subpart establishes size classifications and associated liability limits for small onshore oil storage facilities with fixed capacity of 1,000 bbl or less.

§ 113.2 Applicability.

This subpart applies to all onshore oil storage facilities with fixed capacity of 1,000 bbl or less. When a discharge to the waters of the United States occurs from such facilities and when removal of said discharge is performed by the U.S. Government pursuant to the provisions of subsection 311(c)(1) of the act, the liability of the owner or operator of the facility will be limited to the amounts specified in § 113.4.

§ 113.3 Definitions.

As used in this subpart, the following terms shall have the meanings indicated below:

(a) "Aboveground" storage facility means a tank or other container, the bottom of which is on a plane not more than 6 inches below the surrounding surface.

(b) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1151, et seq.

(c) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(d) "Belowground" storage facility means a tank or other container located other than as defined as "Aboveground".

(e) "Discharge" includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

(f) "Onshore Oil Storage Facility" means any facility (excluding motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States, other than submerged land.

(g) "On-Scene Coordinator" is the single Federal representative designated pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan and identified in approved Regional Oil and Hazardous Substances Pollution Contingency Plans.

(h) "Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(i) "Remove" or "removal" means the removal of the oil from the water and shorelines or the taking of such other actions as the Federal On-Scene Coordinator may determine to be necessary to minimize or mitigate damage to the public health or welfare, including but not limited to, fish, shellfish, wildlife and public and private property, shorelines and beaches.

Additionally, the terms not otherwise defined herein shall have the meanings assigned them by section 311(a) of the act.

§ 113.4 Size classes and associated liability limits for fixed onshore oil storage facilities, 1,000 bbl or less capacity.

Unless the United States can show that oil was discharged as a result of willful negligence or willful misconduct within the privity and knowledge of the owner or operator, the following limits of liability are established for fixed onshore facilities in the classes specified:

A. ABOVEGROUND STORAGE

Size class	Capacity (barrels)	Limit (dollars)
I	up to 10	4,000
II	11 to 170	60,000
III	171 to 500	150,000
IV	501 to 1,000	200,000

B. BELOWGROUND STORAGE

I	up to 10	5,200
II	11 to 170	78,000
III	171 to 500	195,000
IV	501 to 1,000	260,000

§ 113.5 Exclusions.

This subpart does not apply to:

(a) Those facilities whose average daily oil throughput is more than their fixed oil storage capacity.

(b) Vehicles and rolling stock.

§ 113.6 Effect on other laws.

Nothing herein shall be construed to limit the liability of any facility under State or local law or under any Federal law other than sec. 311 of the act, nor shall the liability of any facility for any charges or damages under State or local law reduce its liability to the Federal Government under section 311 of the act, as limited by this subpart.

[FR Doc.73-9335 Filed 5-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Credit Other Than Open End—Specific Disclosures

1. Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Board of Governors proposes to amend part 226 (regulation Z). The proposed amendment would require creditors to disclose to customers, in advance of their becoming obligated on a credit contract, if the contract does not provide for rebates of finance charges upon prepayment of the obligation. The amendment is proposed in the manner and for the reasons set forth below:

Amend § 226.8(b)(7) to read as follows:

§ 226.8 Credit Other Than Open End—Specific disclosures.

* * * * *

(b) *Disclosures in sale and nonsale credit.* * * *

(7) Identification of the method of computing any unearned portion of the finance charge in the event of prepayment of an obligation which includes precomputed finance charges and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer. If the credit contract does not provide for any rebate of finance charges upon prepayment, this fact shall be disclosed.

* * * * *

2. The proposed amendment would add a requirement to § 226.8(b)(7) regarding rebates on contracts with precomputed finance charges to the effect that "if the credit contract does not provide for any rebate of finance charges upon prepayment, this fact shall be disclosed." Presently creditors are required to make a disclosure regarding finance charge rebates only in the event that rebates are made. The proposal would require creditors whose contracts do not call for rebates to disclose this fact to their customers. The provision has been amended to also clarify its application only to obligations which include precomputed finance charges.

3. Should the Board adopt the proposed amendment after considering the comments received on it, an effective date would be set far enough in advance to allow for the orderly change of forms where necessary. This notice is published pursuant to section 553(b) of title 5 United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than June 15, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9234 Filed 5-9-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-29]

ADVISORY PANEL ON INTERNATIONAL LAW

Notice of Meeting

The Advisory Panel on International Law will meet on Monday, May 21, 1973, at the Department of State. The meeting will be closed pursuant to a formal determination that the proposed activities of the panel at this meeting fall within policies concerned with those recognized in section 522(b)(1) of title 5 of the United States Code, and that the public interest required that such activities be withheld from disclosure.

Dated May 4, 1973.

RONALD F. STOWE,
Executive Secretary.

[FR Doc.73-9302 Filed 5-9-73;8:45 am]

[Public Notice CM-28]

LAW OF THE SEA ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Public Law 92-463), notice is given that the Law of the Sea Advisory Committee shall hold a meeting on Friday and Saturday, May 18 and 19. As it has been determined that the meeting will involve discussion of law of the sea matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the meeting shall be a closed one not open to the general public. The reason for this determination is that documents classified in accordance with Executive Order 11652 would be circulated and discussed.

MYRON H. NORDQUIST,
Executive Secretary.

MAY 3, 1973.

[FR Doc.73-9301 Filed 5-9-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

FIREARMS

Acquisition, Transfer, Receipt, Shipment, or Possession; Granting of Relief

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

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

Amidon, Donald Wayne, 809 Ethel, Austin, Tex., convicted on November 7, 1963, in the 147th Judicial District Court, Travis County, Tex.

Andrews, Joseph B., 1919 Maddy Lane, Keego Harbor, Mich., convicted on May 13, 1936, by the Gratiot County Circuit Court, Michigan, and on February 6, 1939, by the Gratiot County Circuit Court, Michigan.

Bardine, Calvert S., Main Street, Box 88, Keewatin, Minn., convicted on December 8, 1930, by the U.S. District Court, Fifth Division, District of Minnesota.

Bernard, Lonnie, 15821 Baylis, Detroit, Mich., convicted on August 13, 1964, by the U.S. District Court for the Eastern District of Michigan, Southern Division.

Boudreau, Barry, 135 West Brickley Street, Hazel Park, Mich., convicted on June 2, 1969, by the Circuit Court, county of Oakland, Mich.

Buche, Russell J., 3712 Southeast 56th Avenue, Portland, Oreg., convicted on November 20, 1937, in the Circuit Court, Multnomah County, Oreg., and on February 25, 1939, in the Circuit Court, Multnomah County, Oreg., and on July 21, 1943, in the U.S. District Court for the District of Oregon, Oregon.

Butzow, Charles A., Jr., 1506 Franklin Hill, Wausau, Wis., convicted on October 10, 1967, by the McCracken County Criminal Court, Paducah, Ky.

Carlson, Robert G., 13712 N.E., 29th Avenue, Vancouver, Wash., convicted on January 2, 1969, in Superior Court, Cowlitz County, Wash., and on October 16, 1969, Superior Court, Cowlitz County, Wash.

Clary, Lanny C., 644 Graefe Avenue, Box 36, Ault, Colo., convicted on May 13, 1969, in the District Court of Weld County, Colo.

Cowling, Bert T., 501 Huron Road, Rockford, Ill., convicted on August 31, 1967, in Polk County Court, 9th Judicial District of Iowa.

Forbes, Clifford M., 331 North Elizabeth Street, Wichita, Kans., convicted on September 19, 1967, in the U.S. district court, Wichita, Kans.

Foster, Edward P., 1160 Delaware Avenue, West Sacramento, Calif., convicted on September 28, 1956, June 20, 1957, and on July 13, 1961, in Superior Court of Los Angeles County, Calif.

Friese, Leroy N., 4800 West Ox Road, Fairfax, Va., convicted on October 30, 1962, in Corporation Court, Norfolk, Va., and on January 3, 1963, in Circuit Court, City of Virginia Beach, Va.

Gillum, Johnnie J., 205 Crystal Street, Taft, Calif., convicted on February 27, 1962, in Superior Court, county of Kern, Calif.

Glandon, John E., 218 5th Street, Box 347, Filer, Idaho, convicted on April 17, 1964, in the District Court of the Fourth Judicial District of the State of Idaho in and for the county of Gooding.

Helland, Kenneth R., Route 2, Boyceville, Wis., convicted on December 2, 1970, by the Circuit Court, St. Croix County, Wis.

Hicks, Gary L., 105-3 Married Students Court, West Lafayette, Ind., convicted on April 16, 1970, in the U.S. District Court for the Southern District of Indiana, Indianapolis Division.

Johnson, John R., P.O. Box 98, Saint Thomas, Pa., convicted on September 20, 1973, by the Court of Common Pleas of Franklin County, Pa.

Krondracki, Walter J., 1915 Trumbull Street, Detroit, Mich., convicted on or about July 20, 1953, in the U.S. District Court, Eastern District of Michigan.

Kuhlman, Albert B., Jr., 2255 North Snelling Avenue, Apt. 207, St. Paul, Minn., convicted on September 11, 1967, in District Court, Second Judicial District, county of Ramsey, Minn., and on September 13, 1968, in District Court, Fourth Judicial District, county of Hennepin, Minn.

Lattin, Lawrence E., Route 8, Box 8801, Bainbridge Island, Wash., convicted on October 5, 1966, in Superior Court, State of Washington, King County, and on November 21, 1967, in Superior Court, State of Washington, King County.

Middleton, John, Jr., 316 West Pearson, Mexico, Mo., convicted on November 21, 1962, in the District Court of Iowa in and for Wapello County, Iowa, and on June 3, 1968, in the circuit court within and for Adair County, at Kirksville, Mo.

Newcomb, George A., Jr., P.O. Box 162, North Jay, Maine, convicted on June 20, 1969, in Androscoggin County Superior Court.

Price, George D., 6300 Westpark, Suite 380, Houston, Tex., convicted on April 8, 1971, in the U.S. District Court for the Northern District of Texas at Fort Worth.

Schimberg, Leland F., Sr., 230 Hill Street, Lansing, Mich., convicted on September 11, 1946, in the circuit court of the county of Ingham, at Lansing, Mich.

Stewart, David, 1660-86th Avenue, Oakland, Calif., convicted on March 12, 1970, in the U.S. District Court for the Northern District of California.

Valdez, Henry, 229 North Fifth Street, Grover City, Calif., convicted on January 30, 1967, in the Superior Court of California, county of San Luis Obispo.

Walker, Alexander, Jr., 9650 North Martindale, Apt. No. 106, Detroit, Mich., convicted on October 5, 1936, in the Recorder's Court of the city of Detroit, Mich.

Warner, Richard E., 1813 Ring Street, Saginaw, Mich., convicted on December 2, 1957, and November 16, 1959, in circuit court, Saginaw County, Mich.

Weaver, Roy J., 4917 Williams Drive, Corpus Christi, Tex., convicted on May 6, 1963, by the District Court of Nueces County, Tex.

Signed at Washington, D.C., this 2d day of May, 1973.

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

[FR Doc.73-9264 Filed 5-9-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that the quarterly meeting of the Environmental Advisory Board of the Chief of Engineers will be held on May 15-16, 1973, at the Office of the Chief of Engineers, Forrestal Building, 10th and Independence Avenue NW., Washington, D.C. 20314, beginning at 9 a.m. each morning.

The meeting will not be open to the public except on the second morning, from 9 a.m. until 11:45 a.m., when the Board will hear presentations on the following two items:

(1) Environmental research of the coastal engineering research center,

(2) Environmental reconnaissance inventory pilot test program.

The balance of the meeting will be discussing budgetary and other matters that may be subject to litigation which are subjects that fall within policies analogous to those recognized in section 552(b) of title 5 U.S.C. and as such are exempt from public disclosure.

Persons desiring further information should contact Robert R. Warner, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, telephone 202-693-7093.

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

MAY 2, 1973.

[FR Doc.73-9270 Filed 5-9-73;8:45 am]

COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of a meeting of the Coastal Engineering Research Board.

The meeting will be held at the U.S. Army Coastal Engineering Research Center, 5201 Little Falls Road NW., Washington, D.C. from 0830 hours to 1630 hours on 15-17 May 1973.

The 15 May working session will be devoted to a technical review of a three-volume shore protection manual by the members working individually and collectively.

The 16 May session will consist of: A tour of new office facilities at the Kingman Building in Fort Belvoir to view replacement research facilities currently under construction at that location; and, technical discussions on certain research subprojects beginning at 1345 hours.

The 15 and 16 May sessions shall be open to the public subject to the following limitations:

1. Seating capacity of the meeting room limits public attendance to not more than 25 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.

2. Written statements may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public will not be solicited because of the time schedule.

3. Persons planning to attend the tour at Fort Belvoir must furnish their own transportation and must comply with local contractor (hard hat) and Fort Belvoir restrictions.

The 17 May session will be closed to the public. The Board will be discussing budgetary and contractual matters, including funds proposed to be made available for proposed contractual studies which are subjects that fall within policies analogous to those recognized in section 552(b) of title 5 U.S.C. and as such are exempt from public disclosure.

Inquiries may be addressed to Lt. Col. Don S. McCoy, Director, U.S. Army Coastal Engineering Research Center, 5201 Little Falls Road NW., Washington, D.C. 20016; telephone 202-282-2581.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.73-9230 Filed 5-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 11216; Survey Group 154]

FLORIDA

Notice of Filing of Plat of Survey

The plat of survey of the following described lands, accepted October 2, 1972, will be officially filed in the Eastern States Office, Silver Spring, Md., effective at 10 a.m. on June 20, 1973:

TALLAHASSEE MERIDIAN

T. 43 S., R. 21 E.,
Tract 37—part of Mondongo Island, 18.17 acres.
T. 44 S., R. 21 E.,
Tract 37—Benedict Key, 2.18 acres;
Tract 38—Lower Bird Island, 18.05 acres;
Tract 39—Rat Key, 12.36 acres;
Tract 40—Coon Key, 6.44 acres;
Tract 41—Narrows Key, 3.64 acres;
Tract 42—Middle Island, 11.03 acres;
Tract 43—Bird Island, 8.16 acres; and
Tract 44—Whoopee Island, 2.49 acres.
T. 44 S., R. 22 E.,
Tract 37—part of McCardle Island, 10.30 acres;
Tract 38—Kite Island, 3.59 acres;
Tract 39—Wood Stork Island, 27.68 acres;
Tract 40—Lumber Island, 2.57 acres;
Tract 41—Tern Key, 4.69 acres;
Tract 42—Gull Island, 63.84 acres;
Tract 43—Brown Pelican Island, 28.97 acres;
Tract 44—Nonpareil Island, 13.47 acres;
Tract 45—Frigate Island, 18.07 acres;
Tract 46—Grackle Island, 1.30 acres;
Tract 47—Bird Rookery Key, 2.04 acres;
Tract 48—Heron Island 9.09 acres;
Tract 49—Ibis Island, 16.81 acres;
Tract 50—Lanier Key, 8.84 acres;
Tract 51—Deer Key, 6.72 acres;
Tract 52—Bear Key, 3.25 acres;
Tract 53—Big Panther Key, 31.96 acres; and
Tract 54—Anhinga Island, 36.24 acres.
T. 44 S., R. 23 E.,
Tract 37—part of McCardle Island, 28.49 acres;
Tract 38—Egret Island, 15.81 acres; and
Tract 39—Limpkin Island, 2.08 acres.

Containing a total of 418.33 acres.

This plat represents a survey of certain islands within Pine Island Sound to include islands omitted from the original township surveys. The survey was executed at the request of the Bureau of Sport Fisheries and Wildlife to delineate islands withdrawn for wildlife refuge purposes.

The character of the islands and the timber growth thereon attest to their existence on March 3, 1845, when Florida was admitted into the Union, and at all times since. All of the lands surveyed were found to be well over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

Tracts 38, 42 and 43, T. 44 S., R. 21 E., are included in the Pine Island Reservation for the protection of native birds established by Executive Order No. 939, dated September 15, 1908.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection, or to any other appropriation under any other public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these lands should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

WILLIAM J. DORASAVAGE,
Acting Director,
Eastern States Office.

MAY 3, 1973.

[FR Doc.73-9266 Filed 5-9-73;8:45 am]

Geological Survey

[Colorado No. 135]

COLORADO

Coal Land Classification Order

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by departmental order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN

COAL LANDS

T. 1 N., R. 101 W.,
Sec. 7, lot 4, E½SW¼, NE¼SE¼, S½SE¼;
Sec. 8, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼, W½SE¼;
Sec. 19, W½E½;
Sec. 30, W½E½;
Sec. 31, lot 5, W½NE¼, SE¼NW¼, NE¼SW¼.
T. 1 N., R. 102 W.,
Sec. 6, lot 4;
Sec. 7, lots 1, 6, 8, 11, and 12;
Sec. 8, lots 8 to 11, inclusive, NE¼SE¼;
Sec. 9, lot 5, N½S½;

Sec. 10, NE¼SE¼;
Sec. 12, S½SE¼.
T. 1 N., R. 103 W.,
Sec. 1, NW¼NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 2 N., R. 103 W.,
Sec. 7, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 8, SW¼;
Sec. 16, NW¼SW¼, S½SW¼;
Sec. 17, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 22, W½SW¼;
Sec. 35, SE¼NW¼, NW¼SE¼, SE¼SE¼.
T. 3 N., R. 102 W.,
Sec. 18, lots 2 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19;
Sec. 30, lot 1, N½NE¼, SW¼NE¼, E½NW¼.
T. 3 N., R. 103 W.,
Sec. 13, S½S½, NE¼SE¼;
Sec. 14, S½S½;
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 17, S½;
Sec. 18, E½SW¼, SE¼;
Sec. 19, NE¼, E½W½, N½SE¼, SW¼SE¼;
Sec. 20, N½, SW¼, N½SE¼, SE¼SE¼;
Secs. 21 to 24, inclusive;
Sec. 25, NW¼NW¼;
Sec. 26, N½N½, SW¼NE¼, SE¼NW¼;
Sec. 27, N½, N½SW¼;
Sec. 28, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 29, NE¼NE¼.

NONCOAL LANDS

T. 1 N., R. 101 W.,
Sec. 5, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 7, lots 2, 3, 9, and 12, E½NE¼, NW¼SE¼;
Sec. 8, NW¼NE¼, N½NW¼.
T. 1 N., R. 102 W.,
Sec. 5, SW¼SW¼;
Sec. 6, lot 3, E½SW¼, SE¼;
Sec. 7, lots 5 and 7;
Sec. 8, lots 1, 2, 4, 6, and 7;
Sec. 9, lot 6, S½NE¼;
Sec. 10, S½N½, N½SW¼, NW¼SE¼;
Sec. 11, SW¼NE¼, S½NW¼, N½S½;
Sec. 12, S½NE¼, SE¼NW¼, N½S½.
T. 1 N., R. 103 W.,
Sec. 1, NW¼NE¼, S½NE¼, NE¼NW¼.
T. 2 N., R. 102 W.,
Sec. 6, lots 3 and 4.
T. 2 N., R. 103 W.,
Sec. 1, lots 3 and 4, SW¼NW¼, NW¼SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 4;
Sec. 5, lots 1 to 3, inclusive, S½NE¼, NE¼SE¼;
Sec. 6, W½SE¼, SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, NW¼NW¼, S½NW¼, SW¼SE¼;
Sec. 9, NE¼, N½NW¼;
Sec. 10, N½, SW¼, NW¼SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, SW¼NE¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 17, NE¼NE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NW¼, S½NW¼, E½SW¼, W½SE¼;
Sec. 26, NW¼SW¼, S½SW¼;
Sec. 27, N½NE¼, SE¼NE¼;
Sec. 35, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 36, NW¼SW¼, S½SW¼.
T. 3 N., R. 102 W.,
Sec. 18, NE¼NE¼;
Sec. 30, lots 2 to 4, inclusive, SE¼NE¼, E½SW¼, SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, NW¼SE¼.
T. 3 N., R. 103 W.,
Sec. 14, N½SW¼;
Sec. 15, N½S½;
Sec. 16, N½S½;
Sec. 19, SE¼SE¼;
Sec. 20, SW¼SE¼;
Sec. 25, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 26, SE¼NE¼, SW¼NW¼, S½;
Sec. 27, S½SW¼, SE¼;
Sec. 28, SW¼NW¼, SW¼, S½SE¼;
Sec. 29, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 30, E½, E½W½;
Sec. 31, E½, E½NW¼, NE¼SW¼;
Sec. 32, N½, N½SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Secs. 33 to 35, inclusive;
Sec. 36, N½, SW¼, N½SE¼, SE¼SE¼.

The area described aggregates 24,746 acres, more or less, of which about 10,571 acres are classified as coal lands, and about 14,175 acres are classified as noncoal lands.

V. E. McKELVEY,
Director.

MAY 1, 1973.

[FR Doc.73-9231 Filed 5-9-73;8:45 am]

[Colorado No. 136]

COLORADO

Coal Land Classification Order

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by departmental order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN

NONCOAL LANDS

T. 2 N., R. 77 W.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S½NE¼, SE¼;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Sec. 27, E½;
Sec. 34, E½.
T. 3 N., R. 77 W.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S½NE¼, SE¼;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.
T. 4 N., R. 78 W.,
Secs. 1 to 36, inclusive;
H.E.S. 162;
H.E.S. 259.
T. 4 N., R. 79 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 80 W.,
Secs. 1 to 36, inclusive.

The area described aggregates about 86,292 acres.

V. E. McKELVEY,
Director.

MAY 1, 1973.

[FR Doc. 73-9232 Filed 5-9-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-45]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the Consolidation Coal Co. has filed a petition to modify the application of 30 CFR 75.1105 to its Ireland mine at Moundsville, W. Va.

30 CFR 75.1105 reads as follows:

§ 75.1105 Housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps.

Underground transformer stations, battery charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner requests that the application of the standard be modified for the 5-hp pump at the bottom of the mine's supply slope and the 50-hp pump at the bottom of the river portal air shaft. Petitioner states that it cannot comply with this section because the pumps are located along older haulageways which were mined approximately 15 years ago. Also, haulageways are ventilated with intake air and there are no return airways in the immediate vicinity. Intake air that passes these pumps is not used to directly ventilate a working section and the pumps are located in lower areas where continuous pumping is necessary to prevent flooding.

As an alternate method petitioner will house each pump in a fireproof enclosure and an automatic fire-suppression device, that will be activated by heat sensors, will be installed over each pump. Also the doors will be fireproof and will remain closed with no combustible materials stored in the room. The electrical circuits will comply with applicable safety standards and inspection of the pump stations will be made as required by the act.

Petitioner contends that the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 10, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9271 Filed 5-9-73;8:45 am]

[Docket No. M 73-13]

GLEN NAN, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Glen Nan, Inc., has filed a petition to modify the application of 30 CFR 75.1103, as implemented by 30 CFR 75.1103-1 through 30 CFR 75.1103-11 to its Forge Slope mine.

30 CFR 75.1103 and 30 CFR 75.1103-1 read as follows:

§ 75.1103 Automatic fire warning devices

On or before May 29, 1970, devices shall be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire-suppression devices on belt haulageways.

§ 75.1103-1 Automatic fire sensors

A fire sensor system shall be installed on each underground belt conveyor. Sensors so installed shall be of a type which will (a) give warning automatically when a fire occurs on or near such belts; (b) provide both audible and visual signals that permit rapid location of the fire.

30 CFR 75.1103-2 through 75.1103-11 describe the type of equipment required to comply with the mandatory safety standard.

Petitioner requests that the application of the mandatory standard be modified to allow petitioner to use an alternate method of protection against fires on its belt system. Petitioner states that it has operated the Forge Slope mine for 14 years safely and efficiently, without incident.

As an alternate system petitioner will use fire-resistant belts operated at a speed of 250 ft/min to 400 ft/min and will have the entire belt system attended and patrolled by trained personnel at all times during operation. Firefighting equipment will be placed at strategic locations and the coal to be removed will be placed on the belt in a damp to wet condition. Also, anthracite dust will be removed from the area so there will be no accumulation and the belts and auxiliary equipment will be properly maintained at all times.

Petitioner contends that the alternate method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard and that application of the mandatory standard would result in a diminution of safety to the miners at the affected mine because a breakdown could occur under the mandatory standard, but there could be no breakdown under the alternate method because the belts are constantly patrolled.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 10, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9280 Filed 5-9-73;8:45 am]

[Docket No. M 73-53]

MGS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the MGS Coal Co. has filed a petition to modify the application of 30 CFR 75.300-2 (a)(3) and (b)(1) to its No. 4 slope mine located at Trevorton, Pa.

30 CFR 75.300-2 (a)(3) and (b)(1) read as follows:

§ 75.300-2 Criteria—Installation of main fans.

(a) Main fans should be:

* * * * *

(3) Equipped with a pressure-recording gage and an automatic signal device designed to give alarm should the fan slow or stop. The signal from this device should be placed so that it will be seen or heard by a responsible person who is always on duty and can hear or will observe such alarm when men are underground and who should take appropriate action immediately as prescribed in § 75.321 or § 75.300-3(b).

(b) To protect main fans from forces coming out of the mine should an explosion occur:

(1) Main fans should be offset not less than 15 ft from the nearest side of the mine opening, and explosion doors or a weak wall having a cross-sectional area equal to or greater than the connection entry should be provided in direct line with possible explosion forces, or

* * * * *

In support of its request for modification of the application of mandatory standard 30 CFR 75.300-2(a)(3) petitioner states that its mine is very small with all workings near the surface and only two men working underground. Petitioner contends that the ventilating pressure is never more than one-half of an inch of water gage.

As an alternate method petitioner would like to continue using its presently existing equipment. The fan is currently equipped with a water gage and the pressure is recorded daily.

Petitioner further requests that 30 CFR 75.300-2(b)(1) be modified to allow petitioner to leave the surface fan as it is currently installed. The fan is located within 3 ft of the surface opening and is operated by an electric motor with belts extending to the fan. Petitioner contends that methane has never been detected in any amount at this mine. Petitioner states that the mine is being worked on retreat and the longest gangway is less than 1,000 ft long. All mining is near the surface and the deepest workings are not over 300 ft vertically.

Petitioner contends that the alternate methods will at all times provide no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 10, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at the address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9273 Filed 5-9-73;8:45 am]

[Docket No. M 73-54]

MGS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), MGS Coal Co. has filed a petition to modify the application of 30 CFR 75.301 to its No. 4 Slope Mine located at Trevorton, Pa.

30 CFR 75.301 reads as follows:

§ 75.301 Air quality, quantity, and velocity.

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 ft^3/min, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 ft^3/min. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 ft^3/min. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

In support of its petition, petitioner states that the quantity of air required, 3,000 ft^3/min at the face and 9,000 ft^3/min at the crosscut, creates poor working conditions and a health hazard to the miners. Petitioner contends that its mine is wet and consequently the miner's clothes are wet. Continually working in this area with high air velocity causes the miners to become chilled, resulting in frequent colds and respiratory troubles.

Petitioner contends that the air in the mine is of good quality and methane has never been detected in even the smallest amount. Petitioner also contends that dust will not be a problem due to the fact that all future work in the mine will be done on retreat and due to the water and resulting dampness.

As an alternate method petitioner would have air movement at the faces with about 3,000 or 4,000 ft³ of air per minute at the last open crosscut. Petitioner avers that the application of the mandatory standard will result in a diminution of safety to miners in the affected areas of the mine. Petitioner further states that the alternate method proposed would provide adequate safety to the miners and relieve present health problems.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 10, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9274 Filed 5-9-73;8:45 am]

[Docket No. M 73-56]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Co. has filed a petition to modify the application of 30 CFR 75.804(a) to its Sunnyhill No. 9 South Mine located at New Lexington, Ohio; Ken Underground Mine located at Beaver Dam, Ky.; River Queen Underground Mine located at Central City, Ky.; and Sunnyhill No. 4 Mine, located at New Lexington, Ohio.

30 CFR 75.804(a) reads as follows:

§ 75.804 *Underground high-voltage cables.*

(a) Underground high-voltage cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (A.W.G.) for the ground continuity check circuit.

Petitioner requests that the application of the mandatory standard be modified to allow the use of 5-K-V type G cable for underground high-voltage transmission. Petitioner contends that the 5-K-V type G cable meets all of the Insulated Power Cable Engineers Association's requirements and the National Electrical Manufacturer's Association's standards for shielded high-voltage cable. Past use of the cable in coal mines has resulted in a proven safety record. Petitioner also states that such cable meets all requirements of 30 CFR 75.812, 75.705-1, 75.807, and 75.804.

Petitioner avers that the alternate method will at all times guarantee no less than the same measure of protection afforded miners by the mandatory standard and that the application of the mandatory standard will result in a diminution of safety to the miners at the affected mines.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 11, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated May 2, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9272 Filed 5-9-73;8:45 am]

Office of the Secretary

MINE EXPLOSION DISASTER AT ITMANN, W. VA.

Notice of Opportunity To Request Public Hearing

Notice is hereby given that the U.S. Bureau of Mines has completed and has available for public inspection the "Official Report of Major Mine Explosion Disaster, Itmann No. 3 Mine, Itmann Coal Co., Itmann, W. Va.," of December 16, 1972.

The report has been placed on open-file for interested persons to consult during regular working hours in the Bureau's Office of Mineral Information, 2611 Interior Building, 18th and E Streets NW., Washington, D.C., and in the Bureau's Coal Mine Health and Safety District offices at 510 Veterans Building, 19 North Main Street, Wilkes-Barre, Pa.; 4800 Forbes Avenue, Pittsburgh, Pa.; Collins Ferry Road, Morgantown, W. Va.; Bluestone Road, Mount Hope, W. Va.; 546 Alexandria Avenue, Norton, Va.; Shurtleff Building, 1012 Cline Street, Pikeville, Ky.; Federal Building, Barbourville, Ky.; 501 Busseron Street, Vincennes, Ind.; and 1457 Ammons Street, Denver, Colo.

Notice is also given that any person who desires that the Office of Hearings and Appeals, U.S. Department of the Interior, conduct a public hearing and inquiry into the disaster pursuant to the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 813, must contact the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203, telephone 703-557-1500, no later than June 1, 1973.

Any person requesting a hearing must file a statement of reasons why a hearing is necessary, citing any claimed errors or omissions in the report.

Dated May 2, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-9279 Filed 5-9-73;8:45 am]

[INT DES 73-27]

PROPOSED NATIONWIDE OUTDOOR RECREATION PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed nationwide outdoor recreation plan and invites written comments on or before June 25, 1973. Comments should be sent to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.

The plan identifies outdoor recreation needs, resources, and problems. It provides a framework within which Federal outdoor recreation programs and resources will be developed and managed and serves as a guide for the coordination of efforts by all levels of Government and the private sector.

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

Office of Communications, Room 7215, Department of the Interior, Washington, D.C., 202-343-9383.
Office of Information, Room 4024, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C., 202-343-5726.
Regional Offices, Bureau of Outdoor Recreation:
Northeast, 1421 Cherry Street, Philadelphia, Pa. 19102, 215-597-7989.
Southeast, 810 New Walton Building, Atlanta, Ga. 30303, 404-526-4405.
Lake Central, 3853 Research Park Drive, Ann Arbor, Mich. 48104, 313-769-3211.
Mid-Continent, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colo. 80225, 303-234-2634.
South Central, 5000 Marble Avenue, NE., Albuquerque, N.M. 87110, 505-843-3514.
Northwest, 1000 Second Avenue, Seattle, Wash. 98104, 206-442-4706.
Pacific Southwest, 450 Golden Gate Avenue, San Francisco, Calif. 94102, 415-556-0182.
All State clearinghouses.

Copies may be obtained from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated May 2, 1973.

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

[FR Doc.73-9267 Filed 5-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463; 86 Stat. 770), notice is hereby given of a meeting of the Raisin Advisory Board at 1:30 p.m., P.d.s.t., May 24, 1973, in the Runway Room of the Airport Marina Hotel, Fresno, Calif.

The purpose of the meeting is to: Elect officers of the Raisin Advisory Board; nominate members of the Board to serve on the Raisin Administrative Committee; review the international raisin outlook; and review status of the proposed amendment of the administrative rules and regulations issued pursuant to the Federal marketing agreement and order program. The meeting will be open to the public.

The Raisin Advisory Board is established under the provisions of the marketing agreement, as amended, and order No. 989, as amended (7 CFR 939;

37 FR 19621, 20022), regulating the handling of raisins produced from grapes grown in California. Said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, Calif. 93720; telephone 209–268–5666.

Dated May 4, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 73-9288 Filed 5-9-73;8:45 am]

Soil Conservation Service

WATERSHED PLANNING

Notice of Authorization

This provides notice of authorization dated May 4, 1973, to the concerned State conservationist of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watershed. The State conservationist may now proceed with investigations and surveys as necessary to develop a watershed work plan under authority of the Watershed Protection and Flood Prevention Act (Public Law 83–566).

An environmental statement will be prepared concurrently with the preparation of the watershed work plan. This statement will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in this project may contact the local organizations or the concerned State conservationist as indicated below:

Colorado: Trinchera watershed; 31,940 acres; Costilla County. Sponsors—Mount Blanca Soil Conservation District, Trinchera Irrigation Co., Costilla County Board of Commissioners, San Luis Valley R.C. & D. Council, and the State Soil Conservation Board. State Conservationist, Mr. Merritt D. Burdick, Soil Conservation Service, P.O. Box 17107, Denver, Colo. 80217.

Dated May 4, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73-9285 Filed 5-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Martime Administration

[Docket No. 348]

AMBULK SHIPPING, INC.

Notice of Application

Notice is hereby given that Ambulk Shipping, Inc. has filed an application for operating-differential subsidy on six new dry bulk carriers (to be constructed) of approximately 51,000 dwt (deadweight tons) each. Said vessels are to be operated in world-wide service in the carriage of full cargoes and parcel lots of bulk cargoes and neo-bulks. Neo-bulks expected to be carried include lumber, pulp, paper and paperboard and linerboard, waste paper, iron and steel articles, wood veneers, plywood, and automobiles. No cargoes are to be carried that are subject to the cargoes preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

The vessels to be operated by the applicant will be time chartered to Star Shipping A/S of Bergen, Norway (Star) for their use in world-wide trading. The applicant states that it is impossible to predict the exact service in which these vessels will be used overtime, but that it is expected that the vessels will be used on Star's major trade routes which at present include the following:

Trade	*Approximate assignment to current vessels*
USEC-Australia	2
USWC-Australia	2
USWC-Japan	5
USWC-North Europe	9
USWC-Mediterranean	3
South Atlantic-Mediterranean-Gulf	1
Miscellaneous-Bulk trades	8
Total vessels available to Star	30

Any party having an interest in such application and who would contest a finding of the Maritime Subsidy Board that the service now provided by vessels of U.S. registry for the worldwide carriage of bulk cargoes and neo-bulk cargoes as described hereinabove, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before May 18, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of bulk cargoes and neo-bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated May 4, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-9297 Filed 5-9-73;8:45 am]

[Docket No. S-349]

ECOLOGICAL SHIPPING CORP.

Notice of Application

Notice is hereby given that Ecological Shipping Corp. has filed an application for operating-differential subsidy on one new tanker, the S/T *Notre Dame Victory*, of approximately 80,000 deadweight tons constructed by Sun Shipbuilding & Dry Dock Co. Said vessel is to be operated in worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a. It is anticipated, however, that primary emphasis for the next 5 years will be given to operations between ports in Nigeria and ports in the Caribbean and ports on the U.S. Atlantic or Gulf coasts.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before May 21, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the

Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated May 7, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-9384 Filed 5-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

VETERANS' COST-OF-INSTRUCTION PAYMENTS

Acceptance and Deadline Date for Applications

Notice is hereby given that pursuant to section 420 of the Higher Education Act of 1965 (86 Stat. 378, 20 U.S.C. 1070e-1), applications for veterans' cost-of-instruction payments are being accepted from institutions of higher education. In order to receive consideration, such applications must be submitted no later than June 1, 1973.

The terms and conditions for participation in the program are set forth in the act cited above, the instructions which accompany the application form, and the proposed regulations which were published in the FEDERAL REGISTER on April 16, 1973 (38 FR 9472-75).

Application forms may be obtained from, and are to be submitted to, the Veterans' Programs Unit, DCHE, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Dated April 25, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

[FR Doc.73-9304 Filed 5-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. RM-50-1]

ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER REACTORS

Availability of Final Environmental Statement Concerning Proposed Rulemaking Action

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a document entitled "Final Environmental Statement Concerning Proposed Rule Making Action: Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors" has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

On June 29, 1971, the Commission published in the FEDERAL REGISTER for use and comment its Interim Policy Statement, "Criteria for Emergency Core Cooling Systems for Light-Water Power Reactors" (36 FR 12247). Subsequently, the Commission published on December 18, 1971, amendments to the Interim Acceptance Criteria (36 FR 24082), and on January 27, 1972, began a public rulemaking hearing on the Interim Acceptance Criteria (36 FR 22774), which is continuing.

On December 7, 1972, the Commission published a notice of availability of the Draft Environmental Statement and request for comments from interested persons in the FEDERAL REGISTER (37 FR 26052). Comments were received from 16 Federal and State agencies and interested persons on the Draft Environmental Statement of December 1972 and are included as volume 2 of the Final Environmental Statement.

Single copies of the "Final Environmental Statement Concerning Proposed Rule Making Action: Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors" may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Director of Regulatory Standards.

Dated at Bethesda, Md., this 8th day of May 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-9390 Filed 5-9-73;8:45 am]

[Docket No. 50-393]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on July 28, 1971 (36 FR 13942) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corp., docket No. 50-393, complies with the requirements of the act, and the Commission's regulations set forth in title 10, chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said act and regulations,

The Commission has issued license No. XR-83 to Westinghouse Electric Corp., authorizing the export of a pressurized water reactor with a thermal power level of 1732.5 megawatts to the Korea Electric Co., Seoul, Korea. The export of the reactor to Korea is within the purview of the present agreement for cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning civil uses of atomic energy.

Dated at Bethesda, Md., this 1st day of May 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director, for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-9152 Filed 5-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25475; Order 73-4-119]

BRANIFF AIRWAYS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of April 1973.

By application filed on April 27, 1973, Braniff Airways, Inc. (Braniff), requests that the Board grant it an emergency exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958, as amended to the extent necessary to permit Braniff to provide transportation to two agents of the U.S. Customs Service from Miami, Fla., to New York, N.Y., on April 27, 1973.

In support of its application Braniff states that the U.S. Customs Service has requested Braniff to provide the aforementioned transportation in connection with a government investigation. Braniff further states that the agents would be carried on a specific flight originating in South America and serving both Miami and New York pursuant to Braniff's certificate of public convenience and necessity for route 153, but that Braniff's certificate does not authorize it to carry on such flights passengers originating in Miami and terminating at New York. Therefore, Braniff asserts that in order for it to honor the request of the U.S. Customs Service, an exemption from sections 401 and 403 of the Federal Aviation Act is necessary.

In light of the unusual circumstances raised by the instant application, we are taking action pursuant to rule 410 of the Board's rules of practice without awaiting the filing of answers or replies thereto.[1]

Upon consideration of the application and all the relevant facts, we have decided to exempt Braniff from section 401 of the act and the terms, conditions, and limitations of its certificate for route 153 to the extent necessary to enable Braniff to carry two agents of the U.S. Customs Service from Miami, Fla., to New York, on April 27, 1973. We will also exempt Braniff from the tariff filing provisions of section 403 of the act and permit Braniff to provide the transportation in question through the sale of a ticket to each of the two agents involved at the regular coach fare in the market.

Considerations taken into account which warrant use of the exemption power of the Board are that this application is for transportation for two agents of the U.S. Government on one flight only; that the operation is in the furtherance of a Government investigation; that this operation will not adversely affect any other air carrier and that the expense of a certification proceeding would be disproportionate to the

[1] Pursuant to rule 410(c) of the Board's rules of practice it is found that the public interest requires that the Board act without notice to other persons or the filing of answers.

size of the operation.[2] Under all these circumstances, the Board finds that the enforcement of sections 401 and 403 of the act, and the terms, and conditions of Braniff's certificate for route 153, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Braniff by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. Braniff Airways, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the act and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 153 insofar as they would otherwise prevent it from carrying two agents of the U.S. Customs Service from Miami, Fla., to New York, N.Y., on April 27, 1973;

2. Braniff Airways, Inc., be and it hereby is exempted from section 403 of the act insofar as that section would require filing of a tariff for the carriage of two agents of the U.S. Customs Service from Miami, Fla., to New York, N.Y. on April 27, 1973; and

3. This order may be amended or revoked at any time without hearing in the discretion of the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9319 Filed 5-9-73;8:45 am]

[Docket No. 23343 etc.; Order 73-5-20]

EASTERN AIR LINES, INC. AND TITUSVILLE-COCOA AIRPORT AUTHORITY

Order Denying Applications and Providing for Hearing

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

On October 13, 1972, Eastern Air Lines, Inc. (Eastern) filed an application for authority to temporarily suspend service to the Kennedy Space Center (served through the Titusville-Cocoa Airport), Florida (TI–CO), pendente lite, and for deletion of that point through show cause procedures.[3] Eastern alternatively requests an expedited hearing on its deletion application. On November 13, 1972, the Titusville-Cocoa Airport Authority filed an answer in opposition to Eastern's application and a petition for the institution of a proceeding to determine the adequacy of service provided by Eastern at TI–CO.[4]

Answers in opposition to Eastern's application were also filed by the cities of Cocoa and Titusville, Fla., and the National Aeronautics and Space Administration (NASA). The city of Melbourne, Fla., filed a supporting answer.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Eastern's request for a show cause order, and set for hearing Eastern's application to delete TI–CO. The affected communities oppose Eastern's application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record the matters raised by the pleadings. We have also decided to deny Eastern's request for suspension of service pendente lite, due to the level of traffic presently using services at TI–CO, the lack of alternative air service at TI–CO, and the need for full consideration of the matters raised in the pleadings.

However, we have decided to deny the Titusville-Cocoa Airport Authority's petition to institute an adequacy of service proceeding (docket No. 24915). In reaching this decision, we have considered the allegations of the Airport Authority that Eastern has deliberately pursued a policy of reducing TI–CO's service even while the volume of traffic was increasing;[5] that the carrier has selectively eliminated flights carrying the largest traffic volumes and has reduced or eliminated service in the markets of greatest importance to the community;[6] that schedules have been systematically altered so as to make the flights unattractive to TI–CO passengers; that Eastern has not promoted the service at all and has in fact often tried to dissuade prospective passengers from using the TI–CO airport; that since April 26, 1970, a strong upward trend in TI–CO's traffic has suffered serious and recurrent setbacks due to Eastern's frequent schedule changes and reductions in services; and that, nevertheless, traffic survives at a level of nearly 10,000 O. & D. passengers in 1972 despite provision of a single round trip serving none of TI–CO's important markets. Assuming that there have been such deficiencies in Eastern's service at TI–CO, which have contributed to the failure of traffic to develop at that point, the Airport Authority, the other civic parties, and NASA will be afforded an adequate opportunity to so demonstrate in the context of the deletion case instituted herein. Evidence on this point will be given full consideration by the Board in reaching its determination on the issue of deletion.

Furthermore, we believe that the simultaneous consideration of section 404 adequacy of service issues with deletion issues would unduly expand the proceeding and unnecessarily delay its ultimate disposition since the Board would be required to consider, for example, the area's need for specific schedules to specific points. Such consideration would substantially broaden the proceeding and increase the evidentiary burden on all involved. We find that such expansion of the proceeding is both unwarranted and undesirable. Indeed, we anticipate that this proceeding will be decided with reasonable dispatch. Should the proceeding result in a determination that service to TI–CO should be ended, the adequacy of service complaint would be rendered moot. Thus, to now require a full evidentiary examination of the adequacy of service question would appear to be premature and not conducive to the proper dispatch of the Board's business. On the other hand, should we decided to retain Eastern at TI–CO, we have no reason to believe that the carrier will not thereafter fulfill its certificate responsibilities. Our determination herein is consistent with the Board's general policy of not consolidating section 404 issues with section 401(g) or 401(j) proceedings. See generally, *Allegheny Airlines "Use It or Lose It" Case,* 38 C.A.B. 1131 (1963); "Reopened New England Regional Airport Investigation (New Haven-Bridgeport Phase)," Order E–23015, December 20, 1965; and, most recently "Application of Piedmont Aviation and Eastern Air Lines," Order 72–3–18, March 8, 1972.

Finally, we have looked at the submissions of the parties with regard to the recent pattern of service operated by Eastern, and the traffic response, and we are not persuaded that either a separate investigation of the adequacy of service or a consolidation of the adequacy issue with the deletion question is warranted at this time.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc. for an order to show cause in Docket 23343, be and it hereby is denied;

2. The application of Eastern Air Lines, Inc., for authority to temporarily suspend service at the Kennedy Space Center (served through the Titutsville-Cocoa Airport), Florida (TI–CO), pendente lite, be and it hereby is denied;

3. The petition of the Titusville-Cocoa Airport Authority in Docket 24915 be and it hereby is denied;

4. The application of Eastern Air Lines, Inc., for deletion of TI–CO in Docket 23343, be and it hereby is set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served upon Eastern Air Lines, Inc., the mayors of the cities of Titusville, Cocoa, Melbourne, and Orlando, Florida; Governor, State of Florida; the Titusville-Cocoa Airport Authority; the Florida Public Service Commission; National Aeronautics and Space Administration; and the United States Postal Service.

This order will be published in the FEDERAL REGISTER.

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[2] Moreover, it is found that the limited authority requested is inappropriate for certification procedures and that such procedures could not, in any event, be completed in time to permit the transportation of the two customs agents as requested by the Bureau of Customs.

[3] Eastern had filed an application on Apr. 28, 1971, in docket No. 23343 for amendment of its certificate of public convenience and necessity so as to delete TI–CO. Its subsequent application for temporary suspension was filed in docket No. 24835.

[4] The Airport Authority further requests that, should the Board decided to consider Eastern's applications to suspend or delete service at TI–CO the latter dockets be consolidated into the adequacy of service proceeding.

[5] The first flight deleted, after only a few months of service, provided the only nonstop service to Atlanta and carried over 40 percent of TI–CO's total boardings.

[6] In the spring of 1971, Eastern terminated all service between TI–CO and Huntsville despite its recognition in the *Southern Airways* case that Huntsville is "TI–CO's prime market." (Eastern's brief to the examiner, p. 5.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9318 Filed 5-9-73;8:45 am]

[Docket No. 25499]

HOLLAND-AMERICA LINE AGENCIES, INC.

Notice of Prehearing Conference and Hearing

In the matter of Holland-America Line Agencies, Inc., foreign air carrier permit application inclusive tour, bulk inclusive tour, and travel group charter operations.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 24, 1973, at 10 a.m. (local time) in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 18, 1973.

Dated at Washington, D.C., May 4, 1973.

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

[FR Doc.73-9316 Filed 5-9-73;8:45 am]

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding scheduled for May 1, 1973 (38 FR 7275, Mar. 19, 1973), is posponed to June 18, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., on May 7, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-9317 Filed 5-9-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal from Warehouse for Consumption

MAY 7, 1973.

On December 30, 1972, there was published in the FEDERAL REGISTER (37 FR 28774) a letter dated December 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing specific export limitations, among other categories, on category 26/27 produced or manufactured in the Republic of China for the agreement year beginning January 1, 1973. It has been determined that the level of restraint for category 26/27 should have been 6,098,191 yd², instead of 5,807,801 yd².

Accordingly, there is published below a letter of May 7, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements amending the directive of December 21, 1972.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

MAY 7, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on December 21, 1972, by the Chairman of the Committee for the Implementation of Textile Agreements regarding imports into the United States of cotton textile products in category 26/27 produced or manufactured in the Republic of China.

The first paragraph of the directive of December 21, 1972, is hereby amended to show a level of restraint of 6,098,191 yd² for category 26/27, produced or manufactured in the Republic of China and exported to the United States during the period January 1, 1973, through December 31, 1973. The subceiling for duck fabric[1] will be unchanged at a level for the period of 3,264,837 yd².

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-9385 Filed 5-9-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

TROUT RUN RESERVOIR

Public Hearing Regarding Proposed Inclusion in Comprehensive Plan

Delaware River Basin Commission, P.O. Box 360, Trenton, N.J. 08603.

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 23, 1973, in the main conference room of its headquarters building at 25 State Police Drive, Trenton, N.J., beginning at 2 p.m. The subject of the hearing will be a proposal to amend the comprehensive plan so as to include therein the following project:

Borough of Boyertown.—A reservoir impoundment to be known as the Trout Run Reservoir located 2½ miles west of the Borough of Boyertown in Earl Township, Berks County, Pa. The earth-filled dam will create a 330-million-gallon-capacity water supply storage reservoir having a surface area of 42 acres. The project would require relocation of 1 mile of highway LRO6053.

A draft environmental impact statement on this project has been prepared by the Commission, to be released on May 10, in accordance with the requirements of the National Environmental Policy Act. This statement will be included as part of the subject matter of the hearing.

The above-listed project is scheduled only for purposes of public hearing on May 23. The Commission will not hold a regular meeting for business on that date.

Documents relating to the above-listed project may be examined at the Commission's offices. Persons wishing to testify are requested to register with the Secretary to the Commission prior to the hearing. The telephone number is 609-883-9500.

W. BRINTON WHITALL,
Secretary.

MAY 4, 1973.

[FR Doc.73-9307 Filed 5-9-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEVRON CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1375) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the inseticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its metabolite *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodities cabbage, cauliflower, and lettuce (head) at 10 parts per million; broccoli, brussels sprouts, and tomatoes at 6 parts per million; alfalfa and sugar beet tops at 3 parts per million; cottonseed at 2.5 parts per million; potatoes and soybeans at 1 part per million; sugar beet roots at 0.5 part per million; and eggs, milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep, at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a thermionic detector.

Dated May 7, 1973.

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

[FR Doc.73-9336 Filed 5-9-73;8:45 am]

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[1] The T.S.U.S.A. Nos. for duck fabric are:

320.01	through	320.04,	320.06, 320.08
321.01	through	321.04,	321.06, 321.08
322.01	through	322.04,	322.06, 322.08
326.01	through	326.04,	326.06, 326.08
327.01	through	327.04,	327.06, 327.08
328.01	through	328.04,	328.06, 328.08

COAL DESULFURIZATION ADVISORY COMMITTEE

Notice of Meeting

A meeting of the Coal Desulfurization Advisory Committee will take place on May 22, 1973, at the National Environmental Research Center, Research Triangle Park, N.C., room M303, beginning at 9 a.m.

The purpose of the meeting is to review ongoing Control Systems Laboratory projects in coal desulfurization.

The meeting is open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. T. Kelly Janes, Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, N.C. 27711. Telephone No. 919–688–8146, extension 391.

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

MAY 7, 1973.

[FR Doc.73–9338 Filed 5–9–73;8:45 am]

COMPLIANCE SCHEDULES FOR THE STATE OF TENNESSEE

Notice of Public Hearing

Section 110(c) of the Clean Air Act, as amended, (42 U.S.C. 1857c–5) directs the Administrator of the Environmental Protection Agency to publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if the State fails to submit a portion within the time prescribed, or if a portion is determined by the Administrator not to be in accordance with the requirements of section 110 of the act. In order to satisfy the requirements of section 110(a)(2)(B) of the act, States were directed by 40 CFR 51.15(a)(2) to submit certain compliance schedules by February 15, 1973, in order to complete their implementation plans. The State of Tennessee failed to submit all of the schedules required by that date; and it submitted schedules that are not in accordance with the requirements of section 110. Formal disapproval of those schedules will be published at a later date unless they are revised in the interim so as to be approvable. Compliance schedules for the State of Tennessee are therefore proposed in this issue of the FEDERAL REGISTER at page 12238.

Notice is hereby given of a public hearing concerning the proposed compliance schedules for the State of Tennessee to be held on Monday, June 11, 1973, at 10 a.m., in the auditorium of the University of Tennessee, Nashville, 323 McLemore, Nashville, Tenn.

The proposed schedules are designed to apply to air pollution sources by category, and to require compliance with EPA-approved State emission limiting regulations. A compliance schedule consists of intermediate and final dates by which actions are to be taken by an air pollution source toward meeting applicable State emission limiting regulations.

Mr. Paul J. Traina is hereby designated presiding officer for the hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement not later than 15 days prior to the hearing and, not later than 10 days prior to the hearing, if practicable, to submit five copies of the proposed statement to the Administrator of the Environmental Protection Agency, attention: Presiding Officer, Hearing on Compliance Schedules for the State of Tennessee, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

Dated May 8, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73–9389 Filed 5–9–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19419; FCC 73–447]

AMERICAN TELEPHONE & TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone & Telegraph Company—Long Lines Department (A.T.&T.) revisions of Wide Area Telephone Service (WATS) Tariff F.C.C. No. 259 and Private Line Service (PLS) Tariff F.C.C. No. 260; and Western Union Telegraph Co. (Western Union) Revisions of Tariff F.C.C. No. 254.

1. On March 14, 1973, the Western Union Telegraph Co. (Western Union) filed under its transmittal No. 6862 revisions to its tariff F.C.C. No. 254 to provide (1) a reduction in the monthly charge for its type 2481 data subset from $145 to $125 and in the installation charge from $250 to $150; and (2) the offering of a new type 4600/48 data subset at the same rates as those proposed for the type 2481 unit. The tariff revisions are effective April 13, 1973. A petition to suspend the Western Union tariff was filed March 28, 1973 by the Independent Data Communications Manufacturing Association (IDCMA).

2. Western Union proposes its tariff revisions as a competitive response to revisions filed by the American Telephone & Telegraph Co. (A.T. & T.) on November 24, 1972, in its tariff F.C.C. No. 260 which provided for a data-phone set, type 208, which operates at a rate of 4800 bits per second. A.T. & T.'s revised tariff schedules providing for the 208 data-phone set were designated for investigation and hearing by our memorandum opinion and order, released January 12, 1973, FCC 73–43, suspended until March 24, 1973 and consolidated with the proceeding in docket No. 19419.

3. By memorandum opinion and order released February 7, 1972, 33 F.C.C. 2d 518, we suspended and instituted an investigation into the lawfulness of certain tariff revisions filed by A.T. & T. in its interstate WATS and PLS tariffs. These tariff revisions included: (1) a reduction in rates for A.T. & T.'s 201 type data-phone sets; (2) the offering of an A.T. & T. automatic data access arrangement; (3) provided for more flexible use of A.T. & T.'s multi-channel data station equipment; and (4) established new rates for an additional category of data-phone sets suitable for combined sending and receiving and for handling data at high speeds. These revisions were suspended for the full statutory period. Subsequently A.T. & T. requested and received special permission to file substitute tariffs. We invited comments as to these tariff revisions and by memorandum opinion and order released June 26, 1972, deferred the proceeding in docket No. 19419 until such comments could be considered.[1] Western Union filed its own tariff schedules effective August 10, 1972 matching the A.T. & T. rates for certain of the data sets offered by A.T. & T. We determined that the matching rates of Western Union raised substantially the same questions of lawfulness as the A.T. & T. rates and by our memorandum opinion and order of January 12, 1973, also set the Western Union rates for hearing in Docket No. 19419.

4. IDCMA basically contends (1) that the Western Union rate matches precisely the anticompetitive rate which AT&T filed for the 208 data set and which the Commission has already ordered suspended and investigated in docket No. 19419; (2) that the supporting materials which Western Union has furnished indicate significant disparities between components of its rate and the components of AT&T's 208 rate; and (3) that several of the components of the Western Union rates are in and of themselves unjust and discriminatory. Therefore IDCMA requests that the proposed Western Union rate be suspended and investigated in docket No. 19419.

5. Western Union alleges that as a result of AT&T reducing the rates for its 208 data sets, Western Union faces the choice of whether to remain competitive in offering these medium-speed models by matching the new rates or to decline to compete by maintaining current rate levels. While the immediate impact of Western Union's proposed rate reduction would be a loss of $17,280 in annualized revenue for its 72 units now in service, Western Union maintains that it should compete since its annual revenue of $1,500 per unit exceeds its estimated avoidable cost of maintenance of $120 per year per unit in this instance by $1,380 per year per unit. This is premised upon an analysis of the fully allocated costs of new types of additional 4800 baud data subsets. In short, it is Western Union's position that unless it is permitted to reduce its rates for the type 2481 data subset, AT&T would virtually eliminate Western Union's ability to compete in the 4800 baud private line market.

[1] 36 FCC 2d 498

6. We agree with IDCMA that the rates filed by Western Union to match A.T.&T.'s 200 rates, which became effective March 24, 1973, and are presently under investigation in docket No. 19419, raise substantially the same question of lawfulness as do the A.T.&T. rates. Thus we shall consolidate the proposed Western Union rates for hearing in docket No. 19419. However, we do not deem suspension of Western Union's proposed rate warranted in this instance. We are not unmindful of Western Union's contention that if the reduction is not permitted it may be severely impaired in its ability to compete in the 4800 baud private line market. Moreover, we also note that Western Union was denied special permission to file these rates on less than 30 days notice.

7. *Accordingly, it is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by the Western Union Telegraph Company submitted with transmittal No. 6862 including any cancellation, amendments or reissues thereof; and no changes shall be made in such tariff schedules during the pendency of this proceeding without prior approval by the Commission;

8. *It is further ordered*, That IDCMA's petition to suspend is granted to the extent noted herein and otherwise, denied.

9. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the issues set forth in our memorandum opinion and order released February 7, 1972, 33 F.C.C. 2d at 520 in consolidation with the proceeding in docket No. 19419;

Adopted April 25, 1973.

Released May 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9326 Filed 5-9-73;8:45 am]

CANADIAN TELEVISION STATIONS

List of Those Stations Within 250 Miles of the Canadian-United States Border

MAY 3, 1973.

A list of Canadian television station assignments within 250 miles of the Canadian-United States border has been issued by the FCC. Compiled from information supplied by the Department of Communications of Canada, the list reflects all additions, changes, and deletions made up to April 1, 1973, and supersedes previous lists issued by the Commission.

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the list may be obtained from Information Planning Associates, Inc., 310 Maple Drive, Rockville, Md. 20850 (telephone 340-0250, area code 301).

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

LIST OF CANADIAN TELEVISION STATIONS WITHIN 250 MILES OF THE CANADIAN-UNITED STATES BORDER

Recapitulative to April 1, 1973.

The attached list of Canadian television station assignments is recapitulative and contains details supplied by the Department of Communications of Canada, pursuant to section B of the Canadian-United States Television Agreement (TIAS 2594). It reflects all the additions, changes and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes and deletions, as reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

[1] Commissioner Johnson dissenting; Commissioners Reid and Wiley absent.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES

(Listed by Channel)

Recapitulative to April 1, 1973

Call sign	Licensee	Location	Antenna					
			Effective radiated power (kW)	Directivity	Height above ground (ft.)	Height above MSL (ft.)	Height above terrain (ft.)	Chan. offset
CHANNEL 2 (54-60 MHz)								
CFAC-TV	Calgary TV, Ltd.	Calgary, Alberta, N. 51°04'24", W. 114°15'34"	100.00 V 20.00 A	Om.	633	4,808	989	(+).
CFON-TV-1	Oyen and District Television Assoc.	Oyen, Alberta, N. 51°21'10, W. 110°24'30"	0.54 V 0.27 A	Om.	267	2,842	305	(—).
CHBC-TV	Okanagan Valley TV Company, Ltd.	Kelowna, British Columbia, N. 49°58'09", W. 119°31'40".	3.70 V 0.45 A	Om.	77	4,310	2,704	No.
CBUT	Canadian Broadcasting Corp.	Vancouver, British Columbia, N. 49°21'12", W. 122°57'18".	47.60 V 7.60 A	D.A.	190	2,965	2,460	(+).
CKCW-TV	Moncton Broadcasting, Ltd.	Moncton, New Brunswick, N. 45°51'06.5", W. 64°48'46.6".	25.00 V 3.74 A	Om.	326	1,656	999	No.
CFCL-TV-3	J. Conrad Lavigne, Ltd.	Kapuskasing, Ontario, N. 49°22'32", W. 82°21'35".	0.095 V 0.019 A	D.A.	380	1,137	363	(+).
CFCL-TV-2	J. Conrad Lavigne, Ltd.	Kirkland Lake (Kearns), Ontario, N. 48°08'12", W. 79°33'12".	14.60 V 7.30 A	D.A.	400	1,750	722	No.
CKPR-TV	Thunder Bay Electronics, Ltd. (formerly Port Arthur, Ontario).	Thunder Bay, Ontario, N. 48°31'30", W. 89°00'-50".	55.40 V 30.20 A	D.A.	643	2,243	1,202	No.
CJIC-TV	Hyland Radio-TV, Ltd.	Sault Ste. Marie, Ont., N. 46°30'32", W. 84°19'-36".	28.00 V 15.00 A	D.A.	225	835	−19	(−).
CKCO-TV-2	Carl A. Pollock, Esq.	Wiarton, Ontario, N. 44°56'41", W. 81°07'55"	100.00 V 13.50 A	Om.	722	1,597	943	(−).
CHRS-TV-2	Radio Saguenay, Ltd.	Chicoutimi, Quebec, N. 48°26'09", W. 71°02'34"	0.64 V 0.006 A	Om.	60	335	60	(+).
CHAU-TV-1	Television de la Baie des Chaleurs, Inc.	Ste. Marguerite-Marie, Quebec, N. 48°15'40", W. 67°05'00".	0.219 V 0.109 A	D.A.	166	1,841	700	(−).
CBFT	Canadian Broadcasting Corp.	Montreal, Quebec, N. 45°30'20", W. 73°35'32"	100.00 V 10.00 A	Om.	252	996	905	No.
CHAU-TV-5	Television de la Baie des Chaleurs, Inc.	Perce, Quebec, N. 48°31'38", W. 64°14'49"	0.465 V 0.233 A	D.A.	130	1,380	1,215	(+).
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan, N. 50°20'52", W. 104°-30'00".	100.00 V 20.00 A	Om.	634	2,534	568	No.
CHANNEL 3 (60-66 MHz)								
CJOC-TV-3	Lethbridge Television, Ltd.	Burmis, Alberta, N. 49°31'54", W. 114°11'37"	0.225 V 0.045 A	D.A.	115	4,765	420	No.
CBUT-2	Canadian Broadcasting Corp.	Chilliwack, B.C., N. 49°06'36", W. 121°50'47"	0.590 V 0.295 A	D.A.	85	2,345	702	No.
CITM-TV	British Columbia TV Broadcasting System, Ltd.	Mt. Timothy, B.C., N. 51°54'10", W. 121°15'37"	0.72 V 0.14 A	D.A.	172	5,532	1,917	No.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call sign	Licensee	Location	Antenna: Effective radiated power (kW)	Directivity	Height above ground (ft.)	Height above MSL (ft.)	Height above terrain (ft.)	Chan. offset
CHANNEL 3 (60–66 MHz)—continued								
CFTK-TV	Skeene Broadcasters, Ltd	Terrace, B.C., N. 54°31'05", W. 128°28'15"	4.10 V 2.10 A	Om.	70	3,390	1,783	No.
CBWFT	Canadian Broadcasting Corporation	Winnipeg, Manitoba, N. 49°46'15", W. 97°30'35"	59.00 V 7.37 A	Om.	923	1,708	930	(−)
CBHT	Canadian Broadcasting Corporation	Halifax, Nova Scotia, N. 44°39'03", W. 63°39'28"	56.00 V 11.20 A	D.A.	620	1,070	866	No.
CBHFBT	Canadian Broadcasting Corporation	Yarmouth, Nova Scotia, N. 43°55'55", W. 66°06'10".	1.90 V 0.19 A	D.A.	470	620	558	(−)
CKVR-TV	Ralph Snelgrove Television, Ltd	Barrie, Ontario, N. 44°21'05", W. 79°41'55"	100.00 V 12.50 A	Om.	651	1,651	820	(+)
CKSO-TV-1	Cambrian Broadcasting, Ltd	Elliot Lake, Ontario, N. 46°25'50", W. 82°40'21"	19.00 V 3.80 A	Om.	216	1,596	552	No.
CKSO-TV-2	Cambrian Broadcasting, Ltd	Timmins, Ontario, N. 48°29'30", W. 81°19'45"	55.00 V 11.00 A	D.A.	499	1,499	544	(−)
CBVT-2	Canadian Broadcasting Corporation	La Tuque, Quebec, N. 47°25'25", W. 72°45'49"	15.40 V 1.54 A	D.A.	150	1,350	407	(−)
CBFT-2	Canadian Broadcasting Corp	Mont Laurier, Quebec, N. 46°33'37", W. 75°42'20"	5.54 V 2.80 A	D.A.	400	1,395	513	(+)
CJBR-TV	Lower St. Lawrence Radio, Inc	Rimouski, Quebec, N. 48°19'40", W. 68°50'09"	49.30 V 9.86 A	D.A.	124	1,261	986	(−)
CFQC-TV-1	A. A. Murphy and Sons, Ltd	Strasmer, Saskatchewan, N. 51°40'55", W. 108°30'55".	6.80 V 1.02 A	D.A.	520	3,100	930	(−)
CKOS-TV	Yorktown TV Co., Ltd	Yorktown, Saskatchewan, N. 51°12'33", W. 102°43'59".	15.00 V 2.60 A	Om.	525	2,275	534	No.
CHANNEL 4 (66–72 MHz)								
CFCN-TV	CFCN Television, Ltd	Calgary, Alberta, N. 51°03'37", W. 114°10'13"	55.00 V 27.5 A	D.A.	426	4,349	669	No.
CHAT-TV-1	Monarch Broadcasting Co., Ltd	Pivot, Alberta, No. 50°24'14", W. 110°03'07"	2.75 V 0.55 A	D.A.	512	3,199	623	(+).
CFJC-TV	Inland Broadcasters, Ltd	Kamloops, British Columbia, N. 50°40'15", W. 120°23'50".	3.70 V 1.85 A	Om.	114	3,021	501	(+).
CJAY-TV-2	Relay Communications, Ltd	Brandon, Manitoba, N. 49°40'05", W. 100°00'40".	55.00 V 11.00 A	D.A.	1,332	2,882	1,200	(+).
CBWT-2	Canadian Broadcasting Corp	Lac du Bonnet, Manitoba, N. 50°15'30", W. 95°57'20".	9.70 V 1.90 A	D.A.	440	1,290	442	No.
CHSJ-TV	New Brunswick Broadcasting Co., Ltd.	St. John, New Brunswick, N. 45°28'39", W. 66°14'02".	54.23 V 7.79 A	D.A.	144	1,599	1,263	(+).
CBHT-5	Canadian Broadcasting Corp	New Glasgow, Nova Scotia, N. 45°32'00", W. 62°38'14".	0.600 V 0.060 A	D.A.	152	702	422	(−).
CFCL-TV-4	J. Conrad Lavigne, Ltd	Hearst, Ontario, N. 49°42'56", W. 83°38'49"	0.098 V 0.049 A	D.A.	200	1,020	200	(−).
CHNB-TV	do	North Bay, Ontario, N. 46°03'46", W. 79°26'05"	60.90 V 6.10 A	D.A.	523	1,688	730	(−).
CBOT	Canadian Broadcasting Corp	Ottawa, Ontario, N. 45°30'11", W. 75°51'02"	100.00 V 15.00 A	Om.	618	1,768	1,310	(+).
CFCM-TV	Television de Quebec, Ltd	Quebec, Quebec, N. 46°47'04", W. 71°15'54"	100.00 V 15.00 A	Om.	407	672	460	No.
CKBI-TV-3	Central Broadcasting Co., Ltd	Greenwater Lake, Saskatchewan, N. 52°28'03", W. 103°30'15".	3.00 V 1.60 A	Om.	514	2,614	718	No.
CBKMT	Canadian Broadcasting Corp	Moose Jaw, Saskatchewan N. 50°23'26", W. 105°53'38".	48.00 V 7.00 A	D.A.	503	2,903	793	(−).
CHANNEL 5 (76–82 MHz)								
CFCN-TV-4	CFCN Television, Ltd	Burmis, Alberta, N. 49°31'54", W. 114°11'37"	0.230 V 0.115 A	Om.	134	4,784	439	(−).
CBUCT-1	Canadian Broadcasting Corp	Crawford Bay, British Columbia, N. 49°38'54", W. 116°50'53".	0.468 V 0.093 A	D.A.	138.7	3,359.7	−440	No.
CHKL-TV	British Columbia Television Broadcasting System, Ltd.	Kelowna, British Columbia, N. 49°58'00", W. 119°31'40".	4.00 V 0.80 A	D.A.	115	4,348	1,672	(−).
CFJC-TV-6	Inland Broadcasters, Ltd	Mt. Timothy, British Columbia, N. 51°54'00", W. 121°15'30".	0.98 V 0.49 A	Om.	49	5,449	1,871	(−).
CKX-TV	Western Manitoba Broadcasters, Ltd	Brandon, Manitoba, N. 49°40'42", W. 99°59'09"	54.00 V 27.00 A	D.A.	525	1,828	511	(+).
CJCH-TV	CJCH, Ltd	Halifax, Nova Scotia, N. 44°39'03", W. 63°39'28"	60.00 V 6.00 A	D.A.	575	1,025	822	No.
CBWCT	Canadian Broadcasting Corp	Fort Frances, Ontario, N. 48°48'15", W. 93°53'24"	20.20 V 4.04 A	D.A.	521	1,861	660	No.
CKVR-TV-3	Ralph Shelgrove Television, Ltd	Haliburton, Ontario, N. 45°02'35", W. 78°29'56"	0.10 V 0.05 A	D.A.	114	1,414	149	No.
CHOV-TV	The Ottawa Valley Television Co., Ltd.	Pembroke, Ontario, N. 45°50'02", W. 77°09'50"	19.10 V 9.50 A	D.A.	520.5	983	496	(+).
CKSO-TV	Cambrian Broadcasting, Ltd	Sudbury, Ontario, N. 46°30'02", W. 81°01'16"	100.00 V 14.40 A	Om.	975	2,006	1,049	No.
CBLT	Canadian Broadcasting Corp	Toronto, Ontario, N. 43°39'43", W. 79°22'42"	77.00 V 7.70 A	D.A.	541	881	444	No.
CHAU-TV	La Television de la Baie des Chaleurs, Inc.	Carleton (New Carlisle), Quebec, N. 48°08'07", W. 66°07'00".	52.20 V 26.25 A	D.A.	151	1,930	1,543	No.
CKMI-TV	Television de Quebec (Canada), Ltd	Quebec, Quebec, N. 46°47'04", W. 71°15'54"	13.85 V 6.77 A	Om.	407	672	460	(−).
CJFB-TV	Swift Current Broadcasting Co., Ltd.	Swift Current, Saskatchewan, N. 50°20'20", W. 107°47'17".	13.30 V 6.65 A	Om.	343	3,027	511	(−).
CHANNEL 6 (82–88 MHz)								
CHAT-TV	Monarch Broadcasting Co., Ltd	Medicine Hat, Alberta, N. 50°04'30", W. 110°-47'40".	5.70 V 1.14 A	Om.	270	2,719	315	(−).
CKRD-TV	CHCA Television, Ltd	Red Deer, Alberta, N. 52°16'15", W. 113°41'30"	13.20 V 6.60 A	D.A.	321	3,671	714	(+).
CHKM-TV	British Columbia Television Broadcasting, Ltd.	Kamloops, British Columbia, N. 50°40'15", W. 120°23'50".	4.00 V 1.00 A	Om.	114	3,021	501	(+).
CFTK-TV-1	Skeena Broadcasters, Ltd	Prince Rupert, British Columbia, N. 54°17'05", W. 130°18'48".	0.48 V 0.24 A	Om.	160	2,480	1,960	(+).
CHEK-TV	CHEK TV, Ltd	Victoria, British Columbia, N. 48°46'28", W. 123°10'10".	100.00 V 50.00 A	Om.	298.5	1,598.5	1,355	No.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call sign	Licensee	Location	Antenna					
			Effective radiated power (kW)	Directivity	Height above ground (ft.)	Height above MSL (ft.)	Height above terrain (ft.)	Chan. offset
CHANNEL 6 (82–88 MHz)—continued								
CBWT	Canadian Broadcasting Corp.	Winnipeg, Manitoba, N. 49°46'15", W. 97°30'35"	100.00 V 12.00 A	Om.	1,020	1,805	1,027	(−).
CHSJ-TV-1	New Brunswick Broadcasting Co., Ltd.	Bon Accord, New Brunswick, N. 46°38'57", W. 67°35'35".	54.70 V 27.30 A	D.A.	470	1,968	1,088	(−).
CHAK-TV	Canadian Broadcasting Corp.	Inuvik, North West Territory, N. 68°21'46", W. 133°41'43".	3.00 V 0.30 A	D.A.	303	563	394	No.
CJCH-TV-6	CJCH, Ltd.	Caledonia, Nova Scotia, N. 44°20'26", W. 65°-06'34".	51.50 V 10.30 A	D.A.	408	968	633	(+)
CJOH-TV-6	Ottawa-Cornwall Broadcasting, Ltd.	Deseronto, Ontario, N. 44°08'30", W. 77°04'34"	55.50 V 5.55 A	D.A.	573	1,023	671	(−).
CFCL-TV	J. Conrad Lavigne, Ltd.	Timmins, Ontario, N. 48°29'30", W. 81°19'45"	100.00 V 10.00 A	Om.	408	1,530	562	No.
CJPM-TV	CJPM-TV Inc.	Chicoutimi, Quebec, N. 48°24'27", W. 71°05'08"	61.00 V 6.70 A	D.A.	190	740	440	No.
CBGAT-6	La Compagnie de Radiodiffusion de Matane, Ltee.	Matane, Quebec, N. 48°49'34", W. 67°32'34"	0.422 V 0.084 A	Om.	64	414	134	(+).
CBMT	Canadian Broadcasting Corp.	Montreal, Quebec, N. 45°30'20", W. 73°35'32"	100.00 V 15.00 A	Om.	167	911	830	(+).
CKCK-TV-2	Transcanada Communications, Ltd.	Willow Bunch, Saskatchewan, N. 49°20'58", W. 105°28'08".	9.00 V 1.80 A	D.A.	636	3,511	864	(−).
CHSS-TV	Yorkton TV Co. Ltd.	Wynard, Saskatchewan, N. 51°42'30", W. 104°-17'55".	11.00 V 1.80 A	Om.	514	2,539	614	No.
CFWH-TV	Canadian Broadcasting Corp.	Whitehorse, Yukon Territory, N. 60°39'35", W. 134°52'56".	0.30 V 0.03 A	Om.	100	4,340	1,248	No.
CHANNEL 7 (174–180 MHz)								
CJOC-TV	Lethbridge Television, Ltd.	Lethbridge, Alberta, N. 49°52'55", W. 112°47'56".	96.10 V 19.20 A	D.A.	600	3,619	662	No.
CHBC-TV-2	Okanagan Valley TV Co., Ltd.	Vernon, British Columbia, N. 50°16'58", W. 119°19'09".	0.310 V 0.039 A	D.A.	93	2,826	865.5	(−).
CJAY-TV	Channel 7 Television, Ltd.	Winnipeg, Manitoba, N. 49°34'48", W. 97°10'04".	325.00 V 65.00 A	Om.	929.5	1,704.5	932.5	(+).
CKCD-TV	Moncton Broadcasting, Ltd.	Campbellton, New Brunswick, N. 48°04'57", W. 66°34'54".	1.44 V 0.288 A	D.A.	90	1,190	640	(−).
CHMT-TV	New Brunswick Broadcasting Co., Ltd.	Moncton, New Brunswick, N. 45°49'32", W. 64°45'11".	182.0 V 36.4 A	D.A.	452	1,702	1,128	No.
CBWCT-1	Canadian Broadcasting Corp.	Atikokan, Ontario, N. 48°46'18", W. 91°36'50"	0.544 V 0.109 A	D.A.	309	1,719	385	(−).
CFCL-TV-6	J. Conrad Lavigne, Ltd.	Chapleau, Ontario, N. 47°51'15", W. 83°25'08"	0.101 V 0.020 A	D.A.	255	1,876	420	(+).
CBFOT-2	Canadian Broadcasting Corp.	Hearst, Ontario, N. 49°38'50", W. 83°30'50"	8.40 V 1.68 A	D.A.	530	1,420	611	No.
CBFST	do.	Sturgeon Falls, Ontario, N. 46°25'10", W. 79°56'04".	9.75 V 1.95 A	D.A.	513	1,363	617	No.
CHAU-TV-7	Television de la Baie des Chaleurs, Inc.	Riviere-au-Renard (Fox River), Quebec, N. 48°59'52", W. 64°25'53".	0.079 V 0.0395 A	D.A.	90	1,140	709	No.
CKRT-TV	CKRT-TV, Ltee.	Riviere du Loup, Quebec, N. 47°35'03", W. 69°22'10".	49.00 V 24.50 A	Om.	200	2,350	1,156	(+).
CHLT-TV	Radio Television Sherbrooke, Inc.	Sherbrooke, Quebec, N. 45°18'43", W. 72°14'32"	170.00 V 100.00 A	D.A.	166	2,856	1,920	No.
CFSS-TV	Yorkton Television Co., Ltd.	Carlyle Lake, Saskatchewan, N. 49°44'22", W. 102°10'38".	55.00 V 8.80 A	D.A.	706	3,231	886	(+).
CBCP-TV-1	Canadian B/Cing Corp.	Shaunavon, Saskatchewan, N. 49°28'05", W. 108°26'04".	1.488 V 0.1488 A	D.A.	442	3,817	560	(+).
CKMJ-TV	Transcanada Communications, Ltd.	Moose Jaw, Saskatchewan, N. 50°38'43", W. 105°46'00".	55.40 V 11.08 A	D.A.	752	2,727	768	(−).
CBCP-TV-1	Canadian B/Cing Corp.	Shaunavon, Saskatchewan, N. 49°28'05", W. 108°26'04".	1.14 V 0.23 A	D.A.	418	3,793	560	(+).
CHANNEL 8 (180–186 MHz)								
CHBC-TV-3	Okanagan Valley TV Co., Ltd.	Oliver, British Columbia, N. 49°00'00", W. 119°35'45".	0.110 V 0.014 A	D.A.	57	2,557	1,346	No.
CHAN-TV	British Columbia TV Broadcasting System, Ltd.	Vancouver, British Columbia, N. 49°16'31", W. 122°54'49".	164.00 V 81.00 A	D.A.	338	1,313	1,171	(+).
CKSS-TV	Yorkton TV Co., Ltd.	Dauphin (Baldy Mountain), Manitoba, N. 51°28'14", W. 100°43'10".	120.00 V 12.00 A	D.A.	540	3,267	1,147	No.
CBHT-2	Canadian Broadcasting Corporation.	Shelburne, Nova Scotia, N. 43°46'35", W. 65°18'29".	0.423 V 0.254 A	D.A.	313.5	563.5	449	No.
CJOH-TV-8	Cornwall Broadcasting Ltd.	Cornwall, Ontario, N. 45°10'35", W. 74°31'38"	130.00 V 78.00 A	D.A.	638	813	615	(+).
CKVR-TV-2	Ralph Snelgrove, Ltd.	Huntsville, Ont., N. 45°24'39", W. 79°15'22"	0.115 V 0.049 A	Om.	365	1,615	481	(+).
CBWAT	Canadian Broadcasting Corp.	Kenora, Ontario, N. 49°46'13", W. 94°30'13"	9.30 A 1.86 A	D.A.	185	1,345	240	No.
CBLAT-1	Canadian Broadcasting Corp.	Manitouwadge, Ontario, N. 49°08'21", W. 85°-49'23.5".	22.00 V 4.40 A	D.A.	538	1,968	569	(+).
CKNX-TV	Radio Station CKNX, Ltd.	Wingham, Ontario, N. 44°05'26", W. 81°12'20"	90.00 V 18.00 A	D.A.	623	1,773	793	(−).
CKRS-TV-3	Radio Saguenay, Ltd.	Roberval, Quebec, N. 48°24'00", W. 72°05'14"	2.36 V 0.354 A	D.A.	307	1,217	532	(+).
CFQC-TV	A. A. Murphy & Sons, Ltd.	Saskatoon, Saskatchewan, N. 52°11'29.93", W. 106°23'0.55".	180.00 V 27.00 A	D.A.	625	2,585	866	(+).
CBTE-TV-1	Canadian Broadcasting Corp.	Watson Lake, Yukon Territory, N. 60°03'52", W. 128°42'52".	0.035 V 0.0035 A	D.A.	105	2,405	−29	(+).
CHANNEL 9 (186–192 MHz)								
CFJC-TV-4	Inland Broadcasters, Ltd.	Clinton, British Columbia, N. 51°05'19", W. 121°40'30".	0.204 V 0.102 A	Om.	35	6,535	1,800	(+).
CBUT-1	Canadian Broadcasting Corp.	Courtenay, British Columbia, N. 49°35'44", W. 125°00'30".	0.625 V 0.332 A	D.A.	218	1,418	483	(−).
CBUCT	Canadian Broadcasting Corp.	Nelson, British Columbia, N. 49°31'50", W. 117°17'58".	0.940 V 0.188 A	D.A.	168.5	5,759.5	1,377	No.
CHBC-TV-4	Okanagan Valley TV Co., Ltd.	Salmon Arm, British Columbia, N. 50°45'20", W. 119°19'45".	0.199 V 0.025 A	D.A.	110	1,910	−155	(−).

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call sign	Licensee	Location	Antenna: Effective radiated power (kW)	Antenna: Directivity	Antenna: Height above ground (ft.)	Antenna: Height above MSL (ft.)	Antenna: Height above terrain (ft.)	Chan. offset
CHANNEL 9 (186–192 MHz)—continued								
CKX-TV-2	Western Manitoba Broadcasters, Ltd.	Melita, Manitoba, N. 49°16'50", W. 100°59'12"	0.188 V 0.094 A	Om.	211	1,686	212	(+).
CKLT-TV	Moncton Broadcasting, Ltd.	Saint John, New Brunswick, N. 45°28'39", W. 66°14'02".	162.00 V 32.00 A	D.A.	241	1,696	1,361	(+).
CJCB-TV-2	Cape Breton Broadcasters, Ltd.	Antigonish, Nova Scotia, N. 45°32'45", W. 62°15'39".	140.00 V 28.00 A	D.A.	503	1,503	902	No.
CBWDT	Canadian Broadcasting Corp.	Dryden, Ontario, N. 49°45'52", W. 92°41'01"	8.90 V 1.78 A	D.A.	511.2	1,825	569	(−).
CBOFT	Canadian Broadcasting Corp.	Ottawa, Ontario, N. 45°30'11", W. 75°51'02"	128.00 V 25.60 A	D.A.	702	1,852	1,394	(+).
CKNC-TV	J. Conrad Lavigne, Ltd.	Sudbury, Ontario, N. 46°30'44", W. 81°00'19"	168.00 V 16.80 A	D.A.	539	1,559	627	(+).
CBFOT	Canadian Broadcasting Corp.	Timmins, Ontario, N. 48°28'00", W. 81°17'50"	16.00 V 3.20 A	D.A.	525	1,669	706	(−).
CFTO-TV	Baton Broadcasting, Ltd.	Toronto, Ontario, N. 43°46'48", W. 79°15'34"	325.00 V 49.00 A	Om.	871	1,421	925	No.
CBLAT-3	Canadian Broadcasting Corp.	Wawa, Ontario, N. 48°01'13", W. 84°44'08"	16.00 V 3.20 A	D.A.	374	1,814	581	(+).
CKLW-TV	Western Ontario Broadcasting Co., Ltd.	Windsor, Ontario, N. 42°18'59", W. 83°02'58"	178.00 V 35.60 A	D.A.	626	1,226	631	(−).
CBGAT	La Compagnie de Radiodiffusion de Matane, Ltee.	Matane, Quebec, N. 48°53'25", W. 66°38'25"	153.00 V 30.60 A	D.A.	114	3,839	2,336	(−).
CKRS-TV-1	Radio Saguenay, Ltd.	Port Alfred, Quebec, N. 48°19'20", W. 70°49'48"	0.019 V 0.00285 A	D.A.	80	605	61	(+).
CBKRT	Canadian Broadcasting Corp.	Regina, Saskatchewan, N. 50°28'58", W. 104°30'20".	140.00 V 20.40 A	D.A.	697.5	2,654	680	(−).
CBKST-1	Canadian Broadcasting Corp.	Stranraer, Saskatchewan, N. 51°40'25", 108°28'54".	35.20 V 7.05 A	D.A.	450	2,950	765	No.
CHANNEL 10 (192–198 MHz)								
CKRD-TV-1	CHCA Television, Ltd.	Coronation, Alberta, N. 52°09'15", W. 111°09'30".	12.40 V 6.20 A	D.A.	218	3,218	687	No.
CBUBT	Canadian Broadcasting Corp.	Cranbrook, British Columbia, N. 49°32'45", W. 115°47'52".	1.10 V 0.505 A	D.A.	77	4,091	832	No.
CHKL-TV-1	British Columbia TV Broadcasting System, Ltd.	Penticton, British Columbia, N. 49°39'34", W. 119°34'18".	0.440 V 0.088 A	D.A.	67	4,367	1,173	No.
CBWGT	Canadian Broadcasting Corp.	Fisher Branch, Manitoba, N. 51°04'50", W. 97°38'55".	27.40 V 5.48 A	D.A.	548	1,368	559	(+).
CJCH-TV-1	CJCH Ltd.	Canning, Nova Scotia, N. 45°12'12" W. 64°24'06"	9.05 V 4.53 A	D.A.	318	993	886	No.
CFPL-TV	CFPL Broadcasting Ltd.	London, Ontario, N. 42°57'15" W. 81°15'58"	325.00 V 43.20 A	Om.	946	1,869	1,000	No.
CFCH-TV	Tel-Ad Co., Ltd.	North Bay (Callender), Ontario, N. 46°12'15" W. 79°21'06".	119.00 V 23.80 A	D.A.	340	1,185	420	(−).
CBWET	Canadian Broadcasting Corp.	Red Lake, Ontario, N. 51°01'35", W. 93°49'44"	0.570 V 0.114 A	D.A.	211	1,461	286	(−).
CKHQ-TV-1	Northeast Social Club	Manicouagan, Quebec, N. 50°38'45", W. 68°44'22"	0.0550 V 0.0274 A	D.A.	203	1,383	71	No.
CFTM-TV	Telemetropole Corp.	Montreal, Quebec, N. 45°30'20", W. 73°35'32"	325.00 V 160.00 A	Om.	328	1,068	972	No.
CJFB-TV-3	Swift Current Broadcasting Co., Ltd.	Riverhurst, Saskatchewan, N. 50°44'25", W. 106°54'34".	0.390 V 0.195 A	D.A.	415	2,940	776	(−).
CBKMT-1	Canadian Broadcasting Corp.	Willow Bunch, Saskatchewan, N. 49°23'10", W. 105°40'17".	22.10 V 2.20 A	D.A.	506	3,441	830	(+).
CHANNEL 11 (198–204 MHz)								
CBUAT	Canadian Broadcasting Corp.	Trail, British Columbia, N. 49°05'27", W. 117°47'56".	3.340 V 0.668 A	D.A.	203	4,453	762	No.
CKX-TV-1	Western Manitoba Brdcsters, Ltd.	Foxwarren, Manitoba, N. 50°31'14", W. 101°04'23".	6.64 V 3.48 A	D.A.	261	2,031	270	No.
CBAFT	Canadian Broadcasting Corp.	Moncton, New Brunswick, N. 46°08'41", W. 64°54'14".	163.00 V 33.00 A	D.A.	394	1,010	781	No.
CBHT-4	Canadian Broadcasting Corp.	Sheet Harbor, Nova Scotia, N. 44°55'29", W. 62°29'55".	9.07 V 1.814 A	D.A.	243	493	368	(+).
CBHT-3	Canadian Broadcasting Corp.	Yarmouth, Nova Scotia, N. 43°55'55", W. 66°06'10".	15.70 V 3.30 A	D.A.	540	690	620	(−).
CHCH-TV	Niagara TV, Ltd.	Hamilton, Ontario, N. 43°12'27", W. 79°46'28".	230.00 V 23.00 A	D.A.	1,054	1,679	1,173	(+).
CKSO-TV-3	Cambrian Broadcasting, Ltd.	Kearns, Ontario, N. 48°08'12", W. 79°33'12"	65.00 V 13.00 A	D.A.	396	1,746	734	No.
CKWS-TV	Frontenac Broadcasting, Ltd.	Kingston, Ontario, N. 44°10'02", W. 76°25'40"	130.00 V 26.00 A	D.A.	785	1,110	851	(−).
CBLAT-4	Canadian Broadcasting Corp.	Marathon, Ontario, N. 48°44'50", W. 86°34'00"	7.66 V 1.532 A	D.A.	313	1,758	932	(−).
CBGAT-1	La Compagnie de Radiodiffusion de Matane, Ltee.	Mont Climont, Quebec, N. 48°23'50", W. 67°19'27".	0.343 V 0.172 A	D.A.	95	1,645	732	No.
CBFT-1	Canadian Broadcasting Corp.	Mont Tremblant, Quebec, N. 46°13'10", W. 74°33'11".	0.600 V 0.300 A	D.A.	97	3,047	1,779	No.
CBVT	Canadian Broadcasting Corp.	Quebec, Quebec, N. 46°51'40.41", W. 71°04'46.24".	173.00 V 34.60 A	D.A.	525	950	641	(+).
CBKST	Canadian Broadcasting Corp.	Saskatoon, Saskatchewan, N. 52°10'25", W. 106°25'42".	325.00 V 65.00 A	Om.	600	2,550	786	No.
CHANNEL 12 (204–210 MHz)								
CFCN-TV-1	CFCN Television, Ltd.	Drumheller, Alberta, N. 51°34'00", W. 112°19'48".	14.10 V 7.00 A	D.A.	540	4,040	916	No.
CBUBT-1	Canadian Broadcasting Corp.	Canal Flats, British Columbia, N. 50°11'41", W. 115°49'25".	5.40 V 1.00 A	D.A.	132	3,328	−805	No.
CHKL-TV-2	British Columbia TV Broadcasting System, Ltd.	Vernon, British Columbia, N. 50°16'58", W. 119°19'09".	0.231 V 0.023 A	D.A.	67	2,800	578	No.
CKAM-TV	Moncton Broadcasting, Ltd.	Upsalquitch Lake, (Campbellton), New Brunswick, N. 47°27'19", W. 66°25'07".	141.00 V 28.20 A	D.A.	733	2,973	1,331	No.
CBHT-1	Canadian Broadcasting Corp.	Liverpool, Nova Scotia, N. 44°03'59", W. 64°43'00".	0.970 V 0.097 A	D.A.	472	772	647	No.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call sign	Licensee	Location	Antenna: Effective radiated power (kW)	Antenna: Directivity	Antenna: Height above ground (ft.)	Antenna: Height above MSL (ft.)	Antenna: Height above terrain (ft.)	Chan. offset
CHANNEL 12 (204–216 MHz)—continued								
CBFST-3	Canadian Broadcasting Corp.	Elliot Lake, Ontario, N 46°23'21", W 82°37'06".	18.60 V 3.72 A	D.A.	145	1,645	532	(+).
CBFOT-1	Canadian Broadcasting Corp.	Kapuskasing, Ontario, N 49°17'48", W 82°11'19".	17.40 V 3.48 A	D.A.	426	1,226	438	No.
CHEX TV	Kawartha Broadcasting Co., Ltd.	Peterborough, Ontario, N 44°19'45", W 78°-18'03".	139.00 V 83.40 A	D.A.	753	1,553	772	(+).
CBLAT-2	Canadian Broadcasting Corp.	White River, Ontario, N 48°37'45", W 85°11'24".	0.384 V 0.077 A	D.A.	347.5	2,311	761	(−).
CKRS-TV	Radio Saguenay, Ltd.	Jonquiere, Quebec, N 48°24'29", W 71°14'52".	20.00 V 2.00 A	D.A.	228	749	311.5	(+).
CFCF-TV	Canadian Marconi Co.	Montreal, Quebec, N 45°30'20", W 73°35'32".	325.00 V 160.00 A	Om.	330	1,074	970	No.
CBFST-2	Canadian Broadcasting Corp.	Temiskaming, Quebec, N 46°38'25", W 79°-04'24".	7.08 V 1.416 A	D.A.	525	1,825	860	(−).
CKCK-TV-1	Transcanada Communications, Ltd.	Colgate, Saskatchewan, N. 49°26'16", W. 103°-47'53".	15.10 V 3.02 A	D.A.	538	2,463	532	No.
CHANNEL 13 (210–216 MHz)								
CFCN-TV-5	CFCN Television, Ltd.	Lethbridge, Alberta, N. 49°42'55", W. 112°47'56".	47.00 V 7.34 A	D.A.	530	3,549	503	(+).
CBUDT	Canadian Broadcasting Corp.	Bonnington, B.C., N. 49°28'33", W. 117°29'16".	0.022 V 0.0022 A	D.A.	107	2,907	−1,287	(+).
CHAN-TV-4	British Columbia TV Broadcasting System, Ltd.	Courtnay, B.C., N. 49°44'55", W. 125°14'53".	0.930 V 0.093 A	D.A.	68	3,343	1,321	No.
CBUBT-2	Canadian Broadcasting Corp.	Golden, British Columbia, N. 51°16'25", W. 116°56'17".	0.0114 V 0.00114 A	D.A.	160	3,740	−87	No.
CHBC-TV-1	Okanagan Valley TV Co., Ltd.	Penticton, British Columbia, N. 49°39'34", W. 119°34'18".	0.300 V 0.038 A	D.A.	91	4,391	2,717	No.
CJBR-TV-1	Lower St. Lawrence Radio, Inc.	Edmundston, New Brunswick, N. 47°23'25" W. 68°18'59".	1.430 V 0.714 A	D.A.	521	1,721	856	No.
CBHFT	Canadian Broadcasting Corp.	Halifax, Nova Scotia, N. 44°39'03", W. 63°39'28".	0.135 V 0.0135 A	D.A.	525	975	771	No.
CBLAT	do.	Geraldton, Ontario, N. 49°43'50", W. 86°43'21".	22.00 V 4.40 A	D.A.	540	1,690	598	(+).
CKCO-TV	Central Ontario TV, Ltd.	Kitchener, Ontario, N. 43°24'15", W. 80°38'05".	325.00 V 65.00 A	Om.	653.8	2,089	954	(+).
CJOH-TV	Bushnell Communications, Ltd.	Ottawa, Ontario, N. 45°30'11", W. 75°51'02".	178.00 V 35.60 A	D.A.	533	1,683	1,235	(+).
CBFST-1	Canadian Broadcasting Corp.	Sudbury, Ontario, N. 46°30'14", W. 80°58'04".	8.60 V 1.72 A	D.A.	265	1,403	478	(−).
CBCT	do.	Charlottetown, P.E.I., N. 46°12'40", W. 63°-20'25".	38.60 V 19.30 A	D.A.	549	800	771	(+).
CKTM-TV	Television St. Maurice, Inc.	Three Rivers, Quebec, N. 46°29'27", W. 72°39'00".	162.50 V 32.50 A	D.A.	1,040	1,615	1,323	(−).
CHANNEL 19 (500–506 MHz)								
CICA-TV	Canadian Broadcasting Corp.	Toronto, Ontario, N. 43°39'43", W. 79°22'42".	600.00 V 120.00 A	Om.	521	861	476	(−).
CHANNEL 25 (536–542 MHz)								
CBLFT	Canadian Broadcasting Corp.	Toronto, Ontario, N. 43°39'43", W. 79°22'42".	234.00 V 46.80 A	D.A.	380	720	350	No.
CHANNEL 69 (800–806 MHz)								
CBUBT-6	Canadian Broadcasting Corp.	Spillimacheen, British Columbia, N. 50°53'59", W. 116°29'35".	0.0932 V 0.0093 A	D.A.	55	3,255	−1,337	No.
CHANNEL 72 (818–824 MHz)								
CHBC-TV-5	Okanagan Valley TV Co., Ltd.	Enderby, British Columbia, N. 50°33'48", W. 119°09'10".	0.020 V 0.0025 A	D.A.	103	2,103	−625	No.
CHANNEL 75 (830–842 MHz)								
CBUBT-5	Canadian Broadcasting Corp.	Radium, British Columbia, N. 50°36'40", W. 116°04'58".	0.079 V 0.0079 A	D.A.	110	2,810	−1,488	No.
CHANNEL 79 (860–866 MHz)								
CITY-TV	Channel Seventy-Nine, Ltd.	Toronto, Ontario, N. 43°42'21", W. 79°23'57".	32.00 V 6.40 A	D.A.	342.6	868.5	420.5	No.

[FR Doc.73-9142 Filed 5-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-279, etc.]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 2, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, 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 hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their 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, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "date suspended until" column. Each of these supplements 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. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 thousand cubic feet* Rate in effect	Cents per thousand cubic feet* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-279	Union Texas Petroleum, a division of Allied Chemical Corp.	102	3	Natural Gas Pipeline Co. of America (ROC Field, Ward County, Tex.) (Permian Basin).	$4,344	4-6-73		10-12-73	[1] [10] 27.4	[1] [10] 27.8	RI72-246.
RI73-280	CRA, Inc.	49	27	Northern Natural Gas Co. (Mertzen Plant, Irion County, Tex.) (Permian Basin).	1,150	4-9-73		6-10-73	[10] 17.0038	[10] 18.0075	RI72-152.
RI73-281	Gulf Oil Corp.	138	[2] 11	West Texas Gathering Co. (Kermit South Ellenburger Field, Winkler County, Tex.) (Permian Basin).	(9)	4-9-73		6-10-73	[2] [10] 17.71	[2] [10] 18.79	RI70-1480.
RI73-282	Amoco Production Co.	120	16	Northern Natural Gas Co. (Eumont et al. fields, Lea County, N. Mex.) (Permian Basin).	6,130	4-9-73		6-10-73	[3] 16.1576	[3] 17.3292	RI71-631.
					1,532	4-9-73		6-10-73	[4] 15.6480	[4] 16.8194	RI71-631.
	do.	123	21	do.	37,317	[4] 4-9-73		6-10-73	[3] 16.1576	[3] 17.3292	RI71-557.
					9,489	[4] 4-9-73		6-10-73	[4] 15.6480	[4] 16.8194	RI71-557.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to upward or downward Btu adjustment.
[2] Rate applicable only to acreage added by Supplement No. 6.
[3] Subject to quality and Btu adjustment as provided in order No. 468 and 468-A.
[4] There is no gas currently available for delivery.
[5] High pressure gas and certain low pressure gas.
[6] Low pressure gas requiring compression and reduced 0.54 c/m ft³ pursuant to article VI, paragraph 2, of the contract.
[7] High pressure gas (other than that sold under Supplements Nos. 12 and 19) and any low pressure gas other than covered in [5] above.
[8] Filing corrected by correction filed April 18, 1973.
[9] Not used.
[10] The pressure base is 14.65 lb/in²a.

The proposed increase of Union Texas Petroleum exceeds the rate limit for a 1-day suspension and is therefore suspended for 5 months from the contractual effective date.

The remaining proposed increases do not exceed the rate limit for one day suspension and they are suspended for either 1 day from the expiration of the 60-day notice period or for 1 day from the contractual due date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, pt. 2, 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-9164 Filed 5-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL MORTGAGE CO., INC.

Order Approving Acquisition of Banks and Merger of a Bank Holding Company

Central Mortgage Co., Inc., Springfield, Mo., a bank holding company, within the meaning of the Bank Holding Company Act, has applied in separate applications for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of (1) Farmers Bank of Stover (Farmers Bank), Stover, Mo., and (2) Jackson County State Bank (Jackson County Bank), Kansas City, Mo. Applicant has also applied for the Board's approval under section 3(a)(5) of the act (12 U.S.C. 1842(a)(5)) to merge with Harmon Oil Co., Inc. (Harmon Oil), Warrensburg, Mo., a bank holding company, and to thereby acquire 50.225 percent of the voting shares of Barton County State Bank (Barton County Bank), Lamar, Mo., and 4.9 percent of the voting shares of Jackson County Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant engages primarily in mortgage banking and related insurance agency activities in Missouri and as of December 31, 1972, held a mortgage servicing portfolio of $31 million. Applicant controls the Citizens Bank of Warrensburg, Warrensburg, Mo., with deposits of $15 million representing 0.1 percent of total commercial bank deposits in Missouri. (All banking data are as of June 30, 1972.) Approval of the proposed acquisitions of Farmers Bank (deposits of $4 million), Jackson County Bank (deposits of $21 million), and of the proposed merger with Harmon Oil [1] thereby acquiring Barton County Bank (deposits of $9 million), would result in applicant controlling four banks with aggregate deposits of $49 million representing 0.4 percent of commercial bank deposits in Missouri. Approval of the proposed transactions would not represent a significant increase in the concentration of banking resources in any relevant area.

[1] In addition to its ownership of shares of Barton County Bank and Jackson County Bank, Harmon Oil engages in certain farming activities. Applicant has stated the farming activities of Harmon Oil will cease prior to consummation of the proposed merger and assets related thereto will be sold.

The proposed transactions essentially represent a consolidation of various ownership interests of a single family. Applicant has stated it will, however, as part of its proposal, register its shares under the Securities Act of 1933 and offer them in exchange for shares owned by minority shareholders of each of its proposed or present banking subsidiaries.[2] Both applicant and Harmon Oil are wholly owned by an individual and his wife while the same individual, his wife and members of their immediate family control in excess of 50 percent of the shares of Farmers Bank and Jackson County Bank (including 4.9 percent of the shares of Jackson County Bank owned by applicant).

Farmers Bank is located in central Missouri approximately 30 miles southeast of Sedalia, Mo., and is the fourth largest of five banks competing in the Stover area. Jackson County Bank is located in the southeastern portion of Kansas City and is the third largest of seven banks within its immediate service area. Barton County Bank is located in southeastern Missouri and is the second largest of six banks within its service area.

The closest offices of any of the proposed subsidiary banks to an office of any other of the proposed or existing banking subsidiaries of applicant are 55 miles apart. In view of the distances separating the banking offices, Missouri's restrictive branching laws, the common ownership of applicant and the proposed subsidiaries and other facts of record, consummation of the proposals would not appear to eliminate any meaningful existing or future competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of the proposed subsidiary banks and of applicant and its banking subsidiary are regarded as generally satisfactory. Affiliation of the banks within a holding company structure would appear to facilitate certain operating efficiencies through common management and accounting and auditing programs. Thus, considerations related to banking factors and the convenience and needs of the communities involved are consistent with approval of the applications.

Applicant has indicated that certain farming assets it owns will be spun off to its shareholders[3] and that certain farming assets of Harmon Oil will be sold to applicant's shareholders. Applicant has also indicated it will not engage in any real estate sales operation in the future. In its considerations of these applications, the Board has reviewed the interfaces between the proposed subsidiaries and applicant's grandfathered nonbanking activities and it does not appear that any adverse effects upon the public interest would be attributable thereto. It is the Board's judgment that the proposed acquisitions of bank shares and the proposed merger would be in the public interest and should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9238 Filed 5-9-73;8:45 am]

[2] The Board has relied on such representation and expects applicant to complete its SEC registration and to make its exchange offer to minority shareholders as expeditiously as possible.

[3] In conection with its plan to spin off shares of a company to be formed to hold certain farming assets, Applicant has requested a determination, pursuant to section 2(g)(3) (12 U.S.C. 1841(g)(3)) of the Bank Holding Company Act, that it will not be capable of controlling the shares of the company to be formed. See 38 FR 8692.

[4] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Merger of Banks

New Corpus Christi Bank & Trust, Corpus Christi, Tex., a nonoperating proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to acquire the assets and assume the liabilities of Corpus Christi Bank & Trust, Corpus Christi, Tex. (Bank), under the name of Bank and charter of applicant. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank by First City Bancorporation of Texas, Inc., Houston, Tex.

As required by the act, notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record and all comments received in light of the factors set forth in the act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date, approving the application of First City Bancorporation of Texas, Inc., Houston, Tex., to acquire 100 pecent of the voting shares (less directors' qualifying shares) of the successor by purchase of assets and assumption of liabilities of Corpus Christi Bank & Trust, Corpus Christi, Tex. The transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 3, 1973.[5]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9299 Filed 5-9-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Corpus Christi Bank & Trust, Corpus Christi, Tex. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with deposits of $1.7 billion, representing 5.6 percent of total deposits in commercial banks in Texas and is the second largest banking organization in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through March 31, 1973.) The acquisition of Bank, with deposits of $113 million, would not change applicant's present rank among State banking organizations.

Bank ranks second among the 26 banks serving the Corpus Christi banking market and holds 20 percent of area deposits. The largest market bank, Corpus Christi State National Bank, Corpus Christi, Tex. (National Bank) controls approximately 32 percent of total market deposits. This proposal represents applicant's initial entry into the Corpus Christi banking market and also represents the second attempt by a bank holding company to acquire one of the market banks. Applications have recently been approved for the acquisition by a bank holding company of National Bank and for the merger of the fourth and ninth largest area banks. Primary competition in the

[1] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Voting against this action: Governor Robertson, who issued a dissenting statement which is filed as part of the original. Absent and not voting: Governors Mitchell and Brimmer.

[5] Board action was taken while Governor Robertson was a Board member.

market is concentrated between National Bank and Bank, whereas the 24 smaller banks compete among themselves for consumer loans and deposits and for the smaller commercial accounts. Consummation of this proposal could improve Bank's ability to compete with National Bank without adversely affecting any of the area banks.

Bank does not compete with any of applicant's subsidiary banks, the closest of which is located in the Houston banking market, 185 miles from Corpus Christi. Furthermore, it does not appear that significant future competition would develop between them in view of their wide separation, the presence of numerous intervening banks, and restrictions placed on branching by State laws. Competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of applicant, its subsidiary banks, and Bank are considered to be satisfactory, and prospects for each appear favorable. Banking factors are consistent with approval of the application. The primary banking needs of the Corpus Christi area are being served at the present time. However, applicant proposes to assist Bank in providing the area with additional expertise in real estate, in petroleum and gas financing, and in trust services. The international department of applicant's lead bank will make available to Bank's customers clearance of foreign checks, issuance of foreign drafts, arrangements for letters of credit (commercial and individual), foreign currencies, and loans in the Euro-Dollar market. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend slight support to approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 3, 1973.[3]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9240 Filed 5-9-73;8:45 am]

[1] Dissenting Statement of Governor Robertson filed as part of the original document and available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Voting against this action: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

[3] Board action was taken while Governor Robertson was a Board Member.

FIRST NATIONAL FINANCIAL CORP.

Order Approving Acquisition of Bank

First National Financial Corp., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Commercial Bank of Menominee (Bank), Menominee, Mich. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls six banks with aggregate deposits of $361 million, representing 1.5 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1972 and reflect holding company formations and acquisitions approved through Apr. 10, 1973.) The acquisition of Bank, with deposits of approximately $12 million, would increase applicant's share of total deposits in Michigan by a nominal amount and would not increase concentration in the relevant market areas.

Bank's sole office is in Menominee in Michigan's Upper Peninsula.[1] Bank is the smaller of two banks in Menominee and is the sixth largest of nine banks in the Menominee-Marinette market area with approximately 10 percent of the area deposits. The nearest office of a subsidiary of applicant to Bank is more than 100 miles away. Existing competition between Bank and any of applicant's subsidiaries is negligible. Furthermore, it appears unlikely that any significant competition would develop between applicant's subsidiaries and Bank in the future in view of the distances separating the banking offices and other facts of record. Also, banking prospects in Bank's market area are not such that there is any likelihood that applicant would enter the market with a de novo bank. The Board concludes that consummation of the proposal would not eliminate any meaningful existing or potential competition.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiaries and Bank are generally satisfactory. Affiliation with applicant will assist Bank in resolving certain management succession problems. Affiliation with applicant will also assist Bank in expanding the scope of its services, including agricultural loans and mortgage loans, assist in opening a new branch office, and provide expanded banking hours. Thus considerations relating to the convenience and needs of the communities involved and the banking factors are consistent with and lend support to approval of the application. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9233 Filed 5-9-73;8:45 am]

[1] With assistance from applicant, Bank has recently sought and has been granted permission to establish a branch in Menominee.

MENOMINEE STATE BANK

Order Approving Application for Merger of Banks

Menominee State Bank, Menominee, Mich., a nonoperating proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with the Commercial Bank of Menominee, Menominee, Mich., under the charter of applicant and the name of the Commercial Bank of Menominee and to operate a branch at the location of an approved, but as yet unopened, branch office of the Commercial Bank of Menominee.

As required by the act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of factors set forth in the act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of First National Financial Corp., Kalamazoo, Mich., to acquire all of the voting shares of the successor by merger to the Commercial Bank of Menominee, Menominee, Mich.: *Provided*, That said transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

[2] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

By order of the Board of Governors,[1] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9235 Filed 5-9-73;8:45 am]

NEW ENGLAND MERCHANTS CO., INC.

Order Approving Acquisition of Bank

New England Merchants Co., Inc., Boston, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (exclusive of directors' qualifying shares) of the successor by merger to the Barnstable County National Bank of Hyannis, Hyannis, Mass. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank with deposits of approximately $844 million, representing 7.2 percent of the total deposits in commercial banks in Massachusetts, and is the fifth largest banking organization in the State.[2] Consummation of the proposed acquisition of Bank, with deposits of $15.3 million, would neither significantly increase applicant's share of commercial bank deposits in the State nor result in a significant increase in the concentration of banking resources in any section of Massachusetts.

Bank is the fifth largest of nine commercial banks in the Barnstable banking market (which is approximated by Barnstable County), controlling 8.6 percent of the total deposits in commercial banks in that market. Applicant's closest subsidiary banking office is located more than 60 miles from an office of Bank and it appears that there is no meaningful existing competition between Bank and any of applicant's subsidiary banking offices. Furthermore, it appears unlikely that any significant competition would develop between any of applicant's existing subsidiary banking offices and Bank in the future, due to the distance separating banking offices, Massachusetts' restrictive branching laws, and the presence of numerous banking alternatives in the intervening areas. Barnstable County does not appear to be an attractive area for de novo entry since it has a year-round population per commercial banking office of 2,357, which is significantly below the State average of 6,000. The Board concludes that consummation of the proposal would not eliminate any significant existing or potential competition. From June 30, 1970 to June 30, 1972, Bank experienced the smallest growth rate of any commercial bank in its area. To the extent that applicant's operation of Bank can increase its competitive effectiveness, other banks which obtain deposits from the Barnstable banking markets may grow at a somewhat slower rate than otherwise might be expected. However, the Board concludes that consummation of the proposal would have no significant adverse effects on any of these banks.

The financial and managerial resources of applicant, its subsidiary bank and Bank are satisfactory and consistent with approval of the application, particularly in view of applicant's plans to increase the capital of its present subsidiary bank in the near future. Upon approval of the acquisition, applicant proposes to offer through Bank increased and improved services such as trust services, credit cards, and international banking services, that would provide customers in the area an additional competitive source of full service banking. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9237 Filed 5-9-73;8:45 am]

OLD KENT FINANCIAL CORP.

Acquisition of Bank

Old Kent Financial Corp., Grand Rapids, Mich., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Peoples State Bank of Holland, Holland, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 29, 1973.

Board of Governors of the Federal Reserve System, May 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9242 Filed 5-9-73;8:45 am]

SECURITY NATIONAL CORP.

Order Denying Acquisition of Siouxland Credit Corp.

Security National Corp., Sioux City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act (12 U.S.C. 1842(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Siouxland Credit Corp., Sioux City, Iowa (Siouxland). Siouxland and its subsidiaries engage in sales financing, personal cash lending, and the sale of credit related insurance for Siouxland and its subsidiaries. The above described activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the act.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 23021). The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls two banks, Security National Bank of Sioux City, Sioux City, Iowa (Bank), the eighth largest bank in Iowa with deposits of $98.9 million, and Northwestern State Bank of Orange City, Orange City, Iowa ($18 million in deposits), representing 1.6 percent of aggregate deposits in commercial banks in Iowa. (All banking data are as of June 30, 1972, unless otherwise indicated.) Bank holds 29.8 percent of total deposits in the Sioux City banking market, thereby making it the largest, in terms of deposits, of the 11 banks in the market.

Siouxland, which was established in 1947, has total assets of $3.5 million and engages in the sales financing business, and operates solely from its office located in Sioux City. Siouxland purchases dealer retail installment sales contracts and wholesale financial paper, and its primary customers are retail motor vehicle dealers, farm implement dealers, appli-

[1] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through Mar. 31, 1973.

[1] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

ance dealers, and wholesalers of goods and merchandise to retailers. A subsidiary of Siouxland (Siouxland Industrial Credit Corp.) is an industrial loan company and extends credit for loans ranging from $1,000 to $5,000. Another subsidiary of Siouxland (Siouxland Loans, Inc.) is a small loan company and makes personal loans of less than $1,000. The third subsidiary of Siouxland (Siouxland Insurance Agency, Inc.) acts as agent for several insurance companies in the sale of credit life, health and accident, and vehicle casualty insurance relative to extension of credit made by Siouxland and its subsidiaries. Such insurance is made available on a voluntary basis.

In commenting on the application, the U.S. Department of Justice stated that applicant and Siouxland appear to be "substantial direct competitors" in the Sioux City area, and that, therefore, the proposal presented negative competitive factors under the public interest requirements of section 4(c)(8) of the act. Applicant's response contended that Bank and Siouxland do not actively compete, and that the effect of the proposed affiliation on area competition would be procompetitive since Siouxland, through Bank, would have ready access to short term funds, thus enabling it to compete more effectively with its larger competitors.

Bank and Siouxland are located in the Sioux City banking market and compete with 11 banks and 19 finance companies. Bank is the largest single source of automobile loans in the market, and as of December 31, 1972, controlled 45 percent of all such loans made by banks in the area. Siouxland is one of nine finance companies competing for automobile loans in the Sioux City market. In addition to competing for automobile loans, Bank and Siouxland also compete to a lesser degree in the small consumer loan market. On the basis of the record in this case the Board finds that consummation of this proposal would eliminate a meaningful amount of existing competition in the product line of automobile loans and, to a lesser extent, in the product line of personal loans. Moreover, consummation of the proposal would also reduce the number of alternative sources for consumer and sales finance in the Sioux City area.

On the basis of the facts of record, the Board finds that consummation of the proposal would have adverse effects on competition in the Sioux City area. Accordingly, the Board is required by the provisions of the act to deny the application unless there are public benefits to be derived from the affiliation which would outweigh the projected decrease in area competition.

The financial needs of the Sioux City area are being satisfactorily served at the present time, and the proposed affiliation would not result in any additional services. Whereas some efficiencies of operation to the participants could result from this proposal, they are not of such magnitude in the Board's judgment that they outweigh the adverse effect on competition which would result from the affiliation of the largest bank in Sioux City and a sales financing company of substantial size also located in Sioux City, both of which are engaged in extensions of credit to residents of the same area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that public interest benefits which the Board is required to consider under section 4(c)(8) do not outweigh possible adverse effects. Accordingly, the acquisition is hereby denied.

By order of the Board of Governors,[3] effective May 3, 1973.[4]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9239 Filed 5-9-73;8:45 am]

UNION COMMERCE CORP.

Order Approving Acquisition of Bank

Union Commerce Corp., Washington, D.C., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Southern Ohio Bank, Cincinnati, Ohio (Bank).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant presently controls one subsidiary bank in Cleveland, Ohio, with deposits of $907 million,[2] representing 3.7 percent of commercial bank deposits in the State. If the proposed acquisition is approved, applicant's share of deposits in the State would not increase significantly.

Bank (approximately $103 million in deposits), the fifth largest of 42 banks operating in the Cincinnati market, controls 4 percent of deposits in commercial banks in the market. Applicant's acquisition of Bank would not result in applicant's gaining a dominant share of Cincinnati banking resources due to Bank's limited share of market deposits and the existence of three other multibank holding companies operating in the area.

Bank currently operates in the Cincinnati banking market in southwestern Ohio while applicant's existing bank subsidiary operates in the Cleveland banking market in northeastern Ohio. The closest offices of the two banks are separated by more than 200 road miles. Accordingly, there is presently no meaningful competition between Bank and applicant's existing bank subsidiary. De novo entry into the market does not appear to be attractive, particularly in view of the large number of competing banks in the market and the additional outlays of financial and managerial resources that would be required of applicant for the establishment of an effective branch system. It does not appear likely that meaningful competition between Bank and applicant would develop in the future. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of applicant and its present subsidiary bank, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Consummation of the proposed transaction will provide an alternate source of international banking and automated retail banking services to area residents. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 4, 1973, or (b) later than August 3, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9241 Filed 5-9-73;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[4] Board action was taken while Governor Robertson was a Board Member.

[1] Bank is presently a subsidiary of The Western & Southern Life Insurance Co., Cincinnati, Ohio, a bank holding company and a "company covered in 1970" under the 1970 Amendments to the Bank Holding Company Act. Upon consummation of the proposed transaction, The Western & Southern Life Insurance Co. will cease to be a bank holding company, and the existing ties of common ownership between Bank and Eagle Savings Association, Cincinnati, Ohio, will be severed.

[2] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Mar. 31, 1973.

OFFICE OF EMERGENCY PREPAREDNESS

ILLINOIS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Illinois, dated April 27, 1973, and published May 3, 1973 (38 FR 11013) is hereby amended to include the following counties among those counties determined to have been adversely affected by

[3] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

the catastrophe declared a major disaster by the President in his declaration of April 26, 1973:

The counties of:

Bureau	McLean
Clinton	Peoria
Henry	Schuyler
Lee	Tazewell
Mason	

Dated May 4, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9263 Filed 5-9-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 5, 1973, through May 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9258 Filed 5-9-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period May 7, 1973, through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9249 Filed 5-9-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

APRIL 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 29, 1973, through May 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9246 Filed 5-9-73;8:45 am]

[File No. 500-1]

ELECTRONIC CONCEPTS LABORATORIES CORP.

Order Suspending Trading

MAY 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Electronic Concepts Laboratories Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 3, 1973, through May 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9247 Filed 5-9-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

MAY 4, 1973.

The common stock, $0.30 par value, of Equity Funding Corp. of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $0.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corp. of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 7, 1973, through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9248 Filed 5-9-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 6, 1973, through May 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9255 Filed 5-9-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 7, 1973 through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9254 Filed 5-9-73;8:45 am]

[File No. 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Logos 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 May 5, 1973, through May 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9257 Filed 5-9-73;8:45 am]

[70-5337]

MISSISSIPPI POWER & LIGHT CO.

Proposed Issue and Sale of Commercial Paper and Notes to Banks and Exception From Competitive Bidding

Notice is hereby given that Mississippi Power & Light Co. (Mississippi), P.O. Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell through December 31, 1974, short-term promissory notes (including commercial paper) in an aggregate principal amount not to exceed $32 million outstanding at any one time to banks and/or to a dealer in commercial paper. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money. The funds to be derived from the issuance and sale of the banknotes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's 1973 construction program is estimated at $91,480,000, and Mississippi states that, for the balance of 1973, $44,215,000 of additional financing is needed to meet this program and other corporate requirements. Mississippi intends to retire all of the proposed banknotes and commercial paper prior to June 1, 1975, from the net proceeds of the sale of first mortgage bonds and/or preferred stock and/or common stock. Such sale or sales of securities to the extent necessary will be the subject of future filmings with the Commission.

The proposed banknotes will be in the form of unsecured promissory notes due not more than 9 months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from one or more of the following banks up to the maximum amounts listed:

Deposit Guaranty National Bank, Jackson, Miss.	$3,000,000
First National Bank of Jackson, Miss.	3,000,000
First National City Bank, New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	6,000,000
	17,000,000

Mississippi maintains average daily operating balances with each of the Mississippi banks from which borrowings are proposed to be made to meet the requirements of such banks in respect of their service to Mississippi. Although no arrangements have yet been made with the New York City banks, it may reasonably be expected that such banks would require the maintenance of balances in respect of any such borrowings. If balances were to be maintained solely for the purpose of satisfying such compensating balance requirement at the currently prevailing rate of 20 percent, the effective interest cost of the related borrowing, based on the prime rate of 6.75 percent, would be 8.44 percent per annum.

The proposed commercial paper will be in the form of unsecured promissory notes issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to Merrill Lynch, Pierce, Fenner & Smith (Merrill Lynch) at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Merrill Lynch, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (nonpublic) at a discount of one-eighth of 1 percent per annum less than the prevailing discount rate to the company. No commission or fee will be payable to Merrill Lynch in connection with the issuance and sale of the commercial paper. The commercial paper will not be prepayable prior to maturity. It is expected however that Mississippi's commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, Merrill Lynch, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers. The rate for commercial paper shall not exceed the commercial bank rate which Mississippi could obtain on the date of issue on notes to banks of equal principal amounts, except for commercial paper of maturity not exceeding 90 days issued to refund outstanding commercial paper, if, in the judgment of the company, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper. Mississippi asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper.

Mississippi's fees, commissions and expenses to be incurred in connection with the proposed issue and sale of the banknotes and commercial paper are estimated to be less than $4,000. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 30, 1973, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9245 Filed 5-9-73;8:45 am]

[File 500-1]

ORECRAFT, INC.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, 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 May 5, 1973, through May 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9251 Filed 5-9-73;8:45 am]

[File 500-1]

PELOREX CORP.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorox Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 6, 1973, through May 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9256 Filed 5-9-73;8:45 am]

[File 500-1]

PHOTON, INC.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value and all other securities of Photon, 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 May 5, 1973, through May 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9252 Filed 5-9-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

MAY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Proof Lock 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 May 4, 1973, through May 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9244 Filed 5-9-73;8:45 am]

SPOKANE STOCK EXCHANGE ET AL.

[File No. 23-1]

Notice of Applications for Exemption

MAY 4, 1973.

In the matter of Spokane Stock Exchange, Spokane, Wash. 99204; Intermountain Stock Exchange, 39 Exchange Place, Salt Lake City, Utah 84111; Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Ill. 60604; Quotron Systems, Inc., c/o O'Melveny & Myers, 611 West Sixth Street, Los Angeles, Calif. 90017; GTE Information Systems, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604; and Bunker Ramo Corp., Trumbull Industrial Park, Trumbull, Conn. 06609.

Notice is hereby given that the Spokane Stock Exchange, the Intermountain Stock Exchange, and the Chicago Board Options Exchange, registered national securities exchanges, Quotron Systems, Inc. (formerly Scantlin Electronics, Inc.), GTE Information Systems, Inc., and Bunker Ramo Corp., have filed applications pursuant to paragraph (h) of rule 17a-15 under the Securities Exchange Act of 1934 for exemptions from various provisions of rule 17a-15. Paragraph (h) of rule 17a-15 provides that the Commission may "exempt from the provisions of [the] rule, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, vendor, or specified type of security if [it] determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker-dealer, vendor or type of security be subject to the provisions of [the] rule." All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein, which are summarized below.

a. *Spokane Stock Exchange.*—The Spokane Stock Exchange (Spokane), located in Spokane, Wash., trades a total of 34 securities, of which 12 are also listed on other stock exchanges. Spokane maintains no real-time trade reporting system, and at the end of the trading day a list of Spokane's transactions is made available for publication in local newspapers. The Commission has been advised that the non-dually traded securities that are listed on Spokane are practically all mining companies operating in the Spokane area and generally have only a local interest in the securities market.

Spokane has requested the Commission to exempt it from reporting transactions in these solely-listed issues pursuant to the rule because the installation of electronic equipment necessary for the real-time reporting of these trades would probably place such a large financial burden on its 13 members that the Spokane Stock Exchange would have to be closed.

b. *Intermountain Stock Exchange.*—The Intermountain Stock Exchange (Intermountain), located in Salt Lake City, Utah, trades a total of 48 securities, of which 12 securities are dually-listed on other stock exchanges. The Commission's staff has been orally advised by Intermountain's staff that the balance of Intermountain's issues are of local interest only.

Intermountain has no real-time reporting system for trades executed on that Exchange. At the end of the trading day a list of Intermountain's transactions is made available for publication in local newspapers. Intermountain has requested that the Commission exempt it from reporting all trades in its solely listed securities.

c. *Chicago Board Options Exchange.*—The Chicago Board Options Exchange (CBOE) has requested an exemption from all of the provisions of the rule; however, it reserves the right to request the Commission to reconsider the question at a later stage in the development of the CBOE. In support of its request, the CBOE asserts that for the foreseeable future, and particularly considering the relatively limited volume of transactions in the early stages, . . . it would not be practical or necessary in the public interest for [it] to comply with rule 17a-15.

In addition to its consideration of the requests for exempting these exchanges from reporting transactions in their solely-listed issues, the Commission may consider whether, in the public interest or for the protection of investors, it should also exempt from the mandatory reporting and plan filing requirements of the rule transactions in all issues not eligible

for reporting pursuant to whatever rule 17a–15 plan or plans the Commission declares effective.

d. *Quotron Systems, Inc. (formerly Scantlin Electronics, Inc.).*—Quotron Systems, Inc. (Quotron) has requested an exemption from paragraph (b) of the rule, which requires each composite tape or interrogation system, in displaying last sale reports, to identify the market where each transaction was executed. Quotron's request relates to its Quoteboards which, according to Quotron, are unable to provide market identification. It bases this request on the fact that this provision of the rule will result in financial damage and be detrimental to Quotron, its stockholders and the public. Quotron has indicated that the revenues from Quoteboards represent a significant portion of its total revenues.

e. *GTE Information Systems, Inc.*—GTE Information Systems, Inc. (GTE), parent of Ultronic Systems, Corp., has requested an exemption from the above market identification requirement for its Stockmaster, Videomaster and Instantquote equipment, which cannot be modified to show marketplace identification or where such equipment can be modified, it is only at great expense.

f. *Bunker Ramo Corp.*—Bunker Ramo Corp. has requested an exemption from the marketplace identification requirement for its quotation display boards because they can only be altered to display all markets on multilisted stocks at an expense quite unjustifiable in relation to the declining utility and functional obsolescence of such boards.

Notice is further given that any interested person may, not later than June 4, 1973, submit to the Commission in writing a request for a hearing on any matter contained herein, 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 any request for a hearing shall be sent by mail to applicants at the addresses stated above. At any time after said date, an order disposing of the applications herein may be issued by the Commission upon the basis of the information stated in said applications, unless an order for hearing upon said applications 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.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9243 Filed 5-9-73;8:45 am]

[File No. 500–1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

MAY 4,1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Textured 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 be in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 5, 1973, through May 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9250 Filed 5-9-73;8:45 am]

[File No. 500–1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

MAY 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 7, 1973 through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9253 Filed 5-9-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5092]

DAYTON MESBIC, INC.

Notice of Issuance of License To Operate as a Small Business Investment Company

On February 9, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4036) stating that Dayton MESBIC, Inc., located at 18 North Ludlow Street, Dayton, Ohio 45402, had filed an application with the Small Business Administration, pursuant to 13 CFR § 107.102 (1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act).

The period for comment ended February 24, 1973.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 05/05-5092 to Dayton MESBIC, Inc., pursuant to said section 301(d) of the Act.

Dated May 2, 1973.

DAVID A. WOLLARD, *Associate Administrator for Finance and Investment.*

[FR Doc.73-9276 Filed 5-9-73;8:45 am]

[Notice of Disaster Loan Area 975]

OHIO

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Ohio as a major disaster area following lake shore wave action and flooding, beginning on or about March 17, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Ashtabula, Cuyahoga, Erie, Lake, Lorain, Lucas, Ottawa, and Sandusky Counties.

Applications may be filed at the:

Small Business Administration, District Office, 1240 East Ninth Street, Cleveland, Ohio 44199.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92–385.

Applications for disaster loans under this announcement must be filed not later than July 2, 1973.

Dated May 1, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-9277 Filed 5-9-73;8:45 am]

[Notice of Disaster Loan Area 976]

WISCONSIN

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Wisconsin as a major disaster area following flooding and lake shore damage, beginning on or about March 7, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Brown, Buffalo, Clark, Columbia, Crawford, Door, Dunn, Eau Claire, Green Lake, Kenosha, LaCrosse, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Oconto, Ozaukee, Racine, Rusk, Sauk, Waupaca, Waushara, and Wood Counties.

Applications may be filed at the:

Small Business Administration, District Office, 122 West Washington Avenue, room 713, Madison, Wis. 53703.

and at such temporary office as are established. Such addresses will be announced locally. Applications will be

processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 2, 1973.

Dated May 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9278 Filed 5-9-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS

Certificates Authorizing Employment at Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, part 519), and administrative order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A to Z Supermarket, foodstore; 2823 Main Street, Hurricane, W. Va.; 3-15-74.

Alta Foodland, foodstore; Alta, Iowa; 2-25-74.

Andy's Red Owl, foodstore; Litchfield, Minn.; 2-25-74.

W. R. Angle and Co., foodstore; 25 East Main Street, Christiansburg, Va.; 3-13-74.

Beck's Food Store, foodstore; 207 First Street, Schertz, Tex.; 3-9-74.

Bennett's Super Market, foodstore; 113 East Plant Avenue, Homerville, Ga.; 3-2-74.

Big John Store, foodstore; No. 8, Carmi, Ill.; 3-8-74.

Bill Crook's Food Town, foodstores, 3-8-74: No. 3, Hendersonville, Tenn.; No. 4, Nashville, Tenn.

The J. B. Bishop Store, foodstore; Valley Falls, S.C.; 3-6-73 to 3-2-74.

Brackles, Inc., foodstore; 1013 B Street, Fairbury, Nebr. 3-9-74.

Byrd Foods, Inc., foodstores, 3-14-74: 727 East Davis Street, Burlington, N.C.; 2120 North Church Street, Burlington, N.C.; 110 Washington Street, Leaksville, N.C.; 506 Center Street, Mebane, N.C.; 121 North Madison Avenue, Roxboro, N.C.; 408 North Second Avenue, Siler City, N.C.

Cattan's Food Market, foodstore; 2902 North Navarro, Victoria, Tex.; 3-13-74.

Chambers Super Market, foodstore; Wink, Tex.; 2-26-74.

Claude's Food Center, foodstore; Hominy, Okla.; 3-12-74.

Corbern's Big Star, foodstore; No. 57, Starkville, Miss.; 3-6-74.

DeBroeck's Market, foodstores; 435 Clark Avenue, Jefferson City, Mo., 3-12-74; 400 Dix Road, Jefferson City, Mo., 2-28-74.

Dick's Market, foodstore; 350 East Pages Lane, Centerville, Utah; 3-12-74.

Dillon Companies, Inc., foodstores, 2-23-74: No. 103, Ozark, Ark.; No. 102, Paris, Ark.; Nos. 2 and 12, Dodge City, Kans.; No. 15, Garden City, Kans.; Nos. 3 and 20, Great Bend, Kans.; No. 22, Greensburg, Kans.; No. 16, Hays, Kans.; No. 9, Larned, Kans.; No. 49, Lawrence, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 32, Mulvane, Kans.; Nos. 6 and 24, Newton, Kans.; No. 21, Pratt, Kans.; No. 11, St. John, Kans.; Nos. 27 and 41, Salina, Kans.; Nos. 28, 30, 33, 35, 36, and 42, Wichita, Kans.

Downtown Supermarket, Inc., foodstore; South Main Street, Monticello, Ky.; 3-6-74.

Eighth Avenue Meat and Grocery, foodstore; 376 Eighth Avenue, Salt Lake City, Utah; 3-10-74.

Ernie's Super Valu, foodstore; 606 Grundy Avenue, Reinbeck, Iowa; 3-7-74.

Farmers Exchange, Inc., foodstore; 816 West Fourth Street, Osweco, Kans.; 2-28-74.

Food Fair Super Market, foodstore; 890 Second Street, Macon, Ga.; 2-20-74.

Food Giant Super Market, foodstores, 2-28-74: No. 9, Sierra Vista, Ariz.; Nos. 1, 2, 4, 5, 7, and 8, Tucson, Ariz.

Food Town Store, foodstores, 3-10-74: Nos. 1 and 2, Bessemer, Ala.; No. 4, Homewood, Ala.; No. 3, Hueytown, Ala.; No. 7, Oneonta, Ala; No. 6, Pinson, Ala.; No. 5, Pleasant Grove, Ala.

Forest-Oaks-Thrifty-Mart, foodstore; 9335 Howard Drive, Houston, Tex.; 3-14-74.

J. D. Francis Supermarket, foodstore; 616 Speedway, Trumann, Ark.; 3-1-74.

G & L Foods, Inc., foodstore; 101 South Wilson, Cleveland, Tex.; 2-5-74.

Gee Bee Department Store and Food Market, foodstore; Natrona Heights, Pa.; 3-14-74.

Gockel's Super Market, foodstore; 140 West Eighth Street, Horton, Kans.; 3-19-74.

H.E.B. Food Store, foodstores, 3-13-74, except as otherwise indicated: Nos. 39 and 111, Austin, Tex. (3-14-74); No. 104, Marlin, Tex.; No. 124, Pleasanton, Tex.; Nos. 123 and 125, San Antonio, Tex.; No. 115, Sinton, Tex. (3-10-74).

Handy-Andy, Inc., foodstore; 5711 Evers Road, San Antonio, Tex.; 3-9-74.

Harrod's Thrift Market and Bakery, foodstore; 320 North White Street, Athens, Tenn.; 2-24-74.

Harry's U-Mark, foodstore; 141 North Main, Kaysville, Utah; 3-12-74.

Hirsch's Thriftway, Inc., foodstore; 241 South Springs Street, Cape Girardeau, Mo.; 3-12-74.

Hook's Foods, Inc., foodstores: Hi-Way 58 East, Grundy Center, Iowa, 2-22-74; Reinbeck, Iowa, 2-20-74.

Huntsville Grocery Co., Inc., foodstore; 1310 Avenue L, Huntsville, Tex., 2-27-74.

Jenkins County Food Store, Inc., foodstore; 141 East Cotton Avenue, Millen, Ga.; 2-27-74.

Jerry's Super Saver, foodstore; Osage City, Kans.; 2-17-74.

Kelley's Thriftway, foodstore; 420 West Kingshiway, Paragould, Ark.; 3-5-74.

Kilpatric's Market, foodstore; North Center Street, Willow Springs, Mo.; 3-1-74.

Land of Oz Grocery, foodstore; 126 East Main Street, Yukon, Okla.; 3-4-74.

Landers Brothers, foodstore; Nowata, Okla.; 2-26-74.

McLain's, foodstore; Shepherd, Tex.; 3-12-74.

Mick's Market, Inc., foodstore; 199 Cole Road, Monroe, Mich.; 2-26-74.

Minimax, foodstore; 923 Main Street, Liberty, Tex.; 2-27-74.

Minyard Food Stores, Inc., foodstores, 2-19-74, except as otherwise indicated: Nos. 12 and 20, Arlington, Tex.; No. 27, Corsicana, Tex. (2-14-74); Nos. 1, 2, 3, 4, 6, 10, 11, 14, 18, 19, 21, 23, and 24, Dallas, Tex.; No. 15, Garland, Tex.; No. 25, Grand Prairie, Tex.; No. 5, Irving, Tex. (2-14-74); No. 17, Irving, Tex.; No. 9, Lancaster, Tex.; No. 16, Lewisville, Tex.; No. 7, Mesquite, Tex.; No. 26, Waxahachie, Tex.

Morimoto's Market, foodstore; 6601 Menaul Boulevard NE., Albuquerque, N. Mex.; 3-12-74.

Mr. J's Quality Discount Foods, foodstore; 3559 Market Street, Salt Lake City, Utah; 3-12-74.

Mr. "M" Food Store, foodstores, 3-1-74: Nos. 1 and 2, Commerce, Tex.

P and T Food Center, foodstore; Alabaster, Ala.; 3-14-74.

Pak-A-Sak Food Stores, Inc., foodstore; Highway 70 West, Morehead City, N.C.; 3-14-74.

Pence Food Center, foodstore; 1501 South Santa Fe, Chanute, Kans.; 2-22-74.

Piggly Wiggly, foodstores, 3-12-74, except as otherwise indicated: West Washington Street, Abeville, Ala.; 830 South Oates Street, Dothan, Ala.; 501 Claxton Street, Elba, Ala.; 120-24 Broad Street, Eufaula, Ala.; 806 North Water Street, Geneva, Ala.; 314 Forrest Avenue, Luverne, Ala.; 115 East Avenue, Ozark, Ala.; 124 East Main Street, Samson, Ala.; 518 South Brundidge Street, Troy, Ala.; West Oakland Avenue, Camilla, Ga. (3-7-73 to 3-5-74); Town and Country Shopping Center, Pikeville, Ky. (2-23-74); Williamson, Ky. (2-23-74); South Van Buren Street, Carthage, Miss. (2-27-74); Biscoe, N.C. (3-1-73 to 1-31-74); Mount Gilead, N.C.; Troy, N.C.; 707 West Main Street, Clarksville, Tex. (2-27-74); 407 South Main Street, Henderson, Tex. (2-27-74); 1310 11th Street, Huntsville, Tex. (2-27-74); New Boston, Tex. (2-27-74); Grundy, Va. (2-23-74); 710 East Blackhawk Avenue, Prairie Du Chien, Wis. (2-21-74).

Poquette's Super Market, Inc., foodstore; 20 Hosmer Street, Marinette, Wis.; 3-7-74.

Rite-Way Foodliner, Inc., foodstore; 315 East Eufaula Street, Norman, Tex.; 2-28-74.

Sadowski Super Market, foodstore; 800 Fayette Avenue, Belle Vernon, Pa.; 3-17-74.

Scott Foods, Inc., foodstore; Oneida, Tenn.; 2-28-74.

Shadid's Food Store, foodstore; 2918 North Pennsylvania, Oklahoma City, Okla.; 2-27-74.

Sharon Super Market, foodstore; Highway 45 East, Sharon, Tenn.; 3-9-74.

Shelton Grocery, foodstore; 218 South Main, Waurika, Okla.; 2-10-74.

Shop-Rite, foodstores; 3-12-74: No. 4, LaFayette, Ga.; No. 2, Trenton, Ga.

Southside Super Market, foodstore; 610 South Main Street, Charles City, Iowa; 3-15-74.

Sprung's Minimax, foodstore; 209 East Main Street, Edna, Tex.; 2-27-74.

Studstill Grocery and Market, foodstore; 114 South Valdosta Road, Lakeland, Ga.; 3-5-73 to 3-2-74.

Sunflower Food Store, foodstores; No. 25, Hollandale, Miss., 2-18-74; No. 88, Rolling Fork, Miss.; 3-8-74.

Sureway Food Store, foodstores; 3-14-74, except as otherwise indicated: No. 1, Calvert City, Ky.; No. 7, Eddyville, Ky.; Nos. 2 and 4, Henderson, Ky.; No. 14, Henderson, Ky. (3-16-74); Nos. 9 and 10, Madisonville, Ky.; No. 6, Marion, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.; No. 12, Providence, Ky.; No. 3, Sturgis, Ky.

Thornton's, foodstore; Odem, Tex.; 2-8-74.

Tom Winegar's Super Save, foodstore; 300 East Gentile, Layton, Utah; 2-26-74.

Traer Super Valu, foodstore; Traer, Iowa; 3-16-74.

Variety Foods, foodstore; 44th and South Walker, Oklahoma City, Okla.; 2-26-74.

Webster's Super Market, Inc., foodstore; 319 Main, Stockton, Kans.; 3-18-74.

Woody's Supermarket, foodstore; 1700 Stonewall Street, Greenville, Tex.; 2-28-74.

Zarda Bros. Dairy, Inc., foodstores, 3-15-74; No. 4, Grandview, Mo.; No. 2, Kansas City, Mo.; No. 3, Raytown, Mo.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Food Town Stores, foodstores, for the occupation of bagger, 22 to 41 percent, 3-10-74; Nos. 8 and 9, Birmingham, Ala.

Piggly Wiggly, foodstore; No. 55, Florence, S.C.; bagger, marker, cleanup, stockclerk, marketclerk; 19 to 20 percent; 3-14-74.

Singmon-Valentine Market, Inc., foodstore; 511 East 135th, Kansas City, Mo.; cleanup, carryout, stockclerk; 6 to 50 percent; 2-25-74.

Super Drive-Ins, foodstores, for the occupations of sacker, bottleclerk, 21 to 32 percent: No. 21, Bellevue, Tenn., 2-22-74; No. 13, Memphis, Tenn., 3-14-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before June 11, 1973.

Signed at Washington, D.C., this 1st day of May 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-9294 Filed 5-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 239]

ASSIGNMENT OF HEARINGS

MAY 7, 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-113843 sub 184 and 185, Refrigerated Food Express, Inc., now assigned May 14, 1973, at Boston, Mass., is canceled, and applications dismissed.

MC-F-11749, Allegheny Freight Lines, Inc., Purchase, Muri E. Twigg, doing business as Twigg Transfer & General Hauling, now being assigned hearing July 9, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 10794 sub 3, Perrow Motor Freight Lines, Inc., now being assigned hearing July 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 sub 145, Superior Trucking Company, Inc., now being assigned hearing July 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 136581 sub 1, All Freight Distribution Co., Inc., now being assigned hearing July 11, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 115093 sub 9, Mercury Motor Express, Inc., now being assigned hearing July 16, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 8872 sub 7, Dyersburg Express, Inc., now assigned June 4, 1973, will be held in room 651, U.S. Courthouse, Eighth and Broadway, Nashville, Tenn.

MC 108461 sub 120, Whitfield Transportation, Inc., now assigned May 21, 1973, at Albuquerque, N. Mex., is canceled and reassigned for hearing on May 21, 1973, at the Roadway Inn, 1616 Mabry Drive, Clovis, N. Mex.

MC 128944 sub 10, Reliable Truck Lines, Inc., now assigned June 11, 1973, will be held in room 651, U.S. Courthouse, Eighth and Broadway, Nashville, Tenn.

MC 96925 sub 4, Jacksonville Transfer & Storage, Inc., now assigned June 11, 1973, at Tallahassee, Fla., in room 40, U.S. Post Office Building, 100 Park Avenue.

MC 16550 sub 6, Roscoe V. Smith, now assigned June 25, 1973, will be held in room 651, U.S. Courthouse, Eighth and Broad-Nashville, Tenn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9309 Filed 5-9-73;8:45 am]

[Notice No. 269]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 30, 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-74408. By order of May 4, 1973, the Motor Carrier Board approved the transfer to Schaumburg Transportation Co., Inc., Schaumburg, Ill., of the operating rights in certificate No. MC-69623 issued June 21, 1949 to Central West Motor Stages, Inc., Mundelein, Ill., authorizing the transportation of passengers and their baggage, in charter operations, from Chicago, Ill., to the District of Columbia and points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, South Carolina, North Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Washington, Pennsylvania, Tennessee, and West Virginia. S. Harrison Kahn, suite 733, Investment Building, Washington, D.C. 20005. Attorney for applicants.

No. MC-FC-74414. By order of May 4, 1973, the Motor Carrier Board approved the transfer to Raymond L. Knutson, Elk Mound, Wisconsin, of certificate No. MC-95663, isued October 20, 1950, to Garlen Mittelstadt, Colfax, Wisconsin, authorizing the transportation of livestock, agricultural commodities, general commodities, with exceptions, cheese, powdered and raw milk, farm machinery, feed, oil and grease, from and to various specified points in Wisconsin and Minnesota. F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114, representative of applicants.

No. MC-FC-74423. By order entered May 3, 1973, the Motor Carrier Board approved the transfer to S.T.S. Motor Freight, Inc., Stratford, N.J., of the operating rights set forth in certificate No. MC-41040, issued April 7, 1943, to Nathan Levit, Max Levit and Al Levit, doing business as Nathan Levit, Philadelphia, Pa., authorizing the transportation of poultry, butter, eggs, feathers, rags, groceries, and paper, from, to, or between specified points in Delaware, New Jersey, New York, and Pennsylvania. Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-74445. By order of May 7, 1973, the Motor Carrier Board approved the transfer to Thomas C. Hedlund, doing business as Telluride Transfer, Telluride, Colo., of the operating rights in certificate No. MC-79148 and certificate of registration No. MC-79148 (sub-No. 2) issued November 8, 1971, to Telluride Transfer Co., a Colorado Corp., Telluride, Colo., authorizing the transportation of general commodities, with exceptions, between Grand Junction and Telluride, Colo., and evidencing a right

to engage in transportation in interstate commerce as described in that portion of certificate of public convenience and necessity PUC No. 60, as was embraced in predecessor's certificate of registration, transferred by decision No. 76730, dated January 22, 1971, by the Public Utilities Commission of the State of Colorado. John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203, attorney for applicants.

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

[FR Doc.73-9308 Filed 5-9-73;8:45 am]

[Notice 59]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 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 MC-67* (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (sub-No. 28 TA), filed April 26, 1973. Applicant: METROPOLITAN TRUCKING, INC., office: 2424 95th Street, North Bergen, N.J. 07047, and mailing: P.O. Box 93 (box zip 07657). 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: *Concrete, cinder, and slag products*, from Baltimore, Md., and North Bergen, N.J., to points in Connecticut, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Pennsylvania, New York, New Jersey, Delaware, Virginia, and the District of Columbia, for 180 days. Supporting shipper: United Glazed Products, Inc., mailing address: P.O. Box 6077, Baltimore 31, Md., office and plant: 506 South Central Avenue, Baltimore, Md. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 11207 (sub-No. 329 TA), filed April 20, 1973. Applicant: DEATON, INC., P.O. Box 938, 317 Avenue West, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Urania, La., to points in Alabama, for 180 days. Supporting shipper: Louisana-Pacific Corp., 1300 Southwest Fifth Avenue, Portland, Oreg. 97201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 19227 (sub-No. 188 TA), filed April 25, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, missile components, supplies, machinery, and equipment* used in the maintenance, servicing, and operation of missiles, from Nekoma, N. Dak., and 50 miles radius thereof to points in Orange County, Fla. Supporting shipper: Martin Marietta Corp., P.O. Box 5837, Orlando, Fla. 33105. Send protests to: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, room 105, Miami, Fla. 33155.

No. MC 26396 (sub-No. 74 TA), filed April 25, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, 201 West Park, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood, and lumber products and forest products*, from Beaver and Yakima, Wash., and Priest River, Troy, Calder, Priest Lake, Mountain Home, Tammarock, Kooskia, Emmett, Idaho; and points in Lane, Wasco, Jackson, Josephine, Linn, Tillamook, Multnomah, Douglas, and Polk Counties, Oreg., to Kalispell and Columbia Falls, Mont.; Fargo, Carrington, Grand Forks, Minot, Bismarck, Jamestown, N. Dak.; Rapid City, Sioux Falls, Rosholt, Belle Fourche, Watertown, Aberdeen, Lemmon, S. Dak.; Albany, Windom, New Ulm, Clarks Grove, Greenwold, St. Paul, Minn.; Belleville, Milan, Ill.; Humbolt, Iowa City, Eagle Grove, Iowa; Columbia, Mo.; Madison, Oshgosh, Mercer, Glover, Rhinelander, Siren, Shawano, Wis.; Fort Morgan, Aspen, Glenwood Springs, Lamar, Springfield, Sterling, Colo.; points in Larimer, Boulder, Weld, Denver, El Paso, Pueblo, Routt, Jefferson, Arapahoe, and Mesa Counties, Colo.; Casper, Cheyenne, Laramie, Rock Springs, Rawlins, Riverton, Jackson, Wyo.; Albuquerque, Santa Fe, N. Mex.; and Wichita, Kans., for 180 days. Supporting shippers: Emmer Brothers Co., 6800 France Avenue South, Minneapolis, Minn. 55435; North Pacific Lumber Co., P.O. Box 3915, Portland, Oreg. 97208; Idaho Cedar Sales Co., P.O. Box 311, Troy, Idaho; Ace Hardware Corp., 6501 West 65th Street, Chicago, Ill. 60638; Metropolitan Lumber Co., P.O. Box C, Basalt, Colo. 81621; Roberts & Dybdahl, Inc., 818 Fifth Avenue, Des Moines, Iowa 50309; and LaVelle Lumber Co., P.O. Box 2583, Fargo, N. Dak. 58102. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 30887 (sub-No. 190 TA), filed April 24, 1973. Applicant: SHIPLEY TRANSFER, INC., Box 55, 45 Main Street, Reisterstown, Md. 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Cheswold, Del., to St. Marys, Ga., for 180 days. Supporting shipper: H. A. Madeksza, manager—physical distribution, Standard Brands Chemical Industries, Inc., P.O. Drawer K, Dover, Del. 19901. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 52579 (sub-No. 138 TA) (correction), filed April 20, 1973, published in the FEDERAL REGISTER, notice No. 56, and republished as corrected this issue. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Danville and Marseilles, Ill., and Frankfort, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Windbreaker, Inc., 411 Fifth Avenue, New York, N.Y. 10016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

NOTE.—The purpose of this republication is to correct the territory proposed to be served.

No. MC 52883 (sub-No. 2 TA), filed April 25, 1973. Applicant: TAKIN BROS. TRANSFER & STORAGE CO., a corporation, 326 Sycamore Street, Waterloo, Iowa 50703. Applicant's representative: Robert L. Marsch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unaccompanied baggage and household goods* in interstate commerce, between points in Iowa, for 180 days. Supporting shipper: Department of the Army, Savanna Army Depot, Savanna, Ill. 61074. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 56553 (sub-No. 23 TA), filed April 27, 1973. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamil-

ton Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert L. Baker, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Lawrenceburg, Tenn., and Columbia, Tenn., serving no intermediate points but serving the point of Columbia unrestricted, from Lawrenceburg over U.S. Highway 43 to Columbia, and return over the same route, for 180 days.

NOTE.—Carrier requests authority to tack with present authority held and to interline at all authorized service points on existing routes.

Supporting shipper: There are approximately 59 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mr. Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 61403 (sub-No. 218 TA), filed April 25, 1973. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsites of Union Carbide Corp., at South Charleston and Institute, W. Va., to points in Kentucky, North Carolina, Ohio, Maryland, New Jersey, Indiana, Pennsylvania, Michigan, Missouri, New York, Virginia, Iowa, Connecticut, Delaware, Massachusetts, Tennessee, and Illinois, for 180 days. Supporting shipper: Union Carbide Corp., New York, N.Y. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 87720 (sub-No. 140 TA), filed April 25, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household cleaning products and pot scourers*, for the account of Purex Corp., Ltd., from London, Ohio, to points in Maryland, New Jersey, New York, Connecticut, Pennsylvania, Massachusetts, Illinois, Indiana, Missouri, Virginia, North Carolina, Alabama, Georgia, Florida, Ohio, Dallas, Tex., and New Orleans, La. and (B) *Materials, supplies and equipment* in the reverse direction, for 180 days. Supporting shipper: Purex Corp., Ldt., 6901 McKissock Avenue, St. Louis, Mo. 63147. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 88300 (sub-No. 32 TA), filed April 27, 1973. Applicant: DIXIE TRANSPORT CO., a corporation, P.O. Box 395, Chicago Heights, Ill. 60411. Applicant's representative: Patrick H. Smith, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movement, in truckaway service, from West Palm Beach, Fla., to Jacksonville, Fla., for 180 days.

NOTE.—Applicant will tack this proposed authority with existing authority already held, under sub. 9, and to interline with Clark Transport Co.; Arco Auto Carriers, Inc.; Howard Sober, Inc.; Commercial Carriers, Inc.; United Transports, Inc.; Robertson Truck-A-Ways, Inc.; and Nu-Car Carriers, Inc.

Supporting shipper: Leslie J. Kipnis, secretary, Steven-Rand Corp., 601 Skokie Boulevard, Northbrook, Ill. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., room 1086, Chicago, Ill. 60604.

No. MC 105463 (sub-No. 9 TA), filed April 27, 1973. Applicant: C. E. HORNBACK, INC., P.O. Box 176, 400 W. 9th Street, Tama, Iowa 52339. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paperboard*, from Minneapolis-St. Paul, Minn., to Marshalltown, Iowa, for 180 days. Supporting shipper: Packaging Corp. of America, 1603 Orrington Avenue, Evanston, Ill. 60201. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (sub-No. 351 TA), filed April 26, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and warehouse facilities of California Canners and Growers located at or near Lomira, Wis., to points in Wisconsin on and north and west of a line beginning at the Wisconsin-Minnesota State line on Highway 16, thence along Highway 16 in a northeasterly direction to Sparta, Wis., thence along Highway 21 to the intersection of Highway 51, located at Coloma, Wis., thence north along Highway 51 to the Michigan-Wisconsin State line, for 180 days. Supporting shipper: California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106 (Fond du Lac, Wis. plant 14). Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 111729 (sub-No. 385 TA), filed April 27, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP-PO) N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, moving therewith*, (1) between Philadelphia, Pa. and Greenwich, Conn.; (2) between New York, N.Y. and York, Pa.; (3) between Brazil and Frankfort, Ind., on the one hand, and, on the other, Champaign and Danville, Ill.; and (4) between Valparaiso, Ind., on the one hand, and, on the other, points in Berrien, Cass, Kalamazoo, St. Joseph, and Van Buren Counties, Mich.; points in Cook, Iroquois, Kankakee, and Will Counties, Ill., for 90 days. Supporting shippers: (1) Janney, Montgomery Scott, No. 5 Penn Center Plaza NW., corner 16th and Market Streets, Philadelphia, Pa.; (2) Windbreaker, Inc., 118 East North Street, Danville, Ill.; (3) Triumph Hosiery Mills, Inc., 525 East Market Street, York, Pa.; and (4) Indiana Information Controls, Inc., 2401 Calumet Road, Valparaiso, Ind. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 (sub-No. 269 TA), filed April 27, 1973. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, New Quincy Road, Tallahassee, Fla. 32302. 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: *Petroleum*, in bulk, from points in Santa Rosa County, Fla., to points in Alabama, for 180 days. Supporting shipper: Hi-Octane Terminal Co., P.O. Box 1848, Panama City, Fla. 32401. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 113651 (sub-No. 155 TA), filed April 27, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (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* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by John Morrell and Co. at Lubbock, Tex., to points in Pennsylvania (except Pittsburgh and its Commercial Zone), New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Dela-

ware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 113908 (sub-No. 265 TA), filed April 25, 1973. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, 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: *Flour and blends of flour*, in bulk, in tank and hopper vehicles, from Millstadt, Ill., to Portsmouth, N.H., for 180 days. Supporting shipper: Golden Dipt Co., division of DCA Food Industries, Inc., 100 East Washington, Millstadt, Ill. 62260. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114045 (sub-No. 381 TA), filed April 24, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in vehicles equipped with mechanical refrigeration, from Chino, Calif., to points in Maryland, Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Pennsylvania, and the District of Columbia, for 180 days.

NOTE.—Applicant does not intend to tack authority.

Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 114045 (sub-No. 382 TA), filed April 25, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in vehicles equipped with mechanical refrigeration, from Chino, Calif., to Landover, Md., for 180 days.

NOTE.—Applicant does not intend to tack authority.

Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 W. Jackson Boulevard, Chicago, Ill. 60604. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 114969 (sub-No. 44 TA), filed April 18, 1973. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from international border at Port Huron, Mich., to points in Indiana, Michigan (Lower Peninsula), and Ohio, for 180 days. Supporting shipper: Moulton Gas Service, Inc., Rural Route 2, Wapakoneta, Ohio. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123392 (sub-No. 51 TA), filed April 26, 1973. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon monoxide*, in bulk, in carrier-owned cryogenic trailers, from Geismar, La., to Edwards Air Force Base, Calif., for 120 days. Supporting shipper: Robert Cable, general manager, Western Cryogenics Corp., 7250 Radford, North Hollywood, Calif. 91605. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 124111 (sub-No. 43 TA), filed April 25, 1973. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Pennsylvania, New Jersey, New York, and Virginia, for 180 days. Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo. 63101. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124813 (sub-No. 103 TA), filed April 26, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Green Bay, points in Fond du Lac and Dodge Counties, Wis., to points in Iowa, Minnesota, and Missouri, for 180 days. Supporting shipper: Western Lime & Cement Co., P.O. Box 2076, Milwaukee, Wis. 53201. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125254 (sub-No. 18 TA), filed April 24, 1973. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Iowa City, Iowa, to points in Kansas and Missouri, restricted to traffic originating at the facilities of Heinz, U.S.A., division of H. J. Heinz Co. at Iowa City, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Heinz, U.S.A., division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128527 (sub-No. 39 TA), filed April 24, 1973. Applicant: MAY TRUCKING CO., a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: John K. Gatchel, Box 195, Payette, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, emulsions, adhesives, coatings and insulating materials, gypsum products*, from the plantsites of Johns-Manville Corp., Pittsburg, Calif.; Bird & Son, Inc., Martinez, Calif.; U.S. Gypsum Co., South Gate, Calif.; Celotex Corp., Los Angeles, Calif.; and Owens-Corning Fiberglas, Santa Clara, Calif., to Weiser, Caldwell, Boise, Nampa, Mount Home, Twin Falls, Rupert, Heyburn, Butley, Gooding, St. Anthony, Sun Valley, Pocatello, American Falls, Idaho Falls, and Buhl, Idaho, for 180 days.

NOTE.—Applicant does not intend to tack authority or interline with any other carrier.

Supporting shippers: Bird & Son of Massachusetts, 2555 Flores Street, suite 590, San Mateo, Calif. 94403; Western Wholesale & Supply, Inc., 2717 Fletcher Street, Boise, Idaho; Johns-Manville, Corp., Greenwood Plaza, Denver, Colo. 80217; and Frazer Wholesale, Inc., 315 South 11th Street, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 128879 (sub-No. 23 TA), filed April 24, 1973. Applicant: C-B TRUCK LINES, INC., 1401 East Brady, P.O. Box 1774, Clovis, N. Mex. 88101. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, from El Paso, Tex., to the plantsite of Dawn Mining Corp., at or near Ford, Wash., for 180 days. Supporting shipper: American Minerals, Inc., 3666 Doniphan Drive, El Paso, Tex. 79922. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Build-

ing, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 133566 (sub-No. 23 TA), filed April 27, 1973. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 676, Logansport, Ind. 46947. Applicant's representative: John E. Brehaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in temperature controlled vehicles, between the plant and storage facilities of the Southern Michigan Cold Storage Co., Logansport Refrigerated Services Division at Logansport, Ind., and points in Washington, Idaho, California, North Dakota, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Michigan, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Tennessee, Georgia, Florida, North Carolina, Virginia, Pennsylvania, New York, Delaware, Massachusetts, restricted to traffic originating at or destined to the named plantsite, for 180 days. Supporting shipper: Southern Michigan Cold Storage Co., Benton Harbor, Mich. 49022. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 134238 (sub-No. 6 TA), filed March 28, 1973. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream novelties, ice cream, and water ices*, moving in refrigerated vehicles, from Elizabethtown, Ky.; Toledo and Columbus, Ohio; Marietta, Ga.; and St. Louis, Mo., to the Kroger Co., dairy and warehouse facilities at Indianapolis, Ind. and (2) *Fruit juice, natural and artificial, including blends thereof*, in packages, moving in refrigerated vehicles, from Lansing, Mich., to the Kroger Co. plantsites and warehouse facilities located at Springdale, Ohio and Indianapolis, Ind., for 180 days. Restriction: Both parts (1) and (2) above are restricted to movements under a continuing contract or contract with the Kroger Co. 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 Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134323 (sub-No. 42 TA), filed April 27, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Mailing: P.O. Box 4146, Box ZIP 79105, Amarillo, Tex. 79107. Applicant's representative: Clayton J. Logan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* as included in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Swift & Co. at 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, for 180 days. Supporting shipper: G. Dwight Weed, Manager, Motor Carrier Divsion, Swift Fresh Meats Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134323 (sub-No. 43 TA), filed April 27, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Mailing: P.O. Box 4146, Box ZIP 79105, Amarillo, Tex. 79107. Applicant's representative: Clayton J. Logan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass lambs*, from the plantsite of Swift & Co. at Chino, Calif., to points in Connecticut, Florida, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. Supporting shipper: G. Dwight Weed, manager, Motor Carrier Division, Swift Fresh Meats Co., division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134714 (sub-No. 4 TA), filed April 24, 1973. Applicant: TRANSPORTOR'S, INC., 419 Dover Center Road, Bay Village, Ohio 44140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components*, from points in Summit County, Ohio, to Muskegon, Lansing, and Detroit, Mich., Ft. Wayne, Ind., Buffalo, N.Y., New Castle and Altoona, Pa., for 180 days. Supporting shipper: F. C. E. Dillon Precast Systems, Inc., 837 Seasons Road, Hudson (Summity County), Ohio. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1240 East Ninth Street, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 134783 (sub-No. 4 TA), filed April 27, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Dimmett Highway West, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products* as described in section A of appendix I to *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Peyton Packing Co., at or near El Paso, Tex., to points in Maryland, Massachusetts, New Jersey, Pennsylvania, New York, Tennessee (except Memphis), Virginia, and Washington, D.C., for 180 days. Supporting shipper: Robert L. Lee, Manager/Rates and Services, John Morrell & Co., 208 S. La Salle, Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135871 (sub-No. 15 TA), filed April 26, 1973. Applicant: H. G. M. TRANSPORT CO., 1079 West Side Avenue, Jersey City, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of S. E. Nichols, Inc., between points in the New York, N.Y. commercial zone as defined in the Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 in which local operations may be conducted pursuant to the partial exemptions section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, Wilson, Goldsboro, Greenville, Gastonia, Lumberton, Hickory, N.C. and Salisbury, Md., under contract with S. E. Nichols, Inc., for 180 days. Supporting shipper: S. E. Nichols, Inc., 500 Eighth Avenue, New York, N.Y. 10018. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 136233 (sub-No. 4 TA), filed April 19, 1973. Applicant: NORTHTOWN TRUCK LINES, INC., 1112 Swift Street, P.O. Box 7333, North Kansas City, Mo. 64116. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, in containers and *related advertising materials*, moving on commercial bill of lading, between Richmond, Mo., on the one hand, and, on the other, Omaha, Nebr. and Peoria, Ill., for the account of Richmond Distributing Co., and *empty containers and pallets* on return, for 180 days. Supporting shipper: Richmond Distributing Co., Highway 10 West R No. 4, Richmond, Mo. 64085. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136639 (sub-No. 4 TA), filed April 20, 1973. Applicant: THS CORP., 15 Exchange Place, Jersey City, N.J. 07302. Applicant's representative: Fred Feind (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, 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., for 180 days. Limited to transportation service performed under a continuing contract or contracts with Bamberger's, a division of R. H. Macy & Co., Inc., including return movement of such merchandise from such points to Edison Township and Bloomfield, N.J. Supporting shipper: Bamberger's, a division of R. H. Macy & Co., Inc., Newark, N.J. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 138420 (sub-No. 7 TA), filed April 27, 1973. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, Wis. 53015. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials, and supplies* when shipped therewith, from St. Paul, Minn., to Sparta, Wis., and (2) *empty malt beverage containers* used in the transportation of the commodities in part (1) of this application, from Sparta, Wis., to St. Paul, Minn., for 180 days. Supporting shipper: S. & S. Distributing, Inc., 918 Hoeschler Drive, Sparta, Wis. 54656 (Herbert Severson). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 138569 (sub-No. 1 TA), filed April 24, 1973. Applicant: DAVID BRAITHWAITE and DENNIS BRAITHWAITE, doing business as BRAITHWAITE TRUCKING, 3819 Sunset Drive, Rapid City, S. Dak. 57701. Applicant's representative: Ronald Clabaugh, 818 St. Joe Street, P.O. Box 350, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, sand and gravel products*, from points in Pennington and Fall River Counties, S. Dak., to points in Dawes, Sioux, Box Butte, Sheridan, and Cherry Counties, Nebr., for 180 days. Supporting shipper: Hills Materials Co., P.O. Box 1392, Rapid City, S. Dak. 57701, E. D. Glaiser, vice president and general manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 138602 (sub-No. 1 TA), filed April 27, 1973. Applicant: FOREST TRANSPORT CORP., P.O. Box 7015, Savannah, Ga. 31408. Applicant's representative: W. Randall Tye, fifteenth floor, Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peeler cores*, from Savannah, Ga., and Whiteville, N.C., to Russellville, S.C., for 180 days. Supporting shipper: Georgia-Pacific Corp., P.O. Box 909, Augusta, Ga. 30903. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 25008, 400 West Bay Street, Jacksonville, Fla. 32203.

MOTOR CARRIERS OF PASSENGERS

No. MC 138647 TA, filed April 24, 1973. Applicant: DON SCOTT TOUR CO., 23527 Calle de la Luisa, Laguna Hills, Calif. 92653. Applicant's representative: Donald M. Scott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* by charter bus operations together with baggage in the same vehicle, between Leisure World (Seal Beach and Laguna, Calif.) and all points in the United States, for 180 days (sightseeing tours). Supporting shipper: Warren F. Morgan, board of trustees, People-to-People International, 301 Avenida Sevilla, Laguna Hills, Calif. 92653. Send protests to: John E. Nance, Officer-in-Charge, Bureau of Operations, Interstate Commerce Commision, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

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

[FR Doc.73-9310 Filed 5-9-73;8:45 am]

[Notice 36]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 4, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (sub-No. 260), filed March 29, 1973. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, suite 1200, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, mineral wool, and mineral wool products*, from Mountaintop (Luzerne County), Pa., and Williamstown Junction, N.J., to points in Kentucky, Tennessee, West Virginia, Ohio, Indiana, Illinois, and the Lower Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 263 (sub-No. 204) (amendment), filed January 10, 1973, published in the FEDERAL REGISTER issue of February 23, 1973, and republished, as amended, this issue. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*,

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

by motor vehicle: (A) Over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Monticello, Utah, and Phoenix, Ariz., serving all intermediate points: From Monticello over U.S. Highway 163 to junction U.S. Highway 160 at Kayenta, Ariz., thence over U.S. Highway 160 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 17, thence over Interstate Highway 17 to Phoenix, and return over the same route, and (2) between junction U.S. Highways 160 and 666 (south of Cortez, Colo.) and Kayenta, Ariz., serving all intermediate points: From junction U.S. Highways 160 and 666 (south of Cortez, Colo.) over U.S. Highway 160 to junction U.S. Highway 163 at Kayenta, Ariz., and return over the same route; and (B) over irregular routes, transporting: *Frozen foods, potato products* (not frozen), *canned goods*, and *dairy products*, from points in Idaho south of the southern boundary of Idaho County, Idaho, and points in Cache County, Utah, to points in Arizona.

NOTE.—Common control may be involved. Applicant states that the requested authority in (B) above can be tacked with its existing authority at Twin Falls or Malad, Idaho, on traffic moving from points in Oregon, Washington, Idaho, and Montana. Applicant further states that it intends to traverse highways in the State of Nevada for operating convenience only in connection with (B) above. Applicant also intends to tack the requested authority in (A)(2) above at Kayenta, Ariz., with the authority sought in (A)(1) above so that service can be provided by applicant between junction U.S. Highways 160 and 666 and Phoenix, Ariz., serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

No. MC 720 (sub-No. 10), filed March 6, 1973. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, Wis. 53963. Applicant's representative: Allen B. Torhorst, 217 East Jefferson Street, P.O. Box 190, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) and *equipment, materials, and supplies* (except in bulk), used or useful in the manufacture, preparation, and sale of foodstuffs, between points in Dodge County, Wis., on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 36.

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 Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 730 (sub-No. 344), filed March 12, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., at Romeo, Mich., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 2202 (sub-No. 444), filed March 26, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Anaconda Aluminum Co. at or near Sebree, Ky., as an off-route point in connection with applicant's present regular-route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Nashville, Tenn., or Washington, D.C.

No. MC 2202 (sub-No. 447), filed March 29, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., 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, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Wayne, Monroe, and Oswego Counties, N.Y.; Mercer and Lawrence Counties, Pa.; Medina, Wayne, Portage, Trumbull, Sandusky, Lorain, Franklin, Union, Preble, Montgomery, Greene, Ottawa, Henry, Lucas, and Erie Counties, Ohio; Washtenaw, Lenawee, Livingston, Oakland, Berrien, and Jackson Counties, Mich.; and La Porte and Madison, Ind., as off-route points in connection with applicant's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo or Cleveland, Ohio, or Washington, D.C.

No. MC 4966 (sub-No. 19), filed March 27, 1973. Applicant: JONES TRANSFER CO., a corporation, 300 Jones Avenue, Monroe, Mich. 48161. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. 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 and facilities of the Ford Motor Co. at Romeo, Mich., as an off-route point in connection with the carrier's regular route operations.

NOTE.—Common control was approved in MC-F-10914. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 13134 (sub-No. 30), filed March 22, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: James M. Burtch, 100 East Broad Street, suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, and refractory products*, from Oak Hill, Ohio, and points within 14 miles of Oak Hill, Ohio, and from the plantsite of Lawrence Refractory Clay Co. in Elizabeth Township (Lawrence County), Ohio, to points in Delaware and the District of Columbia, and (2) *metal storage bins, metal shelving, and metal factory furniture and equipment*, from Wellston, Ohio, to points in Delaware.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14702 (sub-No. 50), filed March 19, 1973. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, Ohio 44484. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities requiring special equipment), between Omal, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to the above named origin or destinations.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29555 (sub-No. 62), filed March 16, 1973. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Albert Lea, Minn., and La Crosse, Wis.: From Albert Lea over Interstate Highway 90 to

La Crosse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Austin, Minn., and La Crosse, Wis.: From Austin over Interstate Highway 90 to La Crosse, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (3) between Dubuque and Cedar Rapids, Iowa: From Dubuque over U.S. Highway 151 to Cedar Rapids, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Des Moines, Iowa.

No. MC 31438 (sub-No. 13), filed March 12, 1973. Applicant: ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio 45750. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys*, from the plantsite and shipping facilities of Union Carbide Corp. near Marietta, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, and West Virginia; and (2) *pallets and empty containers* which have been used in the transportation of ferro alloys, from the destination points specified in (1) above to the plantsite and shipping facilities of Union Carbide Corp. near Marietta, Ohio, restricted to traffic originating at or destined to the named shipper facilities.

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 Columbus, Ohio.

No. MC 31600 (sub-No. 662), filed March 30, 1973. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: John A. Roberts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Wallingford, Conn., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 45868 (sub-No. 13), (correction), filed March 29, 1973, published in FEDERAL REGISTER issue of April 26, 1973, as MC 119684 (sub-No. 6), and corrected this issue. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1817 West 33d Place, Chicago, Ill. 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, as described in appendix V to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209, (b) *aluminum and aluminum articles;* (c) *brass, bronze, or copper articles; cupronickel articles, nickel silver articles;* (d) *alloy or combination of articles* named in (a), (b), and (c) above, in the rough, partially finished or fabricated and (e) *commodities* related to the above, materials and supplies used or useful in the sale or distribution of articles named in (a), (b), (c), and (d) when shipped or distributed by the Central Steel and Wire Co., between the warehouse and shipping facilities of Central Steel and Wire Co. at Chicago, Ill., on the one hand, and, on the other, points in Indiana, Michigan (except Detroit, Mich., and its commercial zone as defined by the Commission), Iowa, and Wisconsin (except Milwaukee, Wis.), restricted to single line service.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant conducts operations as a common carrier in No. MC 119684 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to show that a new docket number has been assigned, MC 45868 (sub-No. 13), applicant's contract carrier series, rather than No. MC 119684 (sub-No. 6), applicant's common carrier series. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (sub-No. 315), filed March 30, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles Singer, 327 South La Salle Street, suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay (bentonite clay)*, from Colony, Wyo., to points in Iowa, Illinois, Wisconsin, Indiana, Ohio, Minnesota, Missouri, Kansas, Michigan, Tennessee, Kentucky, Texas, Oklahoma, Nebraska, and Arkansas.

NOTE.—Common control may be involved. Applicant states that the requested authority could be tacked with various subs of its existing authority and will tack where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necesary, applicant requests it be held at Chicago, Ill.

No. MC 52921 (sub-No. 20), filed April 5, 1973. Applicant: RED BALL, INC., 317 East Lee, Sapulpa, Okla. 74066. Applicant's representative: Frank P. Burzio (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, blended flours, pancake mixes, flakes, and any products made from cereal grains*, from Muleshoe and Hereford, Tex., to points in Oklahoma, Texas, Louisiana, Arkansas, Kansas, Colorado, New Mexico, Missouri, and Mississippi.

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 Amarillo or Lubbock, Tex.

No. MC-55822 (sub-No. 14), filed March 19, 1973. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, suite 510, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, magazine periodicals and equipment, materials, and supplies* used in the publishing business, between Dayton, Ohio, and Glenn Dale, Md., on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract with McCall Printing Co. of Dayton, Ohio.

NOTE.—Applicant states that MC-55822 (sub-No. 8) may duplicate the requested authority between Chicago and Dayton, and Detroit and Dayton and will, therefore, submit that portion of the sub 8 certificate for revocation if the instant authority is granted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 59583 (sub-No. 135), filed April 5, 1973. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Eastman Road, Kingsport, Tenn. 37662. 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 regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Watts Bar nuclear plantsite of the Tennessee Valley Authority at or near Spring City, Tenn., and points within 5 miles of said plantsite as off-route points in connection with carrier's authorized regular route operations between Chattanooga and Knoxville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Washington, D.C.

No. MC 61592 (sub-No. 302), filed March 22, 1973. Applicant: JENKINS TRUCK LINE, 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: (A) (1) *Tractors* (except those with vehicle beds, bedframes or fifth wheels; (2) *agricultural, industrial, and construction machinery and equipment;* (3) *attachments;* (4) *engines;* (5) *equipment* designed to be

used in conjunction with the above-described commodities; and (6) *materials, supplies, and equipment* used or useful in the manufacture or distribution of the above-named commodities (except commodities in bulk) and *parts and castings*, from Charles City, Iowa; to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and points on the international boundary line between the United States and Canada, restricted to traffic originating at Charles City, Iowa; and (B) *materials*, supplies and equipment used or useful in the manufacture or distribution of the above-named commodities (except commodities in bulk) and *parts and castings*, from points in the above-named destination States to Charles City, 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 Chicago, Ill.

No. MC 61955 (sub-No. 20), filed April 9, 1973. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk and bags, between the plantsite of Lone Star Industries, Inc., at or near Bonner Springs, Kans., on the one hand, and, on the other, points in Missouri, Iowa, and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 74321 (sub-No. 72) (Correction), filed January 29, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished in part as corrected this issue. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as applicant).

NOTE.—The sole purpose of this partial republication is to correct the commodity description to livestock feeders in lieu of livestock as shown in previous notice. The rest of the application remains as previously published.

No. MC 76266 (sub-No. 124), filed March 26, 1973. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Cecil L. Goettsch, 11th floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual values, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., located at Romeo, Mich., as an off-route point in connection with applicant's regular route authority to and from Detroit, Mich.

NOTE.—Common control was approved in MC-F-10107. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 78400 (sub-No. 33), filed April 2, 1973. Applicant: BEAUFORT TRANSFER CO., a corporation, P.O. Box 102, Gerald, Mo. 60037. 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 regular routes, transporing: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Rolla and Lebanon, Mo.: From Rolla over Interstate Highway 44 (U.S. Highway 66) to Lebanon, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 99427 (sub-No. 19), filed April 9, 1973. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and liquid sulphuric dioxide*, in bulk, in tank vehicles, from points in Arizona to points in California.

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 in Phoenix, Ariz.

No. MC 105625 (sub-No. 4), filed March 29, 1973. Applicant: BONDY CARTAGE LTD., P.O. Box 420, Windsor Ontario, Canada. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the international boundary line between the United States and Canada, at Detroit, Mich., on the one hand, and, on the other, the plantsite and facilities of Ford Motor Co., at Romeo, Mich.; restricted to the movement of traffic in foreign commerce.

NOTE.—Common control may be involved. Applicant states that the requested authority will be tacked with its existing authority in Canada. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 106398 (sub-No. 654), filed March 19, 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: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings* in sections mounted on wheeled undercarriages, from points in Litchfield County, Conn., to points in the United States (except Alaska and Hawaii), restricted in (2) above against the transportation of shipments from the plantsite of Crown, Inc. at Terryville, Conn.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 106398 (sub-No. 655), filed April 9, 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: *Buildings* in sections, mounted on wheeled undercarriages, from points of manufacture in Merrimack County, N.H., 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 Boston, Mass.

No. MC 106644 (sub-No. 149), filed April 9, 1973. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron or plastic pipe, pipe fittings, watermain fittings, watermeter boxes, valve boxes, manhole covers, frames, including parts and accessories* to all the preceding, from points in Smith County, Tex., to points in Washington, Oregon, California, Nevada, Idaho, Arizona, New Mexico, Oklahoma, Kansas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Colorado, Utah, Montana, and Nebraska.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 104724 sub 13, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106644 (sub-No. 150), filed April 11, 1973. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hu-

bert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities in (1) above, between the plantsite of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to the transportation of shipments originating at or destined to the above named plantsites.

NOTE.—Applicant holds contract carrier authority under MC 104724 sub 13, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107012 (sub-No. 165) (amendment), filed November 29, 1972, published in the FEDERAL REGISTER issue of December 28, 1972, and republished, as amended, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and aluminum sliding doors, storm doors, and windows*, uncrated, from Canfield, Ohio, to points in Connecticut, New York, Delaware, Maryland, Virginia, North Carolina, West Virginia, Pennsylvania, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, Michigan, Kansas, Indiana, and Arkansas.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this amendment is to broaden the applicant's commodity description to include glass and aluminum storm doors and windows. Applicant also indicates that it intends to service only those States named above, in lieu of points in the United States (except Alaska and Hawaii) as previously published. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107012 (sub-No. 179), filed April 9, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, windows, decorative panels, and parts and accessories therefor*, between Pella, Iowa, on the one hand, and, on the other, points in Pennsylvania and New York; (2) *carpet and carpet padding*, from points in Mississippi, South Carolina, and Georgia, to Des Moines, Davenport, and Dubuque, Iowa, and Omaha, Nebr.; (3) *new furniture, new furnishings, and parts and accessories therefor*, from Council Bluffs, Iowa, to points in the United States (including Alaska, but excluding Minnesota, Iowa, and Hawaii); and (4) *appliances and laundry equipment*, from Webster City, Iowa, and Fort Dodge, Iowa, to points in the United States (including Alaska but excluding Minnesota, Iowa, and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that the authority sought in parts (1), (2), and (4) above cannot be tacked with its existing authority. Applicant further states that its request for new furniture in part (3) above may be tacked with its base authority and various subs but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108119 (sub-No. 37), filed March 12, 1973. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, St. Paul, Minn. 55121. Applicant's representative: Andrew A. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and nonferrous metal, and metal articles* when aggregated into bundles, and *lifts, skids, pallets, or other packages, which because of size or weight in excess of 500 pounds require the use of special handling or special equipment*: (1) Between points in Minnesota, on the one hand, and, on the other, points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; (2) between points in Minnesota, on the one hand, and, on the other, points in Montana, Missouri, Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; (3) between points in Minnesota; (4) between points in Minnesota, on the one hand, and, on the other, points in the United States (except points in Montana, North Dakota, South Dakota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Minnesota, Ohio, Washington, Oregon, and Idaho; and (5) between points in Minnesota, on the one hand, and, on the other, points in Ada and Jerome Counties, Idaho, restricted in (5) above to joinder or interline at Ada and Jerome Counties, Idaho.

NOTE.—Applicant states that the authority sought will be joined with each other to provide thru service over a Minnesota gateway. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 108121 (sub-No. 11) (amendment), filed November 10, 1972, published in the FEDERAL REGISTER issue of December 21, 1972, and republished, as amended, this issue. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 321 Third Avenue, Renton, Wash. 98055. Applicant's representatives: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104, and Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in truckaway service, from Seattle, Tacoma, and Spokane, Wash., and Portland, Oreg., to points in Washington, Oregon, Idaho, and Montana.

NOTE.—The purpose of this republication is to redescribe the territorial scope of the application and change the requested service to truckaway service in lieu of driveaway as originally requested. 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 Seattle, Wash.

No. MC 108207 (sub-No. 367), filed February 27, 1973. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in the St. Louis, Mo.-Kans., commercial zone, to points in 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 St. Louis, Mo., or Dallas, Tex.

No. MC 109324 (sub-No. 25), filed March 30, 1973. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. 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 deefined by the Commission), commodities in bulk (in tank vehicles), and those requiring special equipment, between Memphis, Tenn., and Conway, Ark.: From Memphis over Interstate Highway 40 to Conway, and return over the same route, serving no intermediate points except those between Little Rock and Conway, Ark., restricted against the transportation of shipments moving between points in the Memphis, Tenn., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Little Rock, Ark., Springfield, Mo., Kansas City, Mo.-Kans., St. Louis, Mo.-East St. Louis, Ill., and their respective commercial zones as defined by the Commission.

NOTE.—Applicant presently serves Conway, Ark., and points intermediate to Little Rock, Ark., and Conway, Ark., under its base certificate No. MC-109324. The purposes of this application are to obtain authority to serve between Memphis, Tenn., on the one hand, and, on the other, Conway, Ark., and points intermediate to Little Rock, Ark., and Conway, Ark., over the route applied herein, and to remove the present restriction against service between Memphis, Tenn., and its commercial zone, as defined by the Commission, and Conway, Ark., and its commercial zone, as defined by the Commission, contained in applicant's sub 17 certificate. If a hearing is deemed necessary, applicant requests it be held at Conway or Little Rock, Ark.

No. MC 109478 (sub-No. 125), filed February 22, 1973. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight of all kinds*, restricted to import, export, coastwise, or intercoastal traffic, transported in containers not owned by motor carriers, between the port of Erie, Pa., and points in New York, Pennsylvania, and Ohio.

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 109612 (sub-No. 35), filed March 12, 1973. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Lapel, Ind., to points in Illinois, Kentucky, Michigan, Ohio, Wisconsin, and St. Louis, Mo.

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 Indianapolis, Ind.

No. MC 110525 (sub-No. 1048), filed March 12, 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: (1) *Octyl phenol*, in bulk, in tank vehicles, from Rotterdam Junction, and Schenectady, N.Y., to ports of entry on the international boundary line between the United States and Canada on the Niagara River, and (2) *kiln dust*, in bulk, from Stockertown, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, and New York.

NOTE.—Applicant states that the authority requested under part (1) above can be tacked with its existing Canadian authority, and that it cannot or will not tack the requested authority under part (2) above with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 110525 (sub-No. 1051), filed April 11, 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: *Rosin sizing*, liquid, in bulk, in tank vehicles, from Albany, N.Y., to Adams, East Pepperell, Fitchburg, Holyoke, Housatonic, and Lee, Mass., Chisholm, Jay, Madawaska, Rumford, Westbrook, and Woodland, Maine, and Bennington and Lincoln, N.H., restricted to the transportation of traffic having a prior movement by rail.

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 Albany, N.Y., or Washington, D.C.

No. MC 111214 (sub-No. 11), filed April 9, 1973. Applicant: CLARK V. GRAHAM, doing business as CONTRACT TRUCKING CO., Linde Road, Box 8778, Jackson, Miss. 39204. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty National Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal, fish and poultry feed and feed ingredients*, dry, between Vicksburg, Miss., on the one hand, and, on the other, points in Louisiana, Mississippi, and Alabama, under contract with Valley Mills, Division of The Merchants Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 111812 (sub-No. 488), filed April 9, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles requiring mechanical refrigeration, from Bettendorf, Iowa, to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia, restricted to shipments originating at Terminal Ice & Storage at or near Bettendorf, Iowa.

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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 112822 (sub-No. 266), filed March 5, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except hides or commodities in bulk) from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co. at or near Beloit, Wis., to points in Kansas, Oklahoma, Missouri, Arkansas, Texas, Illinois, Iowa, and Minnesota, restricted to traffic originating at named origin and destined to named States, and (2) *meat, meat products, meat byproducts, foodstuffs, canning plant materials, equipment, and supplies* (except hides or commodities in bulk) from points in Kansas, Oklahoma, Missouri, Arkansas, Texas, Illinois, Iowa, and Minnesota, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co. at or near Beloit, Wis., restricted to traffic originating at named origins and destined to named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests consolidated hearing with applications requesting similar authority.

No. MC 112893 (sub-No. 47), filed April 9, 1973. Applicant: BULK 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Green Bay, Wis., to points in the Upper Peninsula of Michigan.

NOTE.—Common control my be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 114265 (sub-No. 19), filed November 6, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: Raymond D. Givens, P.O. Box 964, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and mill work*, from points in Ada, Elmore, and Madison Counties, Idaho, to points in Colorado.

NOTE.—Applicant states that the requested authority will be tacked with its existing lumber, wood products, and mill work authorities at Boise, Idaho, under MC 114265 and subs thereto, to transport lumber, wood products, and mill work from points in Idaho to points in Colorado. 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 Boise, Idaho.

No. MC 114273 (sub-No. 134), filed February 23, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, suite 315, Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, Vermont, Pennsylvania, Indiana, Illinois, Michigan, Missouri, Wisconsin, Minnesota, Iowa, 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 Washington, D.C.

No. MC 114273 (sub-No. 138), filed April 9, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION,

INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Campbell and Franklin Counties, Va., Hickory, and High Point, N.C., and Wilkes Barre, Pa., to points in 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 Washington, D.C.

No. MC 114457 (sub-No. 143), filed March 30, 1973. Applicant: DART TRANSIT CO., 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food dispensing, and merchandising equipment, and supplies*, when moving in mixed loads with foodstuffs, from the plant and warehouse sites of Food Producers, Inc., at Minneapolis, Minn., to points in New York, New Jersey, Vermont, New Hampshire, Massachusetts, Connecticut, Maine, Delaware, Maryland, Virginia, Rhode Island, North Carolina, South Carolina, Georgia, Alabama, Florida, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, and the District of Columbia, and (2) *foodstuffs*, from New York, N.Y., to St. Louis Park, Minn.

NOTE.—Applicant states that the requested authority will not 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 Minneapolis or St. Paul, Minn.

No. MC 114457 (sub-No. 144), filed April 2, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and *frozen potato products*, from Grand Forks, N. Dak., to points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, New York, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Louisiana, Mississippi, Alabama, Georgia, North Carolina, South Carolina, and Florida.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116073 (sub-No. 256), filed April 9, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue, South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Blue Earth County, Minn., 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 Minneapolis, Minn.

No. MC 116073 (sub-No. 257), filed April 11, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth 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, from points in Madison County, Ala., 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 Montgomery, Ala.

No. MC 116073 (sub-No. 258), filed April 11, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers designed to be drawn by passenger automobiles*, in initial movements and (2) *buildings*, complete or in sections, from Rowan County, N.C., to points in the United States (except Alaska and Hawaii).

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 Raleigh, N.C.

No. 11673 (sub-No. 261), filed April 20, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth 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 Lincoln County, S. Dak., to points in the United States (except Alaska and Hawaii).

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 Pierre, S. Dak.

No. MC 116763 (sub-No. 252), filed April 9, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Poynette, Waunakee, Sun Prairie, Cobb, and Merrill, Wis., to points in Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, points in Maine north of Maine Highway 25, those in New York west of Interstate Highway 81; and those in Pennsylvania west of U.S. Highway 15, restricted to traffic originating at the named origins and destined to be States named.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117574 (sub-No. 230), filed April 9, 1973. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery, tractors with or without attachments, cranes, industrial and processing machinery and attachments, accessories, and parts of the above described commodities*, between points in Cumberland and Franklin Counties, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that many of the requested items can already be transported between the points involved in this application, and that this application will eliminate some gateways as well as provided a direct service for the shipper. Applicant further states that duplications will exist, however, it has no intention of securing duplicating authority, but would tack any of the requested authority with its existing authority, to the extent such tacking is possible, to provide a through service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (sub-No. 161), filed April 2, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oats products* (except in bulk), *packaged popcorn* (not popped), *grits or corn meal, foodstuffs* (except frozen), and *advertising materials*, from the plantsites of National Oats Co., Inc., at Cedar Rapids and Wall Lake, Iowa, to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, 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 Oklahoma City, Okla.

No. MC 118831 (sub-No. 97), filed March 29, 1973. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk (except anhydrous ammonia, fertilizer, and fertilizer materials), from points in North Carolina (except Charlotte), to points in South Carolina and Virginia, restricted against the transportation of caustic soda from Acme, N.C., and points within 5 miles thereof, to points in South Carolina.

NOTE.—Common control was approved by the Commission in No. MC–F–7867. Applicant states that the requested authority will be tacked with the authority it presently holds in its subs 22, and 44 at points in North Carolina and South Carolina, to serve points in Georgia, North Carolina, Florida, and Alabama. Applicant presently holds authority in its sub 40 to transport liquid chemicals (except petrochemicals and the other exceptions named above) to and from the same territory as sought herein. The purpose of this application is to remove the exclusion as to petrochemicals with the exceptions as described above. Applicant has concurrently filed a petition for interpretation or modification of its certificate No. MC–118831 (sub-No. 40) or an alternate petition to dismiss, and requests its handling with the request for authority herein. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 118831 (sub-No. 98), filed March 29, 1973. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Georgia, North Carolina, and Virginia, restricted against the transportation of liquid chemicals from Charleston, S.C., to points in Georgia.

NOTE.—Applicant presently holds authority in its sub 44 to transport liquid chemicals (except petrochemicals), to and from the same territory as sought herein subject to the restriction which is being retained herein. The purpose of this application is to remove the exclusion as to petrochemicals. Applicant states that it intends to tack the requested authority with its sub 22, 40, or other applications at points in North Carolina and South Carolina, to serve points in Florida, Alabama, and South Carolina. Applicant has concurrently filed a petition for interpretation or modification of certificate No. MC–118831 (sub-No. 44) or an alternate petition to dismiss, and requests its handling with the request for authority herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 119522 (sub-No. 20), filed March 26, 1973. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. 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: (1) *Rough castings, rough forgings and stampings, transmissions, and transmission parts, protective devices, skids, pallets, and parts thereof and accessories thereto, nuts and bolts*, from Muncie, Ind., to the plantsite and facilities of Ford Motor Co. at Romeo, Mich.; (2) *steering wheels, automotive parts, rough forgings and stampings, and packing devices*, from Portland, Ind., to the plantsite and facilities of Ford Motor Co. at Romeo, Mich.; (3) *returned and damaged transmissions and transmission parts, transmissions and control parts, skids, pallets, parts thereof and accessories therefor and protective devices*, from the plantsite and facilities of Ford Motor Co. at Romeo, Mich., to Muncie, Ind.; and (4) *returned shipments of steering wheels, automotive parts, rough forgings, and stampings and packing devices*, from the plantsite and facilities of Ford Motor Co. at Romeo, Mich., to Portland, Ind.

NOTE.—Applicant holds contract carrier authority under MC 34865 sub 39, 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 Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 119522 (sub-No. 22), filed April 6, 1973. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. 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: (1) *Iron and steel articles*, from Kokomo, Ind., to points in Illinois, on and south of U.S. Highway 36, and St. Louis, Mo.; and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles, from points in Illinois, on and south of U.S. Highway 36, and St. Louis, Mo., to Kokomo, Ind.

NOTE.—Applicant states that the requested thority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 34865 (sub-No. 39), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119567 (sub-No. 14), filed March 22, 1973. Applicant: F. H. McCLURE and R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2700 Overland Road, Boise, Idaho 83705. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pozzolan*, from points in Washington County, Idaho, to points in Idaho and Wyoming; and (2) *cement*, from Lime, Oreg., to points in Idaho south of the northern boundary of Idaho County.

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 Boise, Idaho.

No. MC 119815 (sub-No. 14), filed April 5, 1973. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated metal sheets, corrugated metal pipe, supplies, and fittings* for the installation thereof, from the plantsite of the Kaiser Aluminum & Chemical Sales, Inc., at Bedford, Ind., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Utah, Washington, Oregon, and Wyoming, and (2) *equipment, materials, and supplies* used in the manufacture and processing of corrugated metal sheets and corrugated metal pipe, from points in California and Washington to the plantsite of Kaiser Aluminum & Chemical Sales, Inc., at Bedford, Ind., restricted in (2) above against the transportation of commodities in bulk and commodities which because of size or weight require the use of special equipment and special handling, and under contract in (1) and (2) above with the Kaiser Aluminum & Chemical Sales, Inc., at Bedford, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 120727 (sub-No. 3), filed March 9, 1973. Applicant: GALLATIN-PORTLAND FREIGHT LINES, INC., James Street, P.O. Box 888, Gallatin, Tenn. 37066. Applicant's representative: A. O. Buck, 500 Court Square Building, 300 James Robertson Boulevard, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville, Tenn., and the Tennessee-Kentucky State line: From Nashville over U.S. Highway 31W to the Tennessee-Kentucky State line, and return over the same route, serving all intermediate points; (2) Between Mitchell and Portland, Tenn.: From Mitchell over Tennessee Highway 109 to Portland, and return over the same route, serving all intermediate points; (3) Between Nashville and Westmoreland, Tenn.: From Nashville over U.S. Highway 31E to Westmoreland, and return over the same route, serving all intermediate points; (4) Between Westmoreland, Tenn., and junction Tennessee Highway 25 and U.S. Highway 31W: From Westmoreland over Tennessee Highway 52 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction U.S. Highway 31W, and return over the same route, serving all intermediate points; (5) Between Gallatin and Portland, Tenn.: From Gallatin over Tennessee Highway 109 to Portland, and return over the same route, as an alternate route for operating

convenience only; (6) Between Gallatin and Nashville, Tenn.: From Gallatin over Tennessee Highway 109 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route, as an alternate route for operating convenience only; (7) Between Gallatin and Castillian Springs, Tenn.: From Gallatin over Tennessee Highway 25 to Castillian Springs, and return over the same route, serving all intermediate points, and serving Cato as an off-route point; (8) Between Castillian Springs and Dixon Springs, Tenn.: From Castillian Springs over Tennessee Highway 25 to Dixon Springs, and return over the same route, serving all intermediate points, and serving Cato as an off-route point; (9) Between junction Tennessee Highway 25 and U.S. Highway 231 and Nashville, Tenn.: From junction Tennessee Highway 25 and U.S. Highway 231 over U.S. Highway 231 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route, as an alternate route for operating convenience only; (10) Between Mitchell, Tenn., and Louisville, Ky.: From Mitchell over U.S. Highway 31W to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over the same route, serving no intermediate points; and (11) Between Westmoreland, Tenn., and junction U.S. Highway 231 and Interstate Highway 65 (near Bowling Green, Ky.): From Westmoreland over U.S. Highway 231 to junction Interstate Highway 65, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 231 and Interstate Highway 65 for purposes of joinder only, restricted in all of the above against the handling of traffic originating at, destined to, or interchanged at points in Davidson County, Tenn., on the one hand, and, on the other, traffic originating at, destined to, or interchanged at Louisville, Ky., and points in its commercial zone.

NOTE.—By the instant application, applicant seeks to extend its present authority to Louisville, Ky., and to convert its presently held certificates of registration held in its own name and those held by Hartsville Freight Lines, Inc., in No. MC-125085 (sub-Nos. 1 and 2) to certificates of public convenience and necessity. By order No. MC-F-11212 issued April 9, 1973, applicant controls, for a 5-year period through lease, the operating rights of Robert H. Bradshaw, doing business as Hartsville Freight Lines, Inc. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 121142 (sub-No. 12), filed March 29, 1973. Applicant: J & G EXPRESS, INC., 489 Julienne Street, P.O. Box 2069, Jackson, Miss. 39205. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. 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 commodities requiring special equipment), between Jackson, Miss., and the site of the New Clinton Industrial Park Corp. near Clinton, Miss.: From Jackson westward over U.S. Highways 80 and/or Interstate Highway 20 to the site of the new addition to the Clinton Industrial Park Corp. approximately 1 mile west of the old Clinton Industrial Park, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 121428 (sub-No. 4), filed March 16, 1973. Applicant: ENID FREIGHT LINES, INC., P.O. Box 216, Blackwell, Okla. 74631. Applicant's representative: Dean Williamson, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Lamont and Tonkawa, Okla.; from Lamont over U.S. Highway 60 to Tonkawa, and return over the same route, serving no intermediate or off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 123048 (sub-No. 254), filed April 17, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Agricultural implements, storage bins, unmounted frontend loaders, and scraper blades*, (b) *attachments* for (a) above, (c) *parts* for (a) and (b) above, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities specified in (1) above, between Richmond, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123061 (sub-No. 68), filed March 23, 1973. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Silsbee, Utah (near Wendover, Utah), to points in California in and north of San Benito, Monterey, Fresno, and Inyo Counties, Calif.

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 Salt Lake City, Utah.

No. MC 124078 (sub-No. 544), filed April 3, 1973. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and wax emulsion*, in bulk, in tank vehicles, from Vienna, Ga., to points in Alabama, Florida, Georgia, and Mississippi.

NOTE.—Applicant has pending a contract carrier application in No. MC 113832 (sub-No. 9), therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124692 (sub-No. 110), filed April 5, 1973. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from points in Montana, to points in Minnesota, Iowa, Wisconsin, Illinois, Michigan, and Indiana.

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 Portland, Oreg., or Spokane, Wash.

No. MC 124796 (sub-No. 107), filed April 9, 1973. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters and parts and accessories therefor*, from Ashland City, Tenn., to points in the United States (except Alaska and Hawaii), and returned shipments of water heaters and parts and accessories therefor, from points in the United States (except Alaska and Hawaii) to Ashland City, Tenn., under a continuing contract, or contracts, with Carrier Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126537 (sub-No. 29), filed March 22, 1973. Applicant: KENT I. TURNER, KENNTH E. TURNER, and ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, Ky. 40221. 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: *Parts, electronic components, and supplies* used in the repair, maintenance, and operations of electronic and mechanical office machines, and systems, from Louisville, Ky., to points in Jefferson, Shelby, Oldham, Franklin, Woodford, Fayette, Scott, Bourbon, Nicholas, Fleming, Montgomery, Jassamine, Clark, Madison, Garrard, Boyd, Lincoln, Rockcastle, Mercer, Laurel, Whitley, Knox, Anderson, Hardin, Barren, Warren, Hart, Larue, Carroll, Trimble, Gallatin, Boone, Kenton, Campbell, Pulaski, and Meade Counties, Ky.

NOTE.—Applicant presently holds a motor contract carrier permit in No. MC-129652, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC-126555 (sub-No. 21), filed March 5, 1973. Applicant: UNIVERSAL TRANSPORT, INC., Box 268, Rapid City, S. Dak. 57701. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite and foundry moulding sand treating compound*, from Belle Fourche, S. Dak., and Upton, Wyo., to points in Montana, Colorado, New Mexico, and North Dakota; (2) *Bentonite and foundry moulding sand treating compound*, in bulk, from Belle Fourche, S. Dak., and Upton, Wyo., to points in Kansas, Nebraska, Minnesota, Iowa, and Illinois; (3) *Bentonite*, from Belle Fourche, S. Dak., to points in Wyoming; (4) *Bentonite*, from Upton, Wyo., to points in South Dakota; (5) *Bentonite*, from Colony, Wyo., to points in Michigan and Ohio (except Defiance); and (6) *Foundry sand treating compounds, including bentonite*, from Colony and Upton, Wyo., to points in Kansas, Nebraska, Minnesota, Iowa, Illinois, and Wisconsin, restricted in (1), (2), (3), and (4) above to traffic originating at the plantsite of American Colloid Co. at or near Belle Fourche, S. Dak., and Upton, Wyo.

NOTE.—Common control was approved in MC-F-8727. 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 127042 (sub-No. 114), filed April 6, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, waxing, and buffing compounds, toilet preparations, shampoo, advertising and display materials, supplies, and premiums* (except in bulk), from Fort Madison, Iowa, to points in California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 127812 (sub-No. 17), filed March 22, 1973. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, between New Brighton, Minn., on the one hand, and, on the other, points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempealeau, Washburn, and Vilas Counties, Wis.

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 Minneapolis or Duluth, Minn.

No. MC 127834 (sub-No. 89), filed April 9, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, and *commodities* which do not require the use of special equipment, when moving on the same shipment or on the same bill of lading as commodities which because of size or weight require the use of special equipment, *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, restricted to commodities which are transported on trailers, between points in Virginia, on the one hand, and, on the other, points in Illinois, Wisconsin, and Tennessee.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128133 (sub-No. 10), filed March 29, 1973. Applicant: H. H. OMPS, INC., Rural Route No. 5, Winchester, Va. 22601. Applicant's representative: S. Harrison Kahn, suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from points in Frederick County, Va., Strasburg, Va., and Bainbridge, Pa., to points in West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, North Carolina, South Carolina, Ohio, New York, and the District of Columbia.

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 Washington, D.C.

No. MC 128544 (sub-No. 3), filed March 15, 1973. Applicant: IOWA STEEL EXPRESS, INC., P.O. Box 1943, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, fencing material, hardware, and agricultural implements*, from Chicago, Ill., to the Landmark Truck Stop located on Interstate Highway 80 at Williamsburg Exchange located in Iowa County, Iowa.

NOTE.—The purpose of the instant application is the relocation of an interchange point only. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129171 (sub-No. 12), filed March 30, 1973. Applicant: ARTHUR SHELLY, INC., Rural Delivery No. 1, Dallas, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment* (except commodities which, because of their size or weight, require the use of special equipment), from Bristol, Pa., to points in Montana, California, Oregon, Washington, Idaho, Arizona, Colorado, Utah, and New Mexico.

NOTE.—Applicant holds contract carrier authority in No. MC-126381 (subs 2 and 8), therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129226 (sub-No. 3), filed March 30, 1973. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. 11714. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of drapery and curtain hardware, from Raritan Industrial Center, at Edison Township, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and *returned shipments* on return, under contract with Kirsch Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129609 (sub-No. 3), filed April 2, 1973. Applicant: KENWOOD'S MOVING & STORAGE, P.O. Box 429, Sharron Avenue, Plattsburgh, N.Y. 12901. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used*

household goods, restricted to the transportation of traffic having a prior subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between Plattsburgh, N.Y., on the one hand, and, on the other, points in St. Lawrence County, N.Y., and points in Chittenden, Franklin, Grand Isle, Orleans, and Lamoille Counties, Vt.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133161 (sub-No. 10) filed April 6, 1973. Applicant: GRIESER TRUCKING CO., Route No. 1, Box 152–A, Archbold, Ohio 43502. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated sheets, pads, boxes, and related packaging*, from the plantsite of Georgia-Pacific Corp. at Archbold, Ohio, to points in Illinois, Indiana, Michigan, and Ohio, and (2) *materials and supplies* used in the manufacture and distribution of corrugated sheets, pads, boxes, and related packaging (except commodities in bulk), from points in the States listed in (1) above, to the plantsite of the Georgia-Pacific Corp. at Archbold, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133492 (sub-No. 7), filed April 11, 1973. Applicant: CECIL CLAXTON, Bartow Road, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 5299 Roswell Road NE., suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Miami, Fla., to Athens, Ga., and *empty containers and pallets* on return, under contract with Northeast Sales Distributing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134366 (sub-No. 3), filed April 10, 1973. Applicant: CAHOON FARMS TRUCKING, INC., Miner Road, P.O. Box 295, North Rose, N.Y. 14516. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from North Rose, Wolcott, Sodus, Middleport, and Medina, N.Y., to the plantsites and storage facilities of Mrs. Smith's Pie Co. at Pottstown, Lake Winola, Philadelphia, Morgantown, and York, Pa., Landover, Md., and Portsmouth, Va., and (2) *returned, refused, and rejected shipments* of the above commodities, on return, under a continuing contract with Mrs. Smith's Pie Co. of Pottstown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Rochester or Syracuse, N.Y., or Washington, D.C.

No. MC 134599 (sub-No. 74), filed March 5, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products and equipment, materials, and supplies* used in the manufacture and production thereof (except commodities in bulk, which, because of their size and weight require special handling or special equipment), (1) between Opelika, Ala., Dalton, Dublin, Thomson, Hogansville, and Conyers, Ga., and Chattanooga, Tenn., on the one hand, and, on the other, points in Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, Delaware, and the District of Columbia; and (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Oregon, Washington, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 135358 (sub-No. 1), filed March 9, 1973. Applicant: DORY EXPRESS, LTD., a corporation, 241 Erie Street, Waverly, N.Y. 14892. Applicant's representative: Donald C. Carmien, P.O. Box 566, Binghamton, N.Y. 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and glass bottles*, from Wharton, N.J., to Elmira, N.Y.; and (2) *cartons and petitions* from Elmira, N.Y., to Wharton, N.J., under a continuing contract with Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc.

NOTE.—If a hearing is deemed necessary, appplicant requests it be held at Elmira or Binghamton, N.Y.

No. MC 135406 (sub-No. 3), filed March 14, 1973. Applicant: LAMAR TRUCKING, INC., 19 Driscoll Street, Rockville Centre, N.Y. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, minerals, mineral ores, pigments, and materials and suppplies used in the manufacture of paints* (except commodities in bulk), between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, New York, N.Y., and points in New Jersey, under contract with Smith Chemical & Color Co., Inc., of New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135760 (sub-No. 10) (amendment), filed March 19, 1973, published in the FEDERAL REGISTER issue of April 26, 1973, and republished, as amended, this issue. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, from Detroit and Grand Rapids, Mich., (1) to points in and east of Michigan, Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, and (2) to points in California and Washington, under a continuing contract, or contracts, with Frederick & Herrud, Inc., and its subsidiaries: Herrud & Co.; and Herrud Smoked Meats, Inc.

NOTE.—The purpose of this republication is to indicate that applicant seeks to provide service to the destination points of California and Washington, as described in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136129 (sub-No. 2), filed April 9, 1973. Applicant: CONTINENTAL EXPRESS, INC., P.O. Box 74, 612 East Park Avenue, Rich Hill, Mo. 64779. Applicant's representative: Edward L. FitzGerald, suite 700, 112 East 10th Street, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, furs, and pelts* (except in tank vehicles), (a) from Butler, Mo., to Fond du Lac, Milwaukee, and Kenosha, Wis.; Chicago, Ill.; New Orleans, La.; Houston, Laredo, and Brownsville, Tex.; Peabody, Mass.; Newark, N.J.; New York, Elmira, and Johnston, N.Y.; Baltimore, Md.; Detroit, Mich.; Norfolk and Richmond, Va.; and South Paris, Maine; and (b) from Fairbury, Gibbon, Omaha, and Gordon, Nebr.; Jamestown, Minet, and Fargo, N. Dak.; Wichita, Solomon, and Seneca, Kans.; San Antonio, Hamilton, Amarilla, Palestine, Fort Worth, and San Angelo, Tex.; Fort Smith and Little Rock, Ark.; Millstadt and Belleville, Ill.; Osage, Clinton, Alton, Des Moines, Cedar Rapids, and Boyden, Iowa; Enid and Oklahoma City, Okla.; Columbus, Ohio; and Muskego, Wis.; to Butler, Mo., under contract with Cox Bros. & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 136587 (sub-No. 6), filed March 28, 1973. Applicant: ALFRED J. WELLER, doing business as A. J. WELLER, 396 Clarmont, Willowick, Ohio 44095. Applicant's representative:

George S. Maxwell, 526 East Superior Avenue, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green salted cattle hides and green salted sheep pelts*, from Cleveland, Ohio, to Chicago, Ill., Fond du Lac and Milwaukee, Wis., Grand Haven, Mich., points in the New York, N.Y., commercial zone as defined by the Commission, those in the Boston, Mass., commercial zone as defined by the Commission, and Pownal, Vt., under a continuing contract, or contracts with D. E. Rose & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 136746 (sub-No. 2), filed March 23, 1973. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 9847 Page, Overland, Mo. 63132. Applicant's representative: Douglas E. Tonkinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by department and other retail stores*, from St. Louis, Mo., and points in St. Louis County, Mo., to points in Madison and St. Clair Counties, Mo., within a territory described as follows: From St. Louis, Mo., westward along the Mississippi River to the western boundary of Madison County, thence northward along the western boundary of Madison County to the northwest boundary of Madison County, thence eastward along the northern boundary of Madison County to the intersection of Missouri Highway 159, thence southward along Missouri Highway 159 to the intersection of Missouri Highway 140, thence eastward along Missouri Highway 140 to the intersection of Missouri Highway 4, thence southward along Missouri Highway 4 to the intersection of Missouri Highway 177, thence westward along Missouri Highway 177 to the intersection of Missouri Highway 158, thence southwestward along Missouri Highway 158 to the southwest boundary of St. Clair County, thence northwestward along the southwest boundary of St. Clair County to the Mississippi River, thence along the Mississippi River to St. Louis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138075 (sub-No. 3), filed March 30, 1973. Applicant: ARNOLD KEMPER doing business as KEMPER TRUCK LINE, Box 181, Melrose, Minn. 56352. Applicant's representative: Richard W. Greeman, 4530 Excelsior Boulevard, Minneapolis, Minn. 55416. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Melrose, Minn., under a continuing contract with Spaeth Distributing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138102 (sub-No. 2), filed March 27, 1973. Applicant: CARSON D. BOUTWELL, doing business as BOUTWELL TRUCK LINES, Route 3, Jay, Fla. 32565. Applicant's representative: Bobby A. Boutwell, P.O. Box 338, Jay, Fla. 32565. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer*, from Cottondale and Pensacola, Fla., to points in Alabama and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., Mobile, Montgomery, or Birmingham, Ala.

No. MC 138198 (sub-No. 1), filed March 29, 1973. Applicant: SPD TRUCK LINE, INC., Opalena at Cottage, Abilene, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by wholesale or retail discount or variety stores, between points in Kansas, Colorado, New Mexico, Texas, Missouri, Nebraska, Oklahoma, Arkansas, and Iowa; and (2) *Personal property of employees*, between points in Kansas, Colorado, New Mexico, Texas, Missouri, Nebraska, Oklahoma, Arkansas, and Iowa, under a continuing bilateral contract, or contracts, in (1) and (2) above with Duckwall Stores, Inc., and Western Merchandise Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138375 (sub-No. 4), filed February 21, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of National Beef Packing Co., located at Liberal, Kans., to points in Ohio, Illinois, Indiana, Kentucky, Michigan, and Tennessee, under contract with National Beef Packing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Lincoln, Nebr.

No. MC 138414 (Sub-No. 1), filed April 9, 1973. Applicant: HAROLD JOHN BELL, doing business as H. J. BELL, 320 South Yellowstone, Livingston, Mont. 59047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and/or broken limestone*, from Livingston and Gardiner, Mont., to Minot, N. Dak., Portland, Beaverton, Corvallis and Eugene, Oreg., and Tacoma, Midway, Kent, Centralia, Chehalis, Longview, and Yakima, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings or Livingston, Mont.

No. MC 138520, filed December 11, 1972. Applicant R. JOHNS TRANSFER INC., 2206 Patterson Avenue SW., Roanoke, Va. 24016. Applicant's representative: Kenneth N. Hylton, 2905 Cadillac Tower, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between points in Virginia, North Carolina, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Delaware, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 138524 (sub-No. 1), filed April 2, 1973. Applicant: DON MAXON, P.O. Box 101, Ontario, Oreg. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, concrete mix, rocks, and debris*, from points in Malheur County, Oreg., to points in Ada, Gem, Payette, Canyon, Washington, and Elmore Counties, Idaho, under contract with Flynn's Sand & Gravel Inc., Robert J. Lzicar Construction, Northwest Industrial Construction, and Wayne King.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 138535, filed March 6, 1973. Applicant: MICHAEL SANTILLO, JR., doing business as SANTILLO TRUCKING CO., 803 Walden Avenue, Buffalo, N.Y. 14211. Applicant's representative: David P. Feldman, 207 Delaware Avenue, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile parts and accessories*, from points in Erie County, N.Y., to points in Bradford, Clarion, Clearfield, Columbia, Crawford, Elk, Erie, Lawrence, McKean, Mercer, Potter, Tioga, Vanango, and Warren Counties, Pa., and Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y., and (2) *reusuable or salvageable "trade-in" automobile parts*, from the destinations to the origins in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Pittsburgh, Pa., New York, N.Y., or Washington, D.C.

No. MC 138545, filed March 16, 1973. Applicant: J. C. DOYLE, doing business as J. C. DOYLE MOVING & STORAGE, 104 North Fifth Street, Union City, Tenn. 38261. Applicant's representative: Wm. M. Crawford, Associated Transportation Center, P.O. Box 99156, Seattle, Wash. 98199. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Fulton, Hickman, Calloway, Trigg, Todd, Simpson, Allen, Barren, Warren, Edmonson, Hart, Grayson, Hardin, Hancock, Breckinridge, Ohio, Butler, Logan, Christian, Muhlenburg, McLean, Daviess, Webster, Henderson, Union, Crittenden, Livingston, Caldwell, Marshall, Graves, Carlisle, McCracken, and Ballard Counties, Ky., Gallatin, Saline, Hardin, Pope, Massac, Pulaski, Lexander, Johnson, Union, Williamson, and Jackson Counties, Ill., Perry, Cape, Girardeau, Madison, Bollinger, Wayne, Scott, Mississippi, Stoddard, Carter, Ripley, Butler, New Madrid, Dunklin, and Pemiscot Counties, Mo., Randolph, Clay, Greene, Lawrence, Independence, Craighead, Mississippi, Jackson, Poinsett, Cross, Crittenden, Woodruff, St. Francis, Lee, Cleburne, White, Faulkner, Pulaski, Saline, Prairie, Lonoke, Monroe, Grant, Efferson, Arkansas, and Phillips Counties, Ark., Coahoma, Quitman, Panola, Tunica, Tate, Marshall, Benton, and De Sota Counties, Miss., and Obion, Weakley, Lake, Dyer, Gibson, Henry, Carroll, Benton, Humphreys, Houston, Dickson, Montgomery, Cheatham, Davidson, Robertson, Madison, Henderson, Decatur, Crockett, Lauderdale, Haywood, Shelby, Tipton, Hardeman, and Stewart Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 138563, filed March 26, 1973. Applicant: J. M. J. PROJECTS, INC., 2109 West 50th Street, Shawnee Mission, Kans. 66205. Applicant's representative: Erle W. Francis, suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and junk batteries; residues, residuum scale, slimes, sludge, sweepings, or washings*, in packages; and *scrap*, loose, from Leavenworth, Kans., to Omaha, Nebr.; and (2) *lead ingots, antimonial and litharge*, from Omaha, Nebr., to Leavenworth, Kans., and Kansas City, Mo., under a continuing contract in (1) and (2) above with Gould, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Minneapolis-St. Paul, Minn.

No. MC 138564, filed March 26, 1973. Applicant: TRANSFER SUPPLY CO., doing business as STORMES MOVING AND STORAGE, a corporation, 321 North Lane Avenue, Jacksonville, Fla. 32205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the Jacksonville, Fla., commercial zone, and Duval, Nassau, Clay, St. Johns, Baker, Putnam, Alachua, Columbia, and Bradford Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138566, filed March 26, 1973. Applicant: IRVIN WALTER TRUITT, doing business as TRUITT'S EXPRESS, 308 East Umstead Street, Durham, N.C. 27707. Applicant's representative: Irvin W. Truitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General supplies and equipment* (laboratory equipment, office supplies, including but not limited to glassware, chemicals, and animal food), between the National Institute of Environmental Health Sciences, at Durham, N.C., and the National Institutes of Health, at Bethesda, Md.; from the National Institute of Environmental Health Sciences, at Durham over Interstate Highway 85 via the Richmond-Petersburg Turnpike to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 495, thence over Interstate Highway 495 to the National Institutes of Health, at Bethesda, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Durham, Raleigh, or Greensboro, N.C.

No. MC 138571 (sub-No. 2), filed April 18, 1973. Applicant: PAUL W. MUMFORD, JR., doing business as MUMFORD HORSE TRANSPORTATION, Turf Trailer Park, Charles Town, W. Va. 25414. Applicant's representative: Bernard J. Hasson, Jr., 927 15th Street NW., suite 306, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, *personal effects of attendants, trainers, and exhibitors, and supplies and equipment* used in the care and exhibition of such animals, between Charles Town, W. Va., on the one hand, and, on the other, points in Delaware, Kentucky, Maryland, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charles Town, W. Va.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (sub-No. 443), filed April 6, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Bayden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). 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 operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at points in Atlantic County (except Atlantic City), Cape May, Monmouth (except at points east of the Garden State Parkway), and Ocean Counties, N.J., and extending to points in the United States (including Alaska but excluding Hawaii); (2) beginning and ending at points in Cumberland County, N.J., and extending to points in the United States (including Alaska but excluding Alabama, Connecticut, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia); and (3) beginning and ending at points in Passaic and Essex Counties, and Fort Lee, Englewood, Teaneck, and Hackensack, N.J., and that part of Paramus, N.J., along and south of New Jersey Highway 4 in Bergen County, and extending to points in Barnesville, Pa., and points in Perling, N.Y.

NOTE.—Applicant presently holds a brokerage license in No. MC-12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 29957 (sub-No. 90), filed March 14, 1973. Applicant: CONTINENTAL SOUTHERN LINES, INC., Box 8435, 1785 Highway 80 West, Jackson, Miss. 39204. Applicant's representative: Frank Kegley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same or separate vehicles, and *express and newspapers* in the same vehicle with passengers, between Crossett, Ark., and junction Arkansas Highway 81 and U.S. Highway 82; from Crossett over Arkansas Highway 52 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to junction U.S. Highway 82, and return over the same route, serving all intermediate points.

NOTE.—Common control was approved by the Commission in Nos. MC-F-10160 and 10161. If a hearing is deemed necessary applicant requests it be held at Little Rock, Ark., Memphis, Tenn, or Jackson, Miss.

No. MC 95466 (sub-No. 4), filed February 15, 1973. Applicant: DATTCO, INC., 99 Newington Avenue, New Britain, Conn. 06051. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle as passengers, in charter operations beginning and ending at Meriden, New Haven, Middletown, Bridgeport, and Stamford, Conn., and New Rochelle, N.Y., and extending to points in the United States (including

Alaska but excluding Hawaii), restricted to charter operations originating at Springfield, Mass., Hartford, Conn., or New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138511 (sub-No. 2), filed March 29, 1973. Applicant: THE TERMINAL SERVICE CO., a corporation, 600 Provident Bank Building, Cincinnati, Ohio 45202. Applicant's representative: John A. McJoynt, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (train and engine crews), from Indianapolis, Ind., to points in Ohio along the Penn Central Railroad.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138565, filed March 19, 1973. Applicant: TRANSPORTES MONTERREY CADEREYTA REYNOSA S.A. de C.V., a corporation, Insurgentes Norte No. 42, Mexico, D.F., Mexico. Applicant's representative: H. H. Rankin, Jr., 804 Pecan, P.O. Box 3592, McAllen, Tex. 78501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express* and *newspapers* in the same vehicle with passengers, (1) between the port of entry on the international boundary line between the United States and the Republic of Mexico south of Brownsville, Tex., and the Continental Trailways International Bus Depot at Brownsville, Tex.; from the port of entry on the international boundary line between the United States and the Republic of Mexico at the Gateway Bridge at or near Brownsville, Tex., over city streets to the Continental Trailways International Bus Depot at Brownsville; and return over the same route, restricted against the transportation of traffic originating at or destined to Matamoras, Tamaulipas, Mexico; and (2) between the port of entry on the international boundary line between the United States and the Republic of Mexico south of Hidalgo, Tex., and McAllen, Tex.; from the port of entry on the international boundary line between the United States and the Republic of Mexico at the International Bridge at or near Hidalgo, Tex., over Bridge Street to Texas State Highway 336, thence over Texas State Highway 336 to McAllen, thence over city streets to the Continental Trailways Bus Depot at McAllen, and return over the same route, serving the intermediate points of Hidalgo, Tex., restricted against the transportation of traffic originating at or destined to Reynosa, Tamaulipas, Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at McAllen or Brownsville, Tex.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12426 (sub-No. 2), filed March 9, 1973. Applicant: GROUP UNLIMITED INC., 15 Central Park West, New York, N.Y. 10023. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. For a license (BMC–5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *individual passengers and groups of passengers, and their baggage*, in special and charter operations, in all-expense tours, between points in the United States (except Alaska and Hawaii).

No. MC 130197, filed February 16, 1973. Applicant: DOROTHY M. ST. ONGE and BERNARD ST. ONGE, doing business as DELTA TRAVEL AND TOUR, 2510 First Avenue North Escanaba, Mich. 49829. For a license (BMC–5) to engage in operations as a *broker* at Escanaba, Mich., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *individual passengers and groups of passengers, and their baggage* in the same vehicle, in special and charter operations, in all-expense tours, beginning and ending at points in Michigan, and extending to points in the United States including Alaska and Hawaii.

No. MC 130198, filed March 28, 1973. Applicant: ROBERT GAVIN & ASSOCIATES, INC., 2252 South Kinneckinnic Avenue, Milwaukee, Wis. 53207. Applicant's representative: F. Thomas Olson, Midland National Bank Building, 211 West Wisconsin Avenue, Milwaukee, Wis. 53203. For a license (BMC–5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *individual passengers and groups of passengers, and their baggage*, in special and charter operations, in round-trip, all-expense tours, beginning and ending at points in La Crosse, Rock, Milwaukee, Waukesha, Racine, Kenosha, Washington, and Dane Counties, Wis., and extending to points in the United States including Alaska and Hawaii.

No. MC 130199, filed March 22, 1973. Applicant: GADABOUT TOURS, INC., doing business as ANDERSON TRAVEL SERVICE, 423 East McCallum Way, Palm Springs, Calif. 92262. Applicant's representative: L. C. Major, Jr., suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. For a license (BMC–5) to engage in (1) operations as a *broker*, at Palm Springs, Hemet, Palm Desert, and Riverside, Calif., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Ventura, Santa Barbara, Kern, San Bernardino, Orange, Riverside, San Diego, Los Angeles, Imperial, and San Luis Obispo Counties, Calif., and points in Maricopa and Palm Counties, Ariz., and extending to points in the United States (including Alaska and Hawaii).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 138384 (sub-No. 2), filed April 5, 1973. Applicant: ELWOOD LYNCH, an individual, Krafts Trailer Court, Moberly, Mo. 65270. Applicant's representative: Tom B. Kretsinger, suite 910, Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Belleville, Ill., to Moberly, Mo.; and (2) *empty malt beverage containers*, from Moberly, Mo., to Belleville, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jefferson, Mo.

By the Commission.

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

[FR Doc.73-9200 Filed 5-9-73;8:45 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

GREAT LAKES LOAD LINES

Establishment of Load Lines; Calculation and Assignment of Freeboards, etc.

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-49R]

GREAT LAKES LOAD LINES

Establishment of Load Lines; Calculation and Assignment of Freeboards, etc.

The purpose of these amendments to the regulations governing Great Lakes loadlines is to adopt new provisions for the calculations of freeboards and additional conditions of assignment of freeboards and loadlines.

In the March 23, 1973, issue of the FEDERAL REGISTER (38 FR 7678), the Coast Guard proposed regulations to adopt new provisions for the calculations of freeboards including new conditions of assignment.

Written and oral comments were received from respondents in both United States and Canada and included the shipowners, shipbuilders, classification societies, and governmental representatives from the Board of Steamship Inspection and the Coast Guard.

All commenters were in favor of the new regulations but many changes were suggested for clarification or to improve administration. There were also several substantive suggestions for changes in requirements.

The following is a discussion on comments received for substantive changes to the proposal and an explanation of the changes that were made by the Coast Guard.

In part 42 a number of changes were made to implement the new part 45. In § 42.03-5, references for Great Lakes voyages were placed into a separate paragraph and require that vessels 79 feet or more on such voyages would be subject to the new regulations in part 45. In § 42.03-3 a new exception procedure was introduced and explained. In § 42.05-3, "existing vessel" has been further defined to explain that the new regulations do not specifically refer to an "existing" vessel but that all vessels prior to the new regulations will be considered existing vessels unless they can comply with subpart D in the new part 45 to be considered new vessels. In § 42.05-40(c), Victoria Bridge, Montreal, Canada, is the dividing line between fresh water and salt water in the St. Lawrence River which has been used by the Canadian authorities for many years. The duration of the loadline certificate and the amount of time that it may be extended has been inserted in § 42.07-5. The surveys by the American Bureau of Shipping or other approved assigning authority have been clarified for Great Lakes vessels in § 42.09-15(c) and the requirements on stability and strength have been noted in § 44.05-25(a).

In part 44, it was especially necessary to modify the present wording such that the new calculations for freeboard would not be used on the ocean routes. Special service, although it is used within 20 miles of land along our coasts, may be subject to ocean-sea conditions and the residual seaways from ocean storms which affects the shipping along our coasts. The new freeboard table and the calculations for the Great Lakes are based on studies which have shown that the wave conditions on the Great Lakes may approach ocean conditions of moderate but not full height. Therefore while special service loadlines are continued, the older regulations of part 45 for calculation of freeboards will be used where Great Lakes regulations are indicated in part 44.

In the new part 45, the following changes have been made:

Section 45.3 Paragraph (h), Freeboard Deck—definition of.—The definition of freeboard deck in part 45 is similar to the definition in the International Load Line Convention, 1966, on which these new regulations are modeled. A suggestion was made that the assigning authority should also designate the lower deck as the freeboard deck. This suggestion was not adopted because the Coast Guard wants a record of those vessels which utilize this special definition. This can best be done by submitting a request to the Commandant when such a designation is desired.

A general request was made that the several places where the Commandant is mentioned be modified by adding the words "assigning authority". All of these sections were reviewed and in several cases it appeared proper to add a reference to the assigning authority. The other sections where this has not been adopted are felt to be information which the Commandant should be particularly advised on or they were sections in which both the Commandant and the classification society were already mentioned.

Paragraph (l), Length of Superstructure—definition of.—It was suggested that this definition should include the phrase "which extend to the sides of the vessel". This change has been adopted since it clarifies the definition.

Paragraph (p), Exposed position—definition of.—It was suggested that the alternate definition of "exposed positions" which is based on the Convention wording for superstructures was superfluous. The comment was accepted and paragraph (p)(2) was deleted.

Paragraph (r), Steel—definition of.—Many comments were made on this definition. It was pointed out that the several parameters in the proposals were not the only ones which would occasionally be used nor would all of them be used at the same time on every occasion. A change to the definition was made based on these comments to reflect that the parameters are some of the items with which equivalency is judged.

Section 45.5. A typographical error in the winter loadlines in paragraph (d) was corrected from March 15 to 31.

Section 45.11.

Section 45.11. This section was changed to three paragraphs instead of two for readers convenience and understanding.

Section 45.15. A number of comments were received that suggested that the last sentence in paragraph (b) should show to whom the Commandant will communicate details of a special exemption. The intent was that this would be an exchange of information between the United States and Canada in continuation of the spirit of the cooperation which has existed since the regulations were inaugurated. The suggestion was approved and the change has been made.

Section 45.31. Section 45.31 and figure 1 pertains to the deck line. The Administrations has proposed a change from the 15 inches which is currently used on the Great Lakes to 12 inches in order to be consistent with international practice. In accordance with the suggestions received that 15 inches be continued, the requirement has been modified by adding the words "at least" to precede the words "12 inches long".

It was suggested that the Joint Technical Committee's recommendation to use the inner intersection line on the hull plating be used. The administrations considered this suggestion but came to the conclusion that it would be better to retain the existing practice which is to use the outer intersection line since this practice is also in effect in the International Convention and a minor difference would be introduced into the regulations for no real purpose.

Sections 45.35 and 45.37. A suggestion was made that the vessel need not have all of its loadlines marked in the interests of simplifying the complicated seasonal marking as in figure 2. This suggestion was discussed between the two administrations of Canada and the United States. Canadian practice has been to place seasonal marks for all seasons at the applicable freeboard even when they coincide. The Coast Guard feels that this approach has the advantage of letting the observer know in a precise manner whether the vessel is on its proper marks for the season of the year without having to stop the ship, go to the bridge, and look at the certificate. A comment was made that many of the vessels which have reason to have a single seasonal loadline for all seasons by reason of structural limitations or draft limitations should not be required to have all seasonal letters painted on the ship and that only the line itself should be required. However the administrations feel that just the line itself would not suffice. In order to show what seasons are applicable and what are not applicable, all seasons must be marked.

Section 45.51. A suggestion pointed out that the use of the phrase "main deck", while usually denoting the weather deck on the oceans, has a traditionally different application on the Great Lakes. The suggestion has been approved and the requirement has been changed by inserting the words "freeboard" in place of the word "main".

Section 45.53. A number of suggestions were made concerning this section. One suggestion was to add the unit of length in the formulas to clarify the formulas, both for seasonal freeboards and when a scantling or subdivision draft is in effect. The suggestion has been approved.

It was suggested that the word "geometric" be introduced in the text concerning summer freeboard. Although the word is understandable technically, the suggestion was not approved in order to avoid extra definitions in the regulations.

Section 45.55. A suggestion was made to reverse the order of the formulas so that they would be more coherent. Also the L/D limitations in the Joint Technical Committee recommendation were inadvertently omitted in the proposal. Accordingly, the suggestions were approved and the proposed paragraph (a) is now paragraph (b), the proposed paragraphs (b) and (c) are now paragraph (a), and paragraph (c) contains the Joint Technical Committee's recommendation for L/D limitation.

Section 45.57. One comment pointed out that the use of the word "Commandant" might be modified by allowing the approved assigning authority to handle a modification of deck line position. This comment was accepted. Also, another comment pointed out that we had not picked up the recommendation of the Joint Technical Committee that no freeboard of less than 2 inches may be assigned. This omission was corrected.

Table 4. Several typographical errors were corrected.

Section 45.65. It was suggested that paragraph (d) be rewritten to conform with the International Load Line Convention, 1966. The suggestion was approved and wording very similar to the Convention was inserted. Also, a comment requested the deletion of the explanatory sentence on the parabolic formula without deleting the formula itself. This suggestion was also approved.

Section 45.69. The bow height calculation has been modified to apply only to manned vessels in order to agree with the concept of its use in the International Load Line Convention, 1966.

Sections 45.71, 45.73, and 45.75. There were a number of typographical errors pointed out and a suggestion for adding the units of length. In §§ 45.73 and 45.75, the word "more" has been changed to "less" in accordance with the original Joint Technical Committee recommendation.

Section 45.77. It was pointed out that the addition for a vessel which does not have calculated immersion information from the Joint Technical Committee Report was omitted. Accordingly, the omission was corrected.

Sections 45.103 and 45.105. It was suggested that the word "unacceptable" be used in place of the word "excessive" since an acceptable standard is defined in the interim strength standard for the Great Lakes. This suggestion was approved.

Section 45.115. Two suggestions concerning paragraph (a) were adopted—

(1) Deckhouses on the freeboard deck should be required to have guardrails; and

(2) Paragraph (c) should be reworded to refer to paragraph (a) so that not only the open rails would be described but also the bulwarks which should be in place along the unmentioned half of the trunk length would be covered. These suggestions were approved.

Section 45.127. Comments pointed out that paragraph (a)(3) was not understandable. Upon review, it was determined that an error in editing had occurred. This paragraph has been corrected and shortened.

In paragraph (b)(2), the words "or more" were inserted after "Hs" for clarification.

Section 45.133. Several comments were received regarding the requirement of proper installation. The comments stated that improper installation would be obvious, something which an inspector would require to be corrected immediately. Also a request was received to avoid defining the thickness in terms of "corrosion or fatigue." Accordingly, both suggestions were accepted and the same general term that was used for superstructures has been used in this section. Additionally, it was pointed out that the height of the air pipes was not as accurate as in the Joint Technical Committee proposal, and this has been changed.

Section 45.139. A paragraph has been added further defining the requirements on side scuttles to require deadlights in accordance with the recommendation made by the Joint Technical Committee.

Section 45.145. This change corrects a printing error that occurred in the proposed rulemaking. The positions of the formulas have been corrected.

Section 45.147. Paragraph (c) was added in accordance with the Joint Technical Committee's recommendations that when the safety of the ship is not impaired, the height of coamings might be reduced.

Section 45.153. There were comments on the use of the term "fatigue resistance" in paragraph (a). However, the term has been retained and the words "to the hull" have been inserted for clarification. The words "approved by the Commandant" have been deleted to eliminate inference that the Commandant will approve every through-hull fitting. Instead the regulations now serve as an engineering guidance for the designer and builder and requires that hull pipes through hull fittings must be equivalent in strength to the hull.

Section 45.157. It was necessary to clarify the first sentence so that the reader may determine whether 24 inches or 0.5B would be used. The second sentence has been re-edited to call for thickness not less than extra heavy pipe.

Joint review. In addition to the development of the original proposal by the Joint Technical Committee established by the United States and Canada, the comments and recommendations made on the proposed rulemaking have been subject to review by both the Board of Steamship Inspection of Canada and the Coast Guard. Both Agencies have commented to each other and have compared their regulations for similar intent. This is a continuing effort. While the Canadian and United States regulations differ in official format, both sets of regulations conform to substantive requirements. It is the intent of the Coast Guard and the Board of Steamship Inspection of Canada to maintain each country's Great Lakes load line regulations to be as similar as possible in accordance with the agreement set up by the exchange of notes in 1938 through 1940 by the Secretary of State of the United States and his counterpart, the Minister of the Exterior for Canada.

In consideration of the foregoing, the proposed regulations published in the March 23, 1973, issue of the FEDERAL REGISTER (38 FR 7678), are hereby adopted, with the above described changes, and chapter I of title 46, Code of Federal Regulations, is amended as follows:

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

§ 42.03–1 [Amended]

1. By amending § 42.03–1(b) by striking the words "*Provided, further,* That no loadline requirements in this part implementing only the 1966 Convention shall apply to vessels solely navigating the Great Lakes of North America (see § 42.05–40)" and inserting the following words: "*Provided, further,* That loadline requirements in this part derived solely from the 1966 Convention do not apply to vessels navigating the Great Lakes of North America (see § 42.05–40); *Provided, further,* That loadline requirements for vessels that operate solely on waters of the Great Lakes, including the St. Lawrence River, are contained in part 45 of this subchapter."

2. By amending § 42.03–5 by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 42.03–5 U.S. flag vessels subject to the requirements of this subchapter.

* * * * *

(c) *Vessels engaged solely on Great Lakes voyages.*—A U.S. flag vessel 79 feet and more and 150 gross tons or over that engages solely on Great Lakes voyages is subject to the applicable provisions of this part and part 45 of this subchapter and must comply with the regulations in force on the date the keel is laid or a similar progress in construction is made.

(d) *Special service coastwise voyage.* A U.S. flag vessel 150 gross tons or over that engages in a "special service coastwise voyage" is subject to the applicable provisions of this part and part 44 of this subchapter.

3. By amending § 42.03–30 by adding a sentence to follow the second sentence in paragraph (b)(2) and revising paragraphs (e) and (f) to read as follows:

§ 42.03–30 Exemptions for vessels.

* * * * *

(b) * * *

(2) * * * If the Commandant grants an exemption pursuant to this subparagraph to a U.S. flag vessel that operates on the Great Lakes of North America, he may notify the Chairman of the Board of Steamship Inspection of Canada of the nature of the exemption, but no special exemption certificate is issued.

* * * * *

(e) The Commandant may exempt from any of the requirements of this part a vessel that engages on a domestic voyage by sea or a voyage solely on the Great Lakes and embodies features of a novel

kind, if the novel features and any additional safety measures required are described on the face of the issued certificate.

(f) A vessel that is not usually engaged on domestic voyages by sea or on voyages on the Great Lakes but that, in exceptional circumstances, is required to undertake a single such voyage between two specific ports is—

(1) Subject to the Coastwise Load Line, Act, as amended and the applicable regulations of this subchapter; and

(2) Issued a single voyage load line authorization by the Commandant that states the conditions under which the voyage may be made and any additional safety measures required for a single voyage.

4. By revising paragraph (e) of § 42.05–30 to read as follows:

§ 42.05–30 Existing vessel.

* * * * *

(e) As used in part 45 of this subchapter, "existing vessel" in all regulations pertaining to a vessel engaged solely on Great Lakes voyages before April 14, 1973, means a vessel whose keel was laid before August 27, 1936. The regulations pertaining to these vessels that are in effect after April 14, 1973, do not use the term "existing vessel".

* * * * *

5. By amending § 42.05–40(c) by adding a sentence to follow the first sentence to read as follows:

§ 42.05–40 Great Lakes.

* * * * *

(c) * * * In addition, the Victoria Bridge, Montreal, Canada, is the dividing line between fresh water and salt water in the St. Lawrence River.

6. By striking in the second sentence of § 42.07–1(b) the reference "§ 45.01–75 (b)" and inserting "§ 45.9" in place thereof.

7. By striking in the first sentence of § 42.07–1(c) the reference "parts 44 and 45" and inserting "part 45" in place thereof.

8. By revising § 42.07–45(d) to read as follows:

§ 42.07–45 Loadline certificates.

* * * * *

(d) Each loadline certificate is issued for the following length of time:

(1) An international and coastwise certificate is issued for 5 years and may be extended by the Commandant up to 150 days from the date of the—

(i) Survey that is endorsed on the certificate by the surveyor authorized by the Coast Guard; or

(ii) Last day of the 5-year period.

* * * * *

(2) A Great Lakes certificate is issued for 5 years and may be extended by the Commandant up to 90 days from the date of the—

(i) Survey that is endorsed on the certificate by the surveyor authorized by the Coast Guard; or

(ii) Last day of the 5-year period.

* * * * *

9. By revising the second sentence of § 42.09–15(c)(1) reading as follows:

§ 42.09–15 Surveys by the American Bureau of Shipping or assigning authority.

* * * * *

(c) * * *

(1) * * * If, after a survey has been passed, a loadline certificate can not be issued before the current certificate expires, the current certificate may be extended by an endorsement in accordance with the requirements contained in § 42.07–45(d). * * *

* * * * *

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

10. By amending § 44.05–25 by revising paragraph (a)(2) and adding subparagraph (3) to read as follows:

§ 44.05–25 Freeboards.

(a) * * *

(2) The requirements in §§ 42.09–1 and 42.09–10 that relate to the assignment of freeboards and to stability are applicable to each vessel subject to the requirements in this part.

(3) The assigning authority that assigns a vessel subject to the requirements in this part a freeboard under part 45 of this chapter shall do so in accordance with the requirements in effect as of October 1, 1972.

PART 45—GREAT LAKES LOAD LINES

11. By revising part 45 to read as follows:

Subpart A—General

Sec.
45.1 Purpose.
45.3 Definitions.
45.5 Seasonal application of load lines.
45.9 Seasonal application of load lines for vessels not marked under this part.
45.11 Issue of load line certificate.
45.13 Form of certificate.
45.15 Exemptions.

Subpart B—Load Line Marks

45.31 Deck line.
45.33 Diamond.
45.35 Seasonal load lines.
45.37 Salt water load lines.
45.39 Marking.

Subpart C—Freeboards

45.51 Types of ships.
45.53 Summer freeboard.
45.55 Freeboard coefficient.
45.57 Correction: Position of deck line.
45.58 Correction: Short superstructure.
45.59 Definitions for superstructure corrections.
45.61 Correction for superstructures and trunks.
45.63 Correction for sheer.
45.65 Excess sheer limitations.
45.67 Sheer measurement.
45.69 Correction for bow height.
45.71 Midsummer freeboard.
45.73 Winter freeboards.
45.75 Intermediate freeboard.
45.77 Salt water freeboard.

Subpart D—Conditions of Assignment

45.101 Purpose.
45.103 Structural stress and stability.
45.105 Information supplied to the master.
45.107 Strength of hull.
45.109 Strength of superstructures and deckhouses.
45.111 Strength of bulkheads at ends of superstructures.
45.113 Access openings in bulkheads at ends of enclosed superstructures.
45.115 Bulwarks and guard rails.
45.117 Freeing port area: General.
45.119 Freeing port area; Changes from standard sheer.
45.121 Freeing port area: Changes for trunks and side coamings.
45.123 Freeing port area: Changes for bulwark height.
45.125 Crew passageways.
45.127 Position of structures, openings, and fittings.
45.129 Hull fittings: General.
45.131 Ventilators.
45.133 Air pipes.
45.135 Hull openings at or below freeboard deck.
45.137 Cargo ports.
45.139 Side scuttles.
45.141 Manholes and flush scuttles.
45.143 Hull openings above freeboard deck.
45.145 Hatchway covers.
45.147 Hatchway coamings.
45.149 Machinery space openings.
45.151 Other openings.
45.153 Through-hull piping: General.
45.155 Inlets and discharge piping: Valves.
45.157 Scuppers and gravity drains.
45.159 Special conditions of assignment for type "A" vessels.

Appendix A Loadline certificate form.

AUTHORITY.—Sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 88a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Subpart A—General

§ 45.1 Purpose.

This part prescribes requirements for assignment of freeboards, issuance of loadline certificates, and marking of loadlines to meet the requirements of the Coastwise Load Line Act, 1935 (46 U.S.C. 88–88g) insofar as it applies to the Great Lakes of North America.

§ 45.3 Definitions.

As used in this part:

(a) "Length (L)" means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline.

(b) "Perpendiculars" means the forward and after perpendiculars at the forward and after ends of the length (L). The forward perpendicular coincides with the foreside of the stem on the waterline on which the length is measured.

(c) "Amidships" means the middle of the length (L).

(d) "Breadth" unless expressly provided otherwise, means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(e) "Moulded Depth" means the vertical distance measured amidships from the top of the keel to the top of the freeboard deck beam at side except that—

(1) In vessels of other than metal construction, the distance is measured from the lower edge of the keel rabbet;

(2) Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(3) In ships having rounded gunwales, this distance is measured to the point of intersection of the moulded lines of the deck and side, the lines extending as though the gunwale were of angular design; and

(4) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(f) "Depth for Freeboard (D)" means—

(1) Moulded depth amidships plus the thickness of the stringer plate with no allowance for sheathing; and

(2) In a vessel having a rounded gunwale with a radius greater than 4 percent of the breadth (B) or having topsides of unsual form, the depth for freeboard (D) of a vessel having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

(g) "Freeboard" means the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(h) "Freeboard Deck" means, normally, the uppermost complete deck exposed to weather and sea that has permanent means of closing all openings in the weather part thereof and below which all openings in the sides of the ship are fitted with permanent means of watertight closings except that—

(1) In a ship having a discontinuous freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is the freeboard deck.

(2) At the option of the owner and subject to the approval of the Commandant a lower deck may be designated as the freeboard deck, if it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships;

(3) When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck.

(i) "Superstructure" means a deck structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 percent of the breadth (B). A raised quarterdeck is a superstructure.

(j) "Enclosed superstructure" means a superstructure with enclosing bulkheads.

(k) "Height" of a superstructure means the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

(l) "Length of a superstructure (S)" means the mean length of the part of the superstructure which extends to the sides of the vessel and lies within the length (L).

(m) "Flush deck ship" means a ship that has no superstructure on the freeboard deck.

(n) "Weathertight" means that in any sea conditions water will not penetrate into the ship.

(o) "Watertight" means designed to withstand a static head of water.

(p) "Exposed positions" means exposed to weather and sea.

(q) "Intact bulkhead" with respect to superstructure means a bulkhead with no openings.

(r) "Steel" means steel and materials with which structures can be made equivalent to steel with respect to such parameters as yield strength, total deflection, flexural life, or resistance to galvanic or stress corrosion.

§ 45.5 Seasonal application of loadlines.

For the purposes of the law and regulations prohibiting submergence of loadlines (46 U.S.C. 88c; 46 CFR 42.07–10), the fresh water and salt water loadlines marked under this part apply during the following seasons:

(a) Summer loadlines apply April 16 through April 30 and September 16 through September 30.

(b) Midsummer loadlines apply May 1 through September 15.

(c) Intermediate loadlines apply October 1 through October 31 and April 1 through April 15.

(d) Winter loadlines apply November 1 through March 31.

§ 45.9 Seasonal application of loadlines for vessels not marked under this part.

(a) For the purposes of the law and regulations prohibiting submergence of loadlines (46 U.S.C. 88c; 46 CFR 42.07–10) the marks assigned to vessels holding international loadline certificates apply during the following seasons:

(1) Vessels assigned freeboards as new vessels under the International Load Line Convention, 1966—

(i) Winter—November 1 through March 31.

(ii) Summer—April 1 through April 30 and October 1 through October 31.

(iii) Tropical—May 1 through September 30;

(2) Vessels assigned freeboards as existing vessels under the International Load Line Convention, 1966—

(i) Winter—November 1 through March 31;

(ii) Summer—April 1 through April 30 and October 1 through October 31;

(iii) Tropical—September 16 through September 30;

(iv) Tropical Fresh—May 1 through September 15.

(b) No allowances for lesser freeboards apply under any circumstances.

§ 45.11 Issue of Load Line Certificate.

(a) A vessel 79 feet in length and more, and 150 gross tons or over, the keel of which is laid or which has reached a similar stage of construction after April 14, 1973, must meet the requirements of this part.

(b) Except as prescribed in paragraph (a) of this section, any vessel that meets the requirements in subparts C and D of this part and the survey requirements in §§ 42.09–15 through 42.09–50 of this subchapter is entitled to assignment of freeboards and issue of a loadline certificate under this part by the Commandant or his authorized representative.

(c) A vessel, the keel of which was laid or was at a similar stage of construction before April 14, 1973, that meets the requirements of this part that were in effect before April 14, 1973, and the survey requirements in §§ 42.09–15 through 42.09–50 of this subchapter is entitled to the assignment of freeboards calculated under the provisions of this part in effect before April 14, 1973, and to a loadline certificate issued under this part by the Commandant or his authorized representative.

§ 45.13 Form of Certificate.

The form of a loadline certificate issued under this part is specified in appendix A to this part.

§ 45.15 Exemptions.

(a) The Commandant may exempt a ship from any of the requirements in this part if the chairman of the board of Steamship Inspections, Department of Transport, Canada, and the Commandant agree that the sheltered nature or the condition of that voyage make it unreasonable or impracticable to apply requirements of this part.

(b) The Commandant may exempt a vessel that embodies features of a novel kind from any of the requirements of this part if those requirements might seriously impede research into the development of such features and their incorporation in ships. Any such vessel must comply with the safety requirements that, in the opinion of the Commandant, are adequate for the service for which the vessel is intended and will insure the overall safety of the vessel. If the Commandant grants an exemption pursuant to this paragraph he communicates the details of the exemption and the reasons therefore to the chairman of the board of Steamship Inspections.

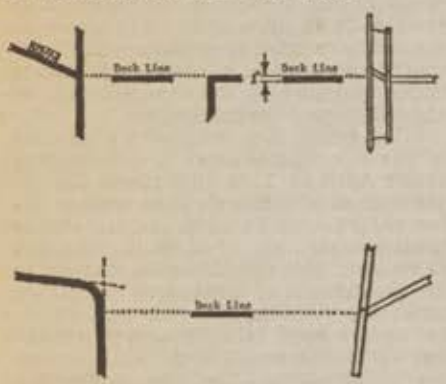
(c) A vessel that is not normally engaged on voyages to which this part applies but that, in exceptional circumstances, is required to undertake a single such voyage between two specific ports may be exempted by the Commandant from any of the requirements of this part, if the ship complies with safety requirements that, in the opinion of the Commandant are adequate for the voyage that is to be undertaken by the vessel.

Subpart B—Load Line Marks

§ 45.31 Deck line.

(a) Each vessel must be marked with a deck line on the outer surface of the shell on each side of the vessel with the upper edge of the line passing through the point where the upper surface of the freeboard deck intersects the outer surface of the shell or if the summer freeboard is correspondingly adjusted under § 45.57, the deck line may be placed above or below the freeboard deck. Figure 1 illustrates the deck line marking.

(b) Each deck line must be at least 12-inches long and 1-inch wide.



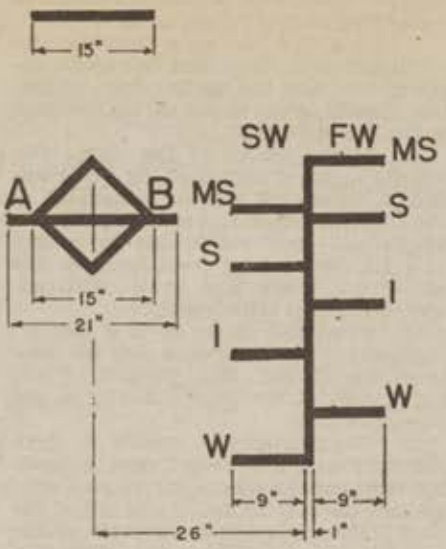
§ 45.33 Diamond.

(a) Each vessel must be marked with the diamond mark described in figure 2 of § 45.35 amidships below the upper edge of the deck line on each side with the center of the loadline mark at a distance below the deck line equal to the summer freeboard assigned under this part.

(b) The width of each line in the loadline mark must be 1 inch.

§ 45.35 Seasonal load lines.

Each vessel must have the summer (S), midsummer (MS), intermediate (I), and winter (W) loadlines for fresh water freeboards calculated under §§ 45.71 through 45.75 marked in accordance with § 45.39.



§ 45.37 Salt water loadlines.

Each vessel that operates in the salt water of the St. Lawrence River must—

(a) Be marked with the summer (S), midsummer (MS), intermediate (I) and winter (W) loadline marks under § 45.77 for salt water; and

(b) Be marked with the letters "FW" above the fresh water marks and the letters "SW" above the salt water marks as described in figure 2.

§ 45.39 Marking.

(a) The diamond, lines, and letters must be painted in white or yellow on a dark ground or in black on a light ground and permanently marked on the sides of the vessel.

(b) The upper edge of the line that passes through the center of the diamond must indicate summer freeboard assigned under § 45.53.

(c) Unless otherwise authorized the seasonal loadlines must be horizontal lines extending forward of, and at right angles to, a vertical line marked at a distance 26 inches forward of the vertical centerline of the diamond as described in figure 2.

(d) The salt water loadlines must be horizontal lines extending abaft the vertical line required by paragraph (b) of this section as described in figure 2.

(e) The upper edge of each seasonal and salt water loadline mark must indicate the minimum freeboard for that mark.

(f) When two freeboards assigned under this part differ by 2 inches or less, the line for the lesser freeboard must be omitted and the line for the greater freeboard must be identified with the seasonal letters for both freeboards.

(g) Seasonal freeboards that are limited by a summer freeboard assigned under § 45.53(c) must not be marked but the identifying letter must be marked adjacent to the summer mark.

(h) The identity of the authority that assigns the freeboard must be indicated alongside the loadline diamond above the horizontal line that passes through the center of the diamond with two initials approximately 4½ inches high and 3 inches wide.

Subpart C—Freeboards

§ 45.51 Types of ships.

(a) For the purpose of this subpart, a type A vessel has—

(1) No cargo ports or similar side-shell openings below the freeboard deck;

(2) Only small freeboard deck openings fitted with watertight gasketed hatch covers of steel;

(3) No dimension of a freeboard deck cargo opening greater than 6 feet and the total area not exceeding 18 ft²; and

(4) No more than two freeboard deck cargo openings to a single cargo space.

(b) For the purposes of this subpart a type B vessel is a vessel that does not meet the requirements in paragraph (a) of this section.

§ 45.53 Summer Freeboard.

(a) Except as required in paragraph (c) of this section, the minimum freeboard in summer for a type A vessel is F in the following formula modified by the corrections in this subpart:

$$F \text{ (inches)} = 10.2 \times P_1 \times D$$

where P_1 is defined in § 45.55 and D is the depth for freeboard in feet.

(b) Except as required in paragraph (c) of this section, the minimum freeboard in summer for a type B vessel is F in the formula modified by the corrections in this subpart:

$$F \text{ (inches)} = 12 \times P_1 \times D$$

where P_1 is defined by § 45.55 and D is the depth for freeboard in feet.

(c) Seasonal freeboards assigned under §§ 45.71 through 45.75 must be calculated on the basis of the summer freeboard calculated under paragraph (a) or (b) of this section.

(d) If a minimum freeboard is required for a vessel under this part which is greater than that required by paragraph (a) or (b) of this section because of scantling or subdivision requirements, the summer freeboard and the seasonal freeboards assigned under this subpart must be no less than that minimum freeboard, except the midsummer seasonal freeboard may be calculated on the basis of the summer freeboard assigned under this paragraph.

(e) If a greater than the calculated minimum freeboard is requested by the applicant for the loadline certificate, that greater freeboard may be assigned as the summer freeboard and—

(1) The intermediate and winter seasonal freeboards assigned must be calculated under paragraph (a) or (b) of this section; and

(2) The midsummer seasonal freeboard must be calculated on the basis of the summer freeboard assigned under this paragraph.

§ 45.55 Freeboard coefficient.

(a) For ships less than 350 feet in length (L), the freeboard coefficient is P_1 in the formula:

$$P_1 = P + A\left(\frac{L}{D} - \frac{L}{Ds}\right)$$

where P is a factor, which is a function of the length from table 1 and "A" is a coefficient, which is a function of length (L), from table 2; L/D is the ratio of the length (L) to the depth for freeboard (D); L/Ds is the ratio of the length (L) to a standard depth (Ds) from table 3.

D is not to be used as less than that which will give a ratio of L to D that is:

(a) More than 15 when L=400 feet or less, or

(b) More than 21 when L=700 feet or more, with the ratio for intermediate lengths being calculated proportionately.

(b) For ships 350 feet or more in length (L), the coefficient "A" is zero and the formula is:

$$P_1 = P$$

where P is a factor, which is a function of length from table (1).

§ 45.57 Correction: Position of deckline.

(a) Where the depth to the upper edge of the deckline is greater or less than D, the difference between the depths must be added to or deducted from the freeboard.

(b) When the Commandant or the approved assigning authority approves a location for the deckline that is above or below the freeboard deck, the minimum summer freeboard must be corrected by—

(1) Adding the difference between the depth and D if the depth is greater than D; and

(2) Subtracting the difference between the depth and D, if the depth is less than D.

(c) Except for the adjustment allowed in paragraph (b) of this section, no freeboard of less than 2 in. may be assigned.

§ 45.58 Correction: Short superstructure.

The minimum freeboard in summer for a type B vessel that is 79 ft. or more but less than 500 ft. in length and has enclosed superstructures with an effective length of 25 percent or less of the length of the vessel must be increased by—

0.03 (500—L) (0.25—E/L) inches

where (L) = length of vessel in feet;
(E) = effective length of superstructure in feet as defined in § 45.59.

§ 45.59 Definitions for superstructure corrections.

For the purpose of §§ 45.58 through 45.61—

(a) The standard height of a superstructure (H_s) other than a raised quarter deck and the standard height of a trunk (H_s) is determined by the formula:

$$H_s = \left(6.0 + \frac{L}{300}\right) \text{ ft}$$

(b) The length of superstructure (S) is the length of those parts of the superstructure which extends to the sides of the vessel and that lie within the length (L).

(c) The effective length (E) of a trunk is its length in the ratio of its mean breadth to B.

(d) The effective length (E) of an enclosed superstructure of standard height or greater is its length "S".

(e) Where the height of an enclosed superstructure or trunk is less than the standard height (H_s), the effective length (E) is its length reduced in the ratio of its height to H_s.

(f) The effective length (E) of a raised quarter deck of 2/3 H_s or greater that has no openings in the front bulkhead is its length up to a maximum of 0.6L.

(g) The effective length (E) of a raised quarter deck of less than 2/3 H_s or that does not have an intact front bulkhead is its length reduced by the ratio of its height to H_s.

TABLE 12(1)

TABLES OF P VALUES

Length of Ship (feet)	Value of P	Length of Ship (feet)	Value of P
80	0.1100	550	0.2751
90	0.1136	560	0.2762
100	0.1172	570	0.2772
110	0.1208	580	0.2779
120	0.1244	590	0.2785
130	0.1281	600	0.2788
140	0.1318	610	0.2790
150	0.1355	620	0.2790
160	0.1393	630	0.2789
170	0.1430	640	0.2785
180	0.1468	650	0.2779
190	0.1506	660	0.2772
200	0.1545	670	0.2768
210	0.1583	680	0.2760
220	0.1622	690	0.2751
230	0.1661	700	0.2740
240	0.1700	710	0.2728
250	0.1740	720	0.2715
260	0.1780	730	0.2700
270	0.1820	740	0.2684
280	0.1860	750	0.2667
290	0.1900	760	0.2648
300	0.1941	770	0.2628
310	0.1982	780	0.2607
320	0.2023	790	0.2584
330	0.2065	800	0.2560
340	0.2106	810	0.2532
350	0.2148	820	0.2504
360	0.2190	830	0.2476
370	0.2233	840	0.2448
380	0.2275	850	0.2420
390	0.2318	860	0.2392
400	0.2361	870	0.2364
410	0.2400	880	0.2336
420	0.2437	890	0.2308
430	0.2472	900	0.2280
440	0.2506	910	0.2252
450	0.2537	920	0.2224
460	0.2567	930	0.2196
470	0.2595	940	0.2168
480	0.2621	950	0.2140
490	0.2645	960	0.2112
500	0.2667	970	0.2084
510	0.2688	980	0.2056
520	0.2706	990	0.2028
530	0.2723	1000	0.2000
540	0.2738		

TABLE 12(2)

VALUES OF "A"
FOR USE IN THE EXPRESSION

$$P_1 = P + \text{"A"}\ (L/D - L/Ds)$$

Length of Ship (feet)	Value of "A"	Length of Ship (feet)	Value of "A"
80	0.00864	220	0.00234
90	0.00806	230	0.00204
100	0.00750	240	0.00176
110	0.00696	250	0.00150
120	0.00644	260	0.00126
130	0.00594	270	0.00104
140	0.00546	280	0.00084
150	0.00500	290	0.00066
160	0.00456	300	0.00050
170	0.00414	310	0.00036
180	0.00374	320	0.00024
190	0.00336	330	0.00014
200	0.00300	340	0.00006
210	0.00266	350	0.00000

TABLE 12(3)

VALUES OF L/DS

Length of Ship (feet)	Value of L/Ds	Length of Ship (feet)	Value of L/Ds
80	6.50000	250	11.01563
90	6.76563	260	11.28125
100	7.03125	270	11.54688
110	7.29688	280	11.81250
120	7.56250	290	12.07813
130	7.82813	300	12.34375
140	8.09375	310	12.60938
150	8.35938	320	12.87500
160	8.62500	330	13.14063
170	8.89063	340	13.40625
180	9.19625	350	13.67188
190	9.42188	360	13.93750
200	9.68750	370	14.20313
210	9.95313	380	14.46875
220	10.21875	390	14.73438
230	10.48438	400	15.00000
240	10.75000		

(h) Superstructures which are not enclosed have no effective length.

(i) When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard.

(j) A bridge or poop is enclosed only when access is provided whereby the crew may reach accommodations, machinery, or other working spaces inside the superstructure by alternative means that are available at all times when bulkhead openings are closed.

§ 45.61 Correction for superstructures and trunks.

(a) Where the effective length E of superstructures and trunks that meet the requirements of subpart D of this part is 1.0L, the minimum summer freeboard may be corrected by subtracting ½H_s.

(b) Where the effective length of superstructures and trunks is less than 1.0L the minimum summer freeboard may be corrected by subtracting a percentage of one-half of the standard superstructure height (H_s) determined by the formula:

$$\text{Percentage} = \frac{E}{2L} \times \left(1 + \frac{E}{L}\right) \times 100$$

(c) To be eligible for the correction a trunk must—

(1) Be at least as strong and as stiff as a superstructure;

(2) Have no opening in the freeboard deck in way of the trunk, except small access openings;

(3) Have hatchway coamings and covers that meet §§ 45.143 through 45.147;

(4) Provide a permanent working platform fore and aft with guardrails;

(5) Provide fore and aft access between detached trunks and superstructures by permanent gangways;

(6) Be at least 60 percent of the breadth of the ship in way of the trunk; and

(7) Be at least 0.6 L in length, if no superstructure is provided.

§ 45.63 Correction for sheer.

(a) The minimum summer freeboard must be increased by the deficiency, or may be decreased by the excess as limited by § 45.65, of sheer calculated from table 4, multiplied by:

$$0.75-\frac{S}{2L}$$

where S is the total length of enclosed superstructures. Trunks are not included.

§ 45.65 Excess sheer limitations.

The decrease in freeboard allowed in § 45.63 is limited as follows:

SHEER CALCULATION—TABLE 4

Station	Actual ordinate	S. M.	Product
After Half:			
AP		1	
L/6-AP		3	
L/3-AP		3	
Midship		1	_____
Sum of Aft Products			_____
After Standard Sheer .2665L+26.65 [1]			_____
Difference: Sum-STD			_____ + Excess/−Deficiency
AFT Sheer: Diff÷8			_____ Excess/Deficiency

Station	Actual ordinate	S. M.	Product
Fwd Half:			
FP		1	
L/6-FP		3	
L/3-FP		3	
Midships		1	_____
Sum of Fwd Products			_____
Fwd Standard Sheer .5330L+53.30 [1]			_____
Difference: Sum-STD			_____ + Excess/−Deficiency
FWD Sheer: Diff÷8			_____ Excess/Deficiency

[1] L in Standard Sheer=L or 500 whichever is less.

Sheer Summation

Aft Sheer +/−			_____
Fwd Sheer +/−			_____
Net Sheer +/−			_____
Mean: Net÷2			_____ Excess/Deficiency

(a) In vessels having no enclosed superstructure from 0.1 L abaft amidships to 0.1 L forward of amidships, no decrease is allowed.

(b) In vessels having enclosed superstructures amidships less than 0.1 L before and abaft amidships, the decrease must be reduced by linear interpolation.

(c) If excess sheer exists in the forward half, and the after half is at least 75 percent of standard sheer, the full decrease is allowed. If the after sheer is between 50 percent and 75 percent of standard sheer an intermediate decrease, determined by linear interpolation, is allowed for the excess sheer forward. If the after sheer is 50 percent of standard or less, no decrease is allowed for the excess sheer forward.

(d) Where an enclosed poop or forecastle is of standard height with greater sheer than that of the freeboard deck, or is greater than standard height, an addition to the sheer of the freeboard deck may be made using the following formula:

$$s=\frac{vL'}{3L}$$

Where s=sheer credit, to be deducted from the deficiency or added to the excess of sheer.

v=difference between actual and standard height of superstructure at the end ordinate.

L'=mean enclosed length of poop or forecastle up to a maximum length of 0.5 L.

The superstructure deck must not be less than standard height above this curve at any point. This curve must be used in determining the sheer profile for forward and after halves of the vessel.

(e) The maximum decrease for excess sheer must be no more than 1½ inches per 100 feet of length.

(f) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck cannot be taken into account.

§ 45.67 Sheer measurement.

(a) The sheer is measured from the freeboard deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships;

(b) In ships designed with a rake of keel or designed to trim by the stern, the sheer must be measured in reference to a line drawn through the sheer line at amidships parallel to the design load waterline.

(c) In flush deck ships and in ships with detached superstructures, the sheer must be measured at the freeboard deck.

(d) In ships with a step or break in the topsides, the sheer must be measured from the equivalent depth amidships.

(e) In vessels with a superstructure of standard height that extends over the whole length of the freeboard deck, the sheer must be measured on the superstructure deck. Where the height of superstructure exceeds the standard, the least difference (Z) between the actual and standard heights must be added to each end ordinate. Similarly, the intermediate ordinates at distance of ⅙ L and ⅓ L from each perpendicular must be increased by 0.444 Z and 0.111 Z respectively.

§ 45.69 Correction for bow height.

(a) The minimum summer freeboard of all manned vessels must be increased by the same amount in inches as any deficiency which may be shown by the following formulas:

(1) For vessels having a length of not less than 79 feet and not greater than 550 feet,

$0.593\ L\ (1.0-L/1640)$ inches—actual bow height

(2) For vessels having a length greater than 550 feet,

(341.6—0.227 L) inches—actual bow height

(b) Where the bow height is obtained by sheer, the sheer must extend for at least 15 percent of the length of the vessel measured from the forward perpendicular.

(c) Where the bow height is obtained by a superstructure, the superstructure must be enclosed and extend from the stem to a point at least 0.06 L abaft the forward perpendicular.

(d) Vessels which, to suit exceptional operational requirements, cannot meet the requirements of paragraph (c) of this section may be given special consideration by the Commandant.

(e) The bow height is defined as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard at the designed trim and the top of the exposed deck at side.

§ 45.71 Midsummer freeboard.

The minimum midsummer freeboard (fms) in inches is obtained by the formula:

$$fms=f(s)-0.3Ts$$

where $f(s)$=summer freeboard in inches
Ts=distance in feet between top of keel and the summer load line.

§ 45.73 Winter freeboard.

The minimum winter freeboard (fw) in inches is obtained by the formula:

$$fw=f(s)+Ts\ (200)/L$$

where L=length L in feet but not less than 400 feet.

§ 45.75 Intermediate freeboard.

The minimum intermediate freeboard (f_t) in inches is obtained by the formula:

$$f_t=f(s)+Ts(100)/L$$

where L=length L in feet but not less than 400 feet.

§ 45.77 Salt water freeboard.

(a) The salt water addition in inches to freeboard applicable to each fresh water mark is obtained by the formula:

$$\text{Addition} = \Delta/41T$$

where Δ = displacement in fresh water, in tons of 2,240 pounds, at the summer load waterline.

T = tons per inch immersion, of 2,240 pounds, in fresh water at the summer load waterline.

(b) When the displacement at the summer load waterline cannot be certified, the addition in inches to the minimum freeboard in fresh water may be obtained by multiplying 0.25 by the summer draught in feet measured from the top of the keel to the center of the load line diamond.

Subpart D—Conditions of Assignment

§ 45.101 Purpose.

This subpart prescribes conditions that a vessel must meet to be eligible for assignment of a loadline under this part.

§ 45.103 Structural stress and stability.

(a) The nature and stowage of the cargo, ballast, and other variable weights must be such as to make the vessel stable and avoid unacceptable structural stress.

(b) The vessel must meet all applicable stability and subdivision requirements of this chapter.

§ 45.105 Information supplied to the master.

Unless otherwise authorized by the Commandant, the vessel must have onboard, ina form approved by the Commandant, sufficient information

(a) To enable the master to load and ballast the vessel in a manner that avoids unaceptable streses in the vessel's structure; and

(b) To guide the master as to the stability of the ship under varying conditions of s e .civ r tions of service.

§ 45.107 Strength of hull.

The general structural strength of the hull must be sufficient for the draught corresponding to the freeboard assigned and must be approved by the Commandant. Ships built and maintained in conformity with the requirements of a clasification society may be recognized by the Commandant as posessing adequate strength.

§ 45.109 Strength of superstructures and deckhouses.

Each superstructure or deckhouse used for accommodations of the crew must be approved by the Commandant or the approved assigning authority with regard to general strength and weathertightness. The Commandant may use the requirements of the assigning authority as a guide.

§ 45.111 Strength of bulkheads at ends of superstructures.

Bulkheads at ends of enclosed superstructures must have sufficient strength to withstand impact of boarding seas.

§ 45.113 Access openings in bulkheads at ends of enclosed superstructures.

(a) Access openings in bulkheads at ends of enclosed superstructures must have doors of steel or material as strong as steel that are permanently attached to the bulkhead and framed, stiffened, and fitted so that the bulkhead and door are as strong as the bulkhead and weathertight when closed.

(b) The means for securing the doors weathertight must be permanently attached to the doors or bulkheads and arranged so that the doors can be secured weathertight from both sides of the bulkhead.

(c) Access openings in bulkheads at ends of enclosed superstructures must have sills that are at least 12 inches above the deck.

§ 45.115 Bulwarks and guardrails.

(a) The exposed parts of freeboard and superstructures decks and deckhouses on the freeboard deck must have guardrails or bulwarks that are at least 36 inches high above the deck.

(b) Guardrails must have at least three courses with no more than a 9-inch opening below the lowest course and no more than 15 inches between other courses. If the sheer strake projection is at least 8 inches above the deck, a guardrail may have two courses with no more than 15 inches between courses.

(c) In way of trunks at least half the protection required by paragraph (a) of this section must be in the form of open rails.

§ 45.117 Freeing Port area: General.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form wells, the bulwarks must have the area prescribed in this section and §§ 45.119 and 45.121 for rapidly freeing and draining the decks of water.

(b) Except as required in §§ 45.119 and 45.121 the minimum freeing port area in square feet on each side of the ship for each well on the freeboard deck and on the raised quarterdeck must be at least as great as A in the following formulas:

(1) Where the length of bulwark (l) in the well is 66 feet or less,

$$A = 7.6 + 0.115\ (l)$$

(2) Where (l) exceeds 66 feet,

$$A = 0.23\ (l)$$

but (l) need in no case be taken as greater than 0.7L.

(c) In ships having erections on deck that are open at either or both ends, provision for freeing the space within such erections must be approved by the Commandant or the assigning authority.

(d) The lower edges of the freeing ports must be as near the deck as practicable. Two-thirds of the freeing port area required must be provided in the half of the well nearest the lowest point of the sheer curve.

(e) All freeing port openings in the bulwarks must be protected by rails or bars spaced approximately 9 inches. If shutters are fitted to freeing ports, ample clearance must be provided to prevent jamming. Hinges must have pins or bearings of noncorrodible material. If shutters are fitted with securing appliances, these appliances must be of approved construction.

(f) The minimum freeing port area for each well on superstructure decks must be one-half of the area required by paragraph (b) of this section.

§ 45.119 Freeing port area: Changes from standard sheer.

The freeing port area required by § 45.117(b) must be multiplied by the factor in the following table 5 if the sheer differs from the standard sheer defined in § 45.63. Table 4.

TABLE 5

Freeing port area: Sheer correction.

Ratio of sums of actual sheer ord./std. sheer ord. Greater than:	*Multiplier for area required by § 45.117(b)*
1.0	1.0
1.0	1.00
0.9	1.05
0.8	1.10
0.7	1.15
0.6	1.20
0.5	1.25
0.4	1.30
0.3	1.35
0.2	1.40
0.1	1.45
No sheer	1.50

§ 45.121 Freeing port area: Changes for trunks and side coamings.

If a vessel has a trunk and does not meet the requirements of § 45.61 or has continuous or substantially continuous hatchway side coamings between detached superstructures, the minimum area of the freeing port openings must be obtained from the following table:

Breadth of hatchway or trunk in relation to the breadth of ship:	*Area of freeing ports in relation to the total area of the bulwarks (percent)*
40 percent or less	20
75 percent or more	10

The area of freeing ports at intermediate breadths must be obtained by linear interpolation.

§ 45.123 Freeing port area: Changes for bulwark height.

(a) For the purposes of freeing port area only, bulwark height is considered standard at 24 in for ships 240 ft in length and less; and 48 in for ships 480 ft in length or greater. The standard bulwark height for ships of intermediate length is obtained by direct interpolation.

(b) If the bulwark is more than standard height, the area required by § 45.117 must be increased by 0.04 square feet per foot (ft^2/ft) of length of well for each foot difference in height.

(c) For ships greater than 480 ft in length that have an average bulwark height less than 3 ft, the area required by § 45.117 may be decreased by 0.04 ft^2/ft of length for each foot difference in height.

§ 45.125 Crew passageways.

The vessel must have means for protection of the crew from boarding seas such as life lines, gangways, and underdeck passages to facilitate passing between their quarters and machinery spaces and other spaces essential to the operation of the ship.

§ 45.127 Position of structures, openings, and fittings.

For the purposes of this part—

(a) "Position 1" means in an exposed position on—

(1) The freeboard deck or a raised quarter deck;

(2) A superstructure deck or a trunk deck and forward of a point ¼ L from the forward perpendicular; or

(3) A trunk deck whose height is less than H_s.

(b) "Position 2" means—

(1) On a superstructure deck aft of a point 1/4 L abaft the forward perpendicular; or

(2) On a superstructure and trunk combination, that is H_s or more in height, aft of a point 1/4 L abaft the forward perpendicular.

§ 45.129 Hull fittings: General.

Hull fittings must be securely mounted in the hull so as to avoid increases in hull stresses and must be protected from local damage caused by movement of equipment or cargo.

§ 45.131 Ventilators.

(a) Ventilators passing through superstructures other than enclosed superstructures must have coamings of steel or equivalent material at the freeboard deck.

(b) Ventilators in position 1 must have coamings at least 30 in. above the deck and ventilators in position 2 must have coamings at least 24 in. above the deck. The Commandant or the assigning authority may also require coamings in other exposed positions.

(c) Ventilators in position 1 or 2 to spaces below freeboard decks or decks of enclosed superstructures or trunks must have coamings of steel permanently connected to the deck and any ventilator coaming that is more than 36 in. high must be specially supported.

(d) Except as provided in paragraph (e) of this section ventilator openings must have weathertight closing appliances that are permanently attached or, where approved by the Commandant or the assigning authority conveniently stowed near the ventilators to which they are to be fitted.

(e) Ventilators in position 1, the coamings of which extend to more than 12.5 ft above the deck, and in position 2, the coamings of which extend to more than 6 ft above the deck, need not have closing appliances unless specifically required by the Commandant.

§ 45.133 Air pipes.

(a) Where an air pipe to any tank extends above the freeboard or superstructure deck—

(1) The exposed part of the air pipe must be made of steel and of sufficient thickness to avoid breaking from impact of boarding seas.

(2) The air pipe must have a permanently attached means of closing its opening; and

(3) The height from the deck to any point where water may obtain access below deck must be at least 30 in above the freeboard deck, 24 in above raised quarter decks, and 12 in above other superstructure decks.

(b) If the height required in paragraph (a) of this section interferes with working the ship, the Commandant may approve a lower height after considering the closing arrangements.

§ 45.135 Hull openings at or below freeboard deck.

Closures for hull openings at or below the freeboard deck must be as strong as the structure to which they are attached and must be watertight.

§ 45.137 Cargo ports.

(a) Unless otherwise authorized by the Commandant, the lower edge of any opening for cargo, personnel, machinery access, or similar opening in the side of a ship must be above a line that is drawn parallel to the freeboard deck at side and has as its lowest point the upper edge of the uppermost loadline.

(b) The number of cargo ports in the sides of a ship must be—

(1) No more than the minimum necessary for working the ship; and

(2) Approved by the Commandant.

§ 45.139 Side scuttles.

(a) The sill of each side scuttle must be above a line that is drawn parallel to the freeboard deck at side having its lowest point 2.5 percent of the breadth or 20 in above the summer load waterline, whichever is higher.

(b) Side scuttles to spaces below the freeboard deck or to spaces within enclosed superstructures shall be fitted with hinged inside deadlights arranged so that they can be secured watertight.

§ 45.141 Manholes and flush scuttles.

Manholes and flush scuttles in position 1 or 2 or within any superstructure other than an enclosed superstructure must have permanently attached covers, unless the cover is secured by closely spaced bolts around its entire perimeter.

§ 45.143 Hull openings above freeboard deck.

Closures for openings above the freeboard deck must be as strong as the structure to which they are attached and must be weathertight.

§ 45.145 Hatchway covers.

(a) Hatchways in position 1 and 2 must have weathertight hatch covers with gaskets and clamping devices.

(b) The maximum ultimate strength of the hatchway cover material must be at least 4.25 times the maximum stress in the structure calculated with the following assumed loads:

(1) For ships 350 ft or more in length, at least 250 lb/ft^2 in position 1 and 200 lb/ft^2 in position 2.

(2) For ships less than 350 ft in length, at least AL in the following formula:

(i) Position 1:

$$AL = 200 + C$$

where $C = 50\dfrac{(L-79)}{271}$

(ii) Position 2:

$$AL = 150 + C$$

(c) Hatchway covers must be so designed as to limit the deflection to not more than 0.0028 times the span under the loads described in paragraph (b) of this section and the thickness of mild steel plating forming the tops of covers must be at least 1 percent of the spacing of stiffeners or 0.24 in, whichever is greater.

§ 45.147 Hatchway coamings.

(a) Except where the Commandant determines that the safety of the vessel will not be impaired in any sea condition, each hatchway must have a coaming that is at least—

(1) 18 inches in position 1; and

(2) 12 inches in position 2.

(b) Each hatchway coaming required by this section must be made of steel or equivalent material.

(c) The height of these coamings may be reduced or omitted if the Commandant is satisfied that safety of the ship is not thereby impaired in any sea conditions.

§ 45.149 Machinery space openings.

(a) Machinery space openings in position 1 or 2 must be framed and enclosed by steel casings, and where the casings are not protected by other structures that meet the requirements of § 45.109, their strength must be approved by the Commandant or the assigning authority.

(b) Access openings in casings required by paragraph (a) must have doors complying with the requirements of § 45.113. Other openings in such casings shall be fitted with equivalent covers, permanently attached.

(c) Except as provided in paragraph (d) of this section, coamings of any funnel or machinery space ventilator that must be kept open for the essential operations of the ship must—

(1) In position 1, extend at least 12.5 ft above the deck; and

(2) In position 2, extend at least 6 ft above the deck.

(d) The Commandant may approve a lesser height for protected coamings.

(e) Coamings of any fiddley or skylight over a machinery space opening in the freeboard or superstructure deck or the top of a deckhouse on the freeboard deck, must have covers of steel permanently attached and capable of being secured weathertight.

§ 45.151 Other openings.

Each opening other than hatchways, machinery space openings, manholes, or flush scuttles—

(a) In freeboard decks, must be protected by an enclosed superstructure or by a deckhouse or companionway that is

equal in strength and weathertightness to an enclosed superstructure; or

(b) In exposed superstructure decks or in the top of a deckhouse on freeboard decks that gives access to a space below the freeboard deck or a space within an enclosed superstructure, must be protected by a deckhouse or companionway.

§ 45.153 Through-hull piping: General.

(a) All through-hull pipes required by this subpart must be made of steel or material equivalent to the hull in strength and fatigue resistance.

(b) All valves used as shell fittings and all shell fittings on which such valves are mounted must be made of steel, or bronze or other ductile material approved by the Commandant.

§ 45.155 Inlets and discharge piping: Valves.

(a) Except as provided in paragraphs (d) and (e) of this section each pipe that discharges overboard through the hull of the ship must have—

(1) An automatic nonreturn valve with a positive means for closing; or

(2) Two automatic nonreturn valves with the inboard valve accessible for examination in service.

(b) The means for operating a valve described by paragraph (a)(1) of this section must be readily accessible and have indicators that show when the valve is not closed.

(c) If the pipe discharges from a space that is not manned or does not have continuous bilge water monitoring, a valve described in paragraph (a)(1) of this section must be operable above the freeboard deck.

(d) Each pipe that discharges from a space within an enclosed superstructure or deckhouse may have at least one accessible automatic nonreturn valve if the space is regularly visited by the crew.

(e) Through-hull piping systems in machinery spaces may have valves with positive means for closing at the shell if the controls are readily accessible and have indicators showing when the valves are not closed (nonreturn valves are not required).

§ 45.157 Scuppers and gravity drains.

Scuppers and gravity deck drains from spaces above the freeboard deck that penetrate the shell below a line 24" or .05B above the summer loadline, whichever is greater, must have an automatic nonreturn valve. This valve may be omitted if the piping is of thickness not less than extra heavy pipe.

§ 45.159 Special conditions of assignment for type A vessels.

The lower freeboards allowed for type A vessels allow water on deck for greater percentages of time. Therefore the following additional requirements must be met to qualify for type A freeboards:

(a) Machinery casings must be protected by an enclosed superstructure or deckhouse unless intact bulkheads are used on all sides on the freeboard deck.

(b) Exposed machinery casings may be fitted with weathertight doors providing they lead to a space or passageway as strong as an enclosed superstructure from which a second interior weathertight door is provided for access to the engine room.

(c) Hatchways on the exposed freeboard or forecastle decks must be provided with watertight covers of steel.

(d) Unless a separate fore and aft access is provided below the freeboard deck, a permanent fore and aft gangway must be fitted at the superstructure deck level between poop and all other deckhouses used in the essential operation of the vessel.

(e) Type "A" vessels must be fitted with open rails for at least half the length of the exposed parts of the weather deck. Where superstructures are connected by trunks, open rails must be fitted for the whole length of the exposed parts of the freeboard deck.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Effective date.—These amendments shall become effective on April 14, 1973.

Dated: May 3, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

APPENDIX A LOAD LINE CERTIFICATE FORM

GREAT LAKES LOAD LINE CERTIFICATE

No. _____

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Act of August 27, 1935, as amended to establish load lines on the Great Lakes of North America and the Load Line regulations in force on _____, 19__. By _____, duly authorized by the Commandant to issue said load line certificate.

Ship_____ Length (LBP)_____
Certificate No_____ Gross tonnage_____
Official No_____ Port of registry_____

Type of Ship: TYPE "A"
TYPE "B"
TYPE "B" with increased freeboard

FREEBOARD FROM DECK LINE

Midsummer	MS
Summer	S
Intermediate	I
Winter	W

LOAD LINE

_____ above S
Upper edge of line through center of diamond.
_____ below S
_____ below S

Increase for salt water for all freeboards ____ inches.

The upper edge of the deck line from which these freeboards are measured is ____ inches above or below the top of the _____ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U.S. Coast Guard, applicable to the Great Lakes.

This certificate[1] remains in force until _____. Issued at _____ on the ____ day of _____ 19__. (Here follows the signature, seal, if any, and the name of the authority issuing the certificate.)

NOTES

(1) In accordance with the Great Lakes Load Line Regulations the diamond and lines must be permanently marked. The "MS" loadline shall be assigned only to those particular vessels that qualify under the regulations.

(2) The "SW" marks need only be assigned to Great Lakes vessels loading in salt water of the St. Lawrence River west of a straight line from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence River. In such cases these limits shall be indicated on the certificate.

(3) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

[FR Doc.73-9034 Filed 5-9-73;8:45 am]

[1] Upon the expiration of the certificate, renewal must be obtained as provided by the Great Lakes Load Line Regulations and the certificate so endorsed.

federal register

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

BICYCLES

Proposed Classification as Banned Hazardous Substance

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 191, 191c]

BICYCLES

Proposed Classification as Banned Hazardous Substance

Section 2(f)(1)(D) of the Federal Hazardous Substances Act provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard as defined by section 2(s) of the act. Under section 2(q)(1)(A) of the act, such classification also makes the toy or article a banned hazardous substance. Banned toys and other children's articles are listed in 21 CFR 191.9a.

Through investigations conducted by the Food and Drug Administration and the National Safety Council, and through data provided by the National Electronic Injury Surveillance System (NEISS), the Commissioner of Food and Drugs has determined that bicycles and/or certain components thereof are a contributing factor in the death and serious injury of children.

Estimates provided through the NEISS study indicate that more than 1 million accidents annually are related to bicycles. The National Safety Council reports that 38,000 bicycle accidents also involve an automotive vehicle, and that over 800 of these result in death to the bicyclist. These studies further indicate that the major causes of these accidents are user education, the environment in which the bicycle is used, and the bicycle itself.

A study of the product causation data identified the following areas of product deficiency: (1) The rider's foot slipping off of the pedal, (2) brake failure, (3) a component failure, and (4) poor night visibility. Secondary injury causes relating to protruding hardware, sharp edges, and sharp points are also shown to be a factor in the accident picture.

The following recommendations concerning the identified hazards are apparent after review of the NEISS data: (1) Reflectorization should be increased to make a bicycle not only visible in the dark, but also identifiable as a bicycle, (2) pedals should be slip resistant, (3) gear shifts and other devices on the horizontal bars of bicycles should be designed to reduce risk of injury, (4) the maximum safe seatpost length should be defined, (5) front wheel brakes should be eliminated when they exist as the sole means of braking, (6) hand levers for brakes should be designed for the intended operator, (7) any regulation concerning bicycle safety should include coverage of sidewalk bicycles, and (8) rough and sharp edges should be eliminated from hardware and various components.

The Commissioner concludes that proper assembly, maintenance, and user education are necessary in any effort to reduce needless bicycle accidents. Accordingly, this proposal deals with the problem areas of bicycle safety that have been identified by FDA. Only those areas where a clear safety implication has been identified are covered. The requirements specified set forth the basic criteria for a safe product. These criteria are intended to identify and deal with potential hazards which are beyond the ability of a child, or his parent, to evaluate. Such hazards can, without warning, result in a sudden and potentially dangerous failure. The Commissioner has determined that failures which provide adequate warning, such as a gradual physical or performance deterioration, should not be reasons for banning bicycles which otherwise comply with these specifications.

Therefore, the Commissioner proposes to amend part 191 to ban hazardous bicycles intended for use by children and to promulgate part 191c to establish safety requirements for certain children's bicycles.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304–1305, 83 Stat. 187–189; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 191.9a(a) be amended by adding a new subparagraph (12) and that a new part 191c be added to title 21, chapter I, as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.*

* * *

* * * * * *

(12) Any bicycle intended for use by children under 16 years of age that does not comply with the requirements of part 191c of this chapter.

* * * * * *

PART 191c—REQUIREMENTS FOR BICYCLES

Sec.

191c.1 Scope.
191c.2 Definitions.
191c.3 Bicycle assembly.
191c.4 Components.
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191c.6 Reflectorization.
191c.7 Road test.
191c.8 Brake performance.
191c.9 Qualifications for sidewalk bicycles.

AUTHORITY.—Secs. 2(f)(1)(D), (q)(1), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–1305, 83 Stat. 187–189; 15 U.S.C. 1261, 1262.

§ 191c.1 Scope.

This part 191c covers all bicycles intended for use by children of less than 16 years of age, whether for recreational, utility, or any other purpose. Bicycles intended for nonroadway use by young children under close adult supervision and meeting the definition of sidewalk bicycle in § 191c.2(b) are subject to this part 191c with certain qualifications as specified in § 191c.9.

§ 191c.2 Definitions.

The following definitions apply to this part 191c:

(a) *Bicycle.*—The term "bicycle" means a two-wheeled vehicle having a rear drive wheel which is solely human-powered.

(b) *Sidewalk bicycle.*—The term "sidewalk bicycle" means a bicycle having a seat height of less than 24 inches when the seat is in the lowest adjustable position.

(c) *Seat height.*—The term "seat height" means the dimension from the ground plane to the point on the seat surface that is intersected by the seat post centerline (or the center of the seating area if no seat post exists), normal to the ground plane, when a bicycle is in the upright position.

(d) *Manufacturer.*—The term "manufacturer" means any person who manufacturers or distributes a bicycle.

(e) *Consumer.*—The term "consumer" means the final user of a bicycle.

(f) *Brittle (brittleness).*—The term "brittle (brittleness)" means the property of breaking without perceptible warning or without visible deformation.

(g) *Fracture failure.*—The term "fracture failure" means the separation of a component into two or more parts.

(h) *Normal.*—The term "normal" means perpendicular to, when specifying direction of load or dimension.

§ 191c.3 Bicycle assembly.

A bicycle subject to the provisions of this part 191c shall be selected for inspection and testing in the condition that the consumer would normally receive the bicycle. If the manufacturer presents any or all of his bicycles to the consumer in an unassembled or partially assembled condition, the unit will be selected for test and inspection in the shipping carton.

(a) *Fully assembled.*—A fully assembled bicycle shall have attached to its frame an owner's manual containing maintenance, operating, and safety instructions.

(b) *Partially assembled.*—An unassembled or partially assembled bicycle shall be inspected after it has been assembled according to the instructions. Required assembly shall not exceed normal skills possessed by an adult of normal intelligence with no technical training. The following items shall be included with the packaged unit:

(1) An owner's manual containing maintenance, operating, and safety instructions.

(2) Assembly tools in excess of standard 7-inch flat bladed screwdriver, standard slipjoint pliers, and air pump for tire inflation.

(c) *Instructions.*—The instructions shall include, but not be limited to, the following:

(1) *Maintenance.*—Instructions regarding proper maintenance of brakes, control cables, bearing adjustments, wheel adjustments, lubrication, gearing adjustments, reflectors, handlebar and seat adjustments, and tires.

(2) *Operation and safety.*—General operation of brakes and gears, wet weather caution concerning increased stopping distances, nighttime operating warnings, and guide for safe on-and-off road operation.

(3) *Assembly.*—Complete instructions and part identification necessary for accomplishing proper assembly and safe operation.

(d) *Handbrake assembly.*—When a handbrake is installed and adjusted in accordance with the manufacturer's instructions, less than 10 pounds of force, applied to the hand lever at a point 1 inch from the open end of the lever, shall cause the brakeshoes to engage the brake surface of the wheel. When the force is removed, the hand levers and the brakeshoes shall return to their original installed positions.

(e) *Sharp edges.*—There shall be no unfinished sheared metal edges or other sharp parts on a bicycle or its components or attachments that are, or may be, exposed to hands or legs.

(f) *Protrusions.*—There shall be no exposed protrusions greater than five-sixteenths inch long, after assembly, which terminate in less than a full ¼-inch radius. There shall be no protrusions between the bicycle seat and the handlebar stem that extend more than 3½ inches to the rear of the stem assembly. Screw threads shall be limited to a protrusion length of one major diameter of the screw beyond the internally threaded mating member. Screw threads that are exposed to any part of a rider's body when the rider is in any normal riding position shall be limited to a ⅛-inch protrusion beyond the internally threaded mating member.

(g) *Control cable assembly.*—The ends of all adjustment cables shall be capped or treated to prevent cable unraveling and skin puncture. Protective devices shall withstand a pull of 2 pounds without disengagement from the cable. The cable shall not fray over the edges or when entering or exiting the sheath. The cable controlling the rear brake shall be actuated by a hand lever mounted on the right handlebar. The cable controlling the front brake shall be mounted on the left handlebar.

(h) *Pedal clearance.*—The pedals shall allow 25° minimum lateral tilt of the bicycle from the vertical when the pedal crank is in its lowest position and the tread surface of the pedal is parallel to the ground plane. The pedals shall clear the front wheel and fender when the tread surface of the pedal is parallel to the ground plane and the pedal crank arm is rotated to its closest proximity to the front tire and the front wheel is turned to its closest proximity to the pedal. Toe clearance shall be at least 4½ inches measured from the rotation axis of the pedal at the center of the foot tread forward to the tire or fender surface.

(i) *Chain guard.*—A bicycle shall be equipped with a protective device(s) that shields the junction of the drive chain and drive sprocket against entrapment of clothing or body parts. The device must shield the chain for not less than 1 inch from the point of engagement with the drive sprocket. Where multiple drive sprockets are employed, the largest sprocket shall have teeth shielded at least by a disc that is 1 inch greater in diameter than the maximum diameter of the largest drive sprocket and that is not more than one-half inch from the sprocket and located between the sprocket and the pedal crank.

(j) *Tires.*—The manufacturer's recommended inflation pressure shall be molded into the sidewall of the tire in a legend not less than one-eighth inch in height. The tires shall be compatible to the rim design. After inflation to 110 percent of the maximum recommended inflation pressure as indicated on the tire sidewall, the tire shall remain intact on the rim and show no evidence of creeping with respect to the rim.

§ 191c.4 **Components.**

(a) *Wheels.*—(1) *Spokes.*—Spokes shall be tight. Any spoke that rattles when plucked with the finger shall be considered loose. There shall be no missing spokes.

(2) *Alinement.*—Alinement of the wheel assembly in a bicycle shall allow not less than ⅛-inch clearance between the tire and any frame member. The rotating wheel shall not contact any nonrotating members when the brakes are not actuated.

(3) *Rotational trueness.*—The wheel and tire assembly shall have sufficient radial and lateral alinement to allow compliance with paragraph (a)(2) of this section and paragraph (h)(6) of this section when the wheel is rotated to any position.

(4) *Braking surfaces.*—Braking surfaces exposed to rain or other wet road conditions shall be smooth, free of embossment or stippling, and protected from ferric oxidation.

(5) *Rims.*—Rims shall retain the spokes and tire when tested by the method described in paragraph (a)(6) of this section.

(6) *Rim test.*—The fully and properly assembled wheel and tire shall be supported circumferentially at the tire sidewall and a load of 450 pounds shall be applied to the axle, normal to the plane of the wheel, for not less than 30 seconds. The load need only be applied to the front wheel if the front and rear rims are of identical construction. If the rear wheel is loaded in this prescribed manner and the wheel hub is offset, the load shall be applied in the direction of the offset only. After this test the wheel and tire assembly shall be inspected for compliance with this paragraph (a) and the wheel shall turn freely and without roughness.

(7) *Wheel hubs.*—Wheel hubs shall be capable of being removed from a bicycle frame to facilitate tire changing and other normal maintenance operations. Any bearing adjustments shall be secure against not less than 10 in-lb of torque to the adjusting elements. Quick release hubs shall be provided with levers that indicate positively whether the levers are in a locked or unlocked position, with such indications clearly visible to the rider from the riding position. The quick-release clamping action shall emboss the frame or fork when locked. If threaded nuts are used to secure the wheel axle to the frame or fork, a locking provision shall be incorporated which requires not less than 180° of rotation of the nut from finger-tight to full-tight condition.

(i) *Front hubs.*—Front hubs that are secured to the fork with threaded nuts shall have a positive retention feature that will prevent a wheel from separating from the bicycle when the threaded nuts are opened 360° from a finger-tight condition and a separation force of 25 pounds is applied in line with the slot in the forkends. Fender (mudguard) struts, caliper brakes, or other accessories shall not be allowed to affect the measurement of compliance with this requirement.

(ii) *Rear hubs.*—Rear hubs shall be attached to the frame with either hardware that embosses the frame, when a wheel is installed, or other provision for positive retention of the hub with respect to the frame. Frictional clamping of flat washer surfaces are not considered adequate for positive retention.

(iii) *Derailleur—rear wheels.*—Rear wheels used with derailleur shall have a spoke protection disc of sufficient diameter to prevent the derailleur mechanism from engaging the spokes if the drive chain loosens or breaks. With the derailleur control cable loosened and drive chain removed, the disc shall not let the mechanism contact the spokes when the derailleur is depressed into the wheel. The rear wheel derailleur shall have incorporated a provision to prevent the drive chain or any other part of the chain shifting mechanism from interfering with the rotation of a wheel when the mechanism is improperly adjusted. It shall not be possible to so adjust the shifting mechanism that the drive chain or idler sprockets can engage the rotating components of the wheel.

(b) *Front fork.*—The front fork shall be capable of absorbing 350 in-lb of energy without fracture.

(c) *Fork test.*—With the fork stem supported in a 3-inch vee block and secured by the method described in figure 1, a test load shall be applied at the axle attachment in a direction perpendicular to the center line of the stem and against the direction of the rake. Load and deflection readings shall be recorded and plotted at the point of loading. At 2-inch reflection, the absorbed energy shall be at least 350 in-lb.

(d) *Frame.*—A bicycle frame shall be capable of supporting the fork without fracture when a load of 200 pounds is applied to the fork at the axle attachment point against the direction of the rake in line with the rear wheel axle.

(e) *Handlebar stem.*—The handlebar stem shall contain a permanent ring or mark which clearly indicates the minimum insertion depth of the handlebar stem into the fork stem. The insertion mark shall be not less than 2½ times the shaft diameter from the lowest point of the shaft, and there shall be at least one shaft diameter length of contiguous circumferential shaft material below the mark. The handlebar stem shall be capable of supporting without fracture a load of 450 lb when the stem is supported at its minimum insertion depth and loaded through the handlebar attachment point in a forward direction

and depressed 45° from the perpendicular to the center line of the head tube shank of the stem (fig. 2).

(f) *Pedals.*—The pedals for a bicycle shall be a pair having right-hand/left-hand symmetry. If the pedals are provided with ball bearings in both ends of the pedals, the attaching threads shall be right-hand on the right pedal and left-hand on the left pedal. If the pedals rotate about their own axis on sleeve bearings, the pedal shaft shall be integral with the crank or attached to the crank with a locknut or standard nut and lockwasher. The tread shall have slip resistance, in accordance with paragraph (g) of this section, and shall be an integral part of the pedal construction. The tread surface shall not be strips or pads applied with adhesive. The tread surface shall be present on both top and bottom surfaces of the pedal except where the pedal has a definite preferred position. Any such preferred position shall automatically present a tread surface to the rider's foot. Pedals intended to be used with removable toe clips shall be labeled with the statement "CAUTION—Use of this pedal without toe clips is dangerous." The caution label shall be securely attached to each pedal. Pedals shall be reflectorized in accordance with § 191c.6.

(g) *Slip resistance test for pedals.*—The pedal treads shall be thoroughly cleaned with isopropyl alcohol. The tread surface of one pedal shall be placed against the mating pedal with the axis of the pedals at 90° with respect to each other and the plane of the tread surfaces horizontal. The pedals shall be tilted 25° ±2° in any direction. The pedals shall not slip with respect to each other more than one-sixteenth inch.

(h) *Brake components.*—(1) *Hand-actuated brakes.*—A bicycle shall not be equipped with only a front-wheel brake. When a bicycle is equipped with hand-actuated brakes, the hand lever mechanism shall be securely attached to the handlebars in a position that is readily accessible to the rider when the rider is in a normal riding position and the hands are in a normal steering position. When the lowest seat position is 25 in or less from the ground, the maximum grip dimension (the outside dimension across the brake hand lever and the handlebar grip) shall not exceed 3 in at any point between the cable end of the lever and the lever's midpoint. The grip dimension may increase toward the open end of the lever but shall not exceed 3½-inch grip dimension except for the last one-half inch of the lever. On bicycles with a ground-to-seat dimension greater than 25 in, the grip dimensions may be increased one-half inch over the above dimensions. Hand levers fitted to underturned handlebars, commonly referred to as racing handlebars, shall have the maximum grip dimension apply to the contour of the lever intended for finger engagement. The hand lever assembly shall be free of unfinished edges and sharp points that may be potentially hazardous to the rider. Hand levers shall operate without binding or stickiness.

(2) *Brake cables.*—The brake cable assembly shall comply with the test in paragraph (h)(3) of this section.

(3) *Cable assembly test.*—The cable button is held in a fixture resembling its normal seating and a tensile preload of 100 lb is removed and a plot of load versus elongation is made as the cable is loaded up to 400 lb in increments of 100 lb. The cable shall evidence no failure or permanent stretch when the 400-lb load is reduced to 100 lb. The rigidity of the cable shall be at least 35,000 lb/in of elongation per inch of test length. $R=P/e$ where R=rigidity, P=load in pounds, and e=elongation in inches per inch of sample length.

(4) *Brake sheaths.*—When a bicycle is equipped with side-pull brakes, or any other braking system where the sheath over the brake cable is a working part of the brake force system, and the sheath is a coiled wire construction, the coil shall be close wound with positive pretension to insure rigidity in compression.

(5) *Brake sheath test.*—Using a tensile test instrument, measure the tensile force necessary to cause longitudinal deflection of the sheath coils. The force shall be at least 16 ounces.

(6) *Caliper brake assembly.*—When a bicycle is equipped with brakes, the caliper brake assembly shall be attached to the frame of the bicycle securely with nonbrittle fasteners complying with § 191c.5(c). The attaching hardware shall be provided with a locking device consisting of a washer, locknut, or other similar locking device. The caliper mechanism shall operate without binding. The cable anchor bolt shall not cut any of the cable strands. The brake pad shall be capable of being adjusted to engage the wheel braking surface squarely without overhang beyond the surface provided.

(7) *Caliper brakeshoes.*—Caliper brakeshoes shall be replaceable and securely attached to the caliper assembly. The brakeshoe material shall be positively retained in its holder by means of a retainer at each end of the shoe. The brakeshoe material shall withstand a temperature of 250° F. (121° C.) for 30 minutes without any melting or blistering.

(8) *Footbrake assembly.*—When a bicycle is equipped with postbrakes, the footbrake assembly shall be actuated by the operator's foot applying force to the pedal in a direction opposite to that of the drive force. The brake mechanism shall function independently of any drive-gear positions or adjustments. The differential between the drive and brake positions of the crank shall be 45° or less.

(i) *Handlebars.*—(1) Handlebars shall be configured to allow comfortable and safe control of the bicycle. A line between the center points of the handgrips or the normal hand positions shall not pass more than 1 inch to the rear of the turning axis of the head tube. The ends of the handlebars shall be not less than 14 in nor more than 28 in apart. The handgrips shall be symmetrically located with respect to the longitudinal axis of the bicycle and shall be not more than 16 in above the seat surface when the seat is in its lowest position and the handlebars are in their highest position. The ends of the handlebars shall be fitted with handgrips or end plugs that are secured against a removal force of not less than 15 lbs.

(2) The assembled handlebars shall support a force not less than 100 lb with a deflection of zero to 2 in when the force is applied evenly divided between the handgrip positions in a direction to cause a maximum torque against the handlebar clamp and the deflection is measured along the line of applied force. The handlebars shall also resist without movement a torque of 35 ft-lb against the fork-stem clamp.

(j) *Seat.*—No part of the seat, seat supports, or accessories attached to the seat shall be more than 5 in above the top seat surface at the point where the seat surface is intersected by the seat post axis. The seat post shall contain a permanent mark or ring that clearly indicates the minimum insertion or maximum seat height adjustment. This mark is to be located at a point not less than two diameters of the seat post measured from the lowest point on the post shaft. The mark shall not detract from the structural integrity of the seat post. The seat adjustment clamps shall resist without movement a torque of 25 ft-lb applied in a horizontal plane and a torque of 75 ft-lb applied in a vertical plane.

(k) *Drive chain.*—The drive chain shall operate over each bicycle sprocket without binding. The tensile strength per shall operate over each bicycle sprocket not less than 1,800 pounds.

§ 191c.5 Mechanical integrity.

(a) *Construction.*—There shall be no brittle fracture of a frame component or of a steering, wheel, pedal, crank, or brake system component as a result of the tests specified in this part 191c.

(b) *Adjustments.*—There shall be no visible or measurable deterioration of adjustments or attachments of load carrying, steering control, or braking control components during the inspection and testing of the bicycle in accordance with this part 191c.

(c) *Attaching hardware.*—Any screws, bolts, or studs used to attach or secure components shall be nonbrittle. Such hardware, capable of being clamped in a vise by one-half its length, shall be bent through an angle of 20° from its original position without fracture. All threaded hardware shall be of sufficient quality to allow adjustments and maintenance. Acceptable quality thread form is specified in "Handbook H28—Screw-Thread Standards for Federal Services," issued by the National Bureau of Standards, Department of Commerce.[1]

§ 191c.6 Reflectorization.

A bicycle shall be equipped with reflective devices to provide a minimum level of recognition and identification under illumination from the active head lamps

[1] Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

of a motor vehicle. The quality of the reflective elements is specified in paragraph (e) of this section.

(a) *Front reflector.*—There shall be a front-facing, colorless reflector mounted on the bicycle. The mounting device and reflector shall be protected against misalinement when a force of 20 pounds is applied to the reflector or the mounting device in any direction. The test force shall be applied to the reflector and/or mount by a loop of ordinary ¼-inch clothesline rope. The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The horizontal-vertical optical axis of the reflector shall be within 5° of the horizontal-vertical alinement of the bicycle when the bicycle wheels are tracking a straight line. The reflectors and/or mounts shall incorporate a provision to preclude assembly of the reflector to the mount in other than the intended horizontal-vertical alinement.

(b) *Rear reflector.*—There shall be a red color, rear-facing reflector mounted on the bicycle and optically alined, horizontally and vertically, within 5° of the alinement of the bicycle when the bicycle wheels are tracking in a straight line. The mounted reflector shall not be obscured by a rider or his appropriate clothing. A mackinaw or Navy pea jacket with slacks or skirt is considered appropriate clothing. The mounting and protection shall be as specified in paragraph (a) of this section.

(c) *Pedal reflectors.*—Each pedal shall be equipped with reflectors complying with paragraph (e) of this section. Each pedal shall have a reflector located on both the front and rear surfaces of the pedal. The pedal reflectors shall be colorless or amber in color. The reflectors shall be sufficiently recessed from the edge of the pedal or of the reflector housing to prevent contact of the lens with a flat surface placed in contact with the edge of the pedal. The reflector elements may be integral with the construction of the pedal or mechanically attached. The reflector shall be tested for optical compliance as a part of the pedal assembly. The reflector shall be tested for conformance with paragraph (e) (1) and (3) of this section as a detachable component or as an integral part of the pedal, depending upon the method of attachment to the pedal.

(d) *Side reflectors.*—A reflective device shall be affixed to each side of each tire or mounted on the wheel spokes within 3 inches of the outside diameter of the wheel rim. The reflective device shall be so mounted that a plane perpendicular to the zero optical axis is parallel to a plane that is between the planes tangent to the conical spoke cage on either side of the wheel. The side-mounted reflective device shall not interfere with any wheel adjustment or cause or aggravate wheel imbalance due to nonuniformity of tire. The side-mounted reflector devices shall reflect red or white light on the rear wheel and amber or white on the front wheel.

(e) *Prismatic reflector performance.*—All prismatic reflex reflectors shall meet the photometric requirements of table I and the wide-angle requirements of table II. All photometric measurements shall be determined in accordance with the testing procedure as detailed in SAE Standard J594e, "Reflex Reflectors," 1973 SAE Handbook, pages 768–69.[2] Where values for observation angles of 0.2° and 0.3° are given, the reflector shall meet either the 0.2° or 0.3° requirements and the 1.5° requirement. The following conditioning shall be performed (in the order shown) before these photometric tests are conducted.

(1) *Warpage test.*—The reflector shall be held in an oven for 1 hour at 120° F. A pedal reflector may be tested as integral with its pedal.

(2) *Mechanical impact.*—The reflector shall be mounted, face up, in a manner similar to the way in which it is mounted on the bicycle, or the reflector may be tested as mounted. A ½-inch-diameter polished steel ball shall be dropped normal to the center of the face of the reflector from a height of 30 inches. The ball may be guided by a tube with holes but not restricted in free fall. Pedal reflectors are exempt from this impact test.

(3) *Moisture seal test.*—The reflector shall be submerged in tap water in a suitable container. The container shall be pressurized to 2.5 lb/in² (pounds per square inch) (equivalent to 5.625 feet of water) for 15 minutes and then released.

(f) *Retroreflective tire sidewalls.*—(1) *Characteristics.*—When reflective tire sidewalls are used for side reflectorization, the reflecting material shall have the following characteristics:

(i) *Spatial distribution of the reflecting material.*—The reflecting material shall extend completely around the circumference of the sidewall. The reflecting strip to be considered shall be bounded by two concentric circles, the larger of which is no more than 0.02 (0.79 inches) meters greater in radius than the smaller. While additional reflecting material is permitted outside such boundaries, it shall not be considered as part of the reflector in meeting the requirements of this specification. Such additional material shall not be counted in calculating the average width of the reflecting strip and shall be masked off with opaque, matte black tape in the range tests of the reflecting material.

(ii) *Orientation of the reflecting material.*—With the tire properly mounted and inflated, every portion of the reflecting strip shall be oriented so that the normal to its surface is within 25° of parallel to the axis of rotation of the wheel. While additional reflecting material with other orientations is permitted, it shall not be considered as part of the reflector in meeting the requirements of this specification. Such additional material shall not be counted in calculating the average width of the reflecting strip and must be marked off with opaque, matte black tape in the range tests of the reflecting material.

[2] Copies may be obtained from: Society of Automotive Engineers, Inc., 2 Pennsylvania Plaza, New York, N.Y. 10001.

(iii) *Reflectance properties.*—The mathematical description of the reflectance properties as given in this subdivision shall serve as the definition of the performance required of the sidewall reflector. The measurement procedures described elsewhere in this part 191c related to this specification shall be regarded as specifying practical means for evaluating the performance of the reflecting strip under this definition. In case of doubt, it shall be demonstrated that the material satisfies this definition, results of other tests notwithstanding. The average reflectance factor $\bar{\rho}$ (relative to a perfect white diffusing reflector) of the tire sidewall taken over the 0.02 meter (0.79 inches) strip radially shall be at least that given by the expression:

$$\bar{\rho} = \frac{100}{1 + \left(\frac{\phi}{0.225}\right)^{1/2}}$$

where ϕ is the angle between the direction of incidence and the direction of viewing at any point on the sidewall. The formula above shall apply for angles of incidence up to 40° and angles of divergence ϕ up to 1.5°. The reflectance is not specified beyond these limiting angles.

(iv) *Color.*—The sidewall reflecting strip shall be as colorless as possible; that is, the spectral reflectance shall be nearly constant over the visual range. In case of doubt, by visual examination the appearance of the sidewall by retroreflection as compared to painted chips under the same illuminant shall, for the same hue, appear to have less chroma than Munsell chroma/2 Munsell Book of Color.[3]

(2) *Specific test for reflectance factor.*—This test is based on Federal Specification L–S–300A, "Sheeting and Tape, Reflective Nonexposed Lens Adhesive Backing," Federal Supply Service, General Services Administration.[4]

(i) *Apparatus.*—Arrangement for the reflective intensity test shall be as shown in figure 3. The light projector, having a maximum lens diameter of 1 in and capable of projecting a uniform light, shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of 2856 K (equivalent to source A, figure 1–3, "Relative Energy Distribution of Sources A, B, and C," IES Lighting Handbook, fifth edition (1972).[5] The light reflected from the test surface shall be measured with a photoelectric receiver the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter is more than one-half inch from the center. Tires to be tested shall be mounted on a wheel,

[3] Copies may be obtained from Munsell Color Co., 2441 North Calvert Street, Baltimore, Md. 21218.

[4] Copies may be obtained from Specifications Sales, Building 197, Washington Navy Yard, GSA, Washington, D.C. 20407.

[5] Copies may be obtained from Illuminating Engineering Society, 345 East 47th Street, New York, N.Y. 10017.

the rim and spokes of which have been masked in flat black so that when measured without the tire they indicate no appreciable reflectance. The tire shall be properly mounted and fully inflated. Distances shall be measured from the point of intersection of the axle of the wheel with the center of the wheel. For the tests, the wheel shall be 15 m (49.2 ft) plus or minus 0.1 m (3.9 in) from the projecting lens.

(ii) *Test procedure.*—Measure the distance from the receiver to the specimen, the average diameter of the radial bounding circles as defined in paragraph (f)(1)(i) of this section, and mask off nonapplicable portions of the reflecting material as indicated in paragraph (f)(1)(i) and (ii) of this section. Measure the illumination incident on the wheel at the radius of the reflecting strip and at uniform intervals of more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample, E_s. If any one of such readings differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination of the receiver due to reflection from the sidewall for each angle of incidence and each angle of divergence given in table III. The illumination incident on the test surface and the receiver shall be measured in the same units. Compute the average reflectance factor from the following equation:

$$\bar{\rho}=\frac{25}{\cos^3\theta}\times\frac{E_r}{E_s}\times\frac{d^2}{r}$$

where

E_r=Illumination incident upon the receiver.
E_s=Illumination incident upon a plane perpendicular to the incidence ray at the specimen position (see instructions above for averaging), measured in the same units as E_r.
θ=The angle between the direction from the center of the wheel to the light source and the axle of the wheel.
d=The distance from the receiver to the center of the wheel in meters.
r=The average radius of the boundary circles of the retroreflective strip, as defined in paragraph (f)(1)(i) of this section, in meters.

The reflectance factor shall comply with requirements of table III.

(3) *Mechanical integrity of reflective sidewalls.*—(i) Abrasion of the inflated tire wall with a wet, steel bristle brush shall show less damage than the adjacent sidewall not covered with the reflective material.

(ii) The reflective material shall be applied as part of the tire manufacturing process and shall withstand 250° F. for 30 minutes with no evidence of the reflective material separating from the base-tire material.

(iii) The reflective material shall not contact the ground plane when the assembled bicycle is resting on that plane.

A bicycle shall be capable of passing the following road test.

(a) Each bicycle selected for the road test shall be ridden at least 4 miles by an operator weighing between 150 and 185 pounds with the tires inflated to maximum recommended pressure. Travel shall include riding the bicycle five times over a 100-foot course of wooden cleats. The cleats shall be nominally 1-inch high by 2-inch wide finished lumber with ½ by 45° chamfer on the corners contacting the tires. The cleats shall be spaced every 6 feet over the 100-foot course.

(b) During the road test the bicycle shall exhibit stable handling in turning and steering without difficulty of operation. There shall be no structural or component failure of the brake system, no tire failures, no structural fractures, and no loosening or misalinement of the reflectors. Any misalinement of seat or handlebars shall be restorable to normal alinement by adjustment provided; any realinement shall be subject to integrity tests as specified in § 191c.4 (i) and (j).

§ 191c.8 Brake performance.

A bicycle shall be equipped with a braking system capable of meeting the performance requirements of this section.

(a) *Group designation.*—Each bicycle tested shall, for test purposes, be assigned a group designation according to the maximum ground speed of the unit in its highest gear ratio and at a pedal crank input of 60 revolutions per minute.

(1) *Group A.*—Units with ground speed of 15 mi/h or greater shall stop within a distance of 15 feet from a velocity of 15 mi/h on a dry, clean, level paved surface.

(2) *Group B.*—Units with a ground speed of less than 15 mi/h shall stop within a distance of 15 feet from a velocity of 10 mi/h on a dry, clean, level paved surface.

(b) *Test basis.*—A bicycle equipped with a foot-operated brake and a hand-operated brake shall be considered as having two braking systems. The foot-brake system shall be considered as the primary braking system and shall meet group B requirements. If the bicycle falls within group A, the combined systems may be used to meet group A requirements.

(c) *Hand-operated brakes.*—Hand-operated brakes shall meet the requirement of this section with a handgrip force not exceeding 40 pounds. The 40 pounds of force shall be applied to the hand lever at a point not closer than 1 inch to the open end of the lever. The stopping distance requirement is based on a rider weight of 150 pounds; greater stopping distance shall be allowed for heavier riders at the rate of 1 foot per 10 pounds. The weight of the test-rider shall be between 150 and 185 pounds.

(d) *Foot-operated brakes.*—Foot-operated brakes shall enable a bicycle to meet the requirements for group A without allowance for rider weight or pedal force. In addition, the braking force transmitted to the rear wheel as a result of applied pedal force shall meet the requirements of paragraph (e) of this section.

(e) *Brake force for footbrakes.*—Brake force for footbrakes shall be measured tangentially to the circumference of the rear tire when the tire is rotated in the direction of forward movement. The brake force shall be linearly proportional (within 10 percent) to a pedal force of from 20 to 70 pounds but shall be not less than 40 pounds of brake force for 70 pounds of pedal force.

§ 191c.9 Qualifications for sidewalk bicycles.

A sidewalk bicycle shall comply with all provisions of this part 191c except:

(a) The provisions of § 191c.3(j) are not applicable for nonpneumatic tires.

(b) Section 191c.4 applies (where a sidewalk bicycle is equipped with the components described), with the following exceptions and modifications:

(1) Paragraphs (a)(3) through (d) of § 191c.4 are not applicable.

(2) Section 191c.4(e) applies except that a load of 250 pounds shall be substituted for the 450-pound load.

(3) Section 191c.4(f) applies except there shall be no requirement for reflectorization.

(4) In § 191c.4(h), only subparagraph (8) applies.

(5) Section 191c.4(i) is applicable except that the handlebar clamp(s) shall resist a torque of 15 foot-pounds without movement between the clamped parts.

(6) Section 191c.4(j) applies except that the seat adjustment clamp(s) shall resist a torque of 15 foot-pounds without movement between the clamped parts.

(c) Section 191c.6 is not applicable.

(d) The following test shall be substituted for the road test provisions of § 191c.7: A sidewalk bicycle shall be loaded with a 30-pound weight attached to the seat surface and a 10-pound weight attached to each handle grip, for a total of 50 pounds. The bicycle shall be held in an upright position and dropped three times a distance of 1 foot onto a paved surface. As a result of this test the bicycle or its components shall not suffer fracture failure of wheels, frame, seat, handlebars, or fork. In addition, the unloaded sidewalk bicycle shall be allowed to fall from an upright position to the paved surface three times on each side without fracture to the pedals or handgrips.

(e) The following shall be substituted for § 191c.8 regarding brake performance: A sidewalk bicycle with a seat-to-ground dimension of 22 inches or greater, with seat in lowest position according to adjustment provided, shall be equipped with a foot-actuated brake. A bicycle less than the 22-inch dimension and not equipped with a brake shall not have a coasting or freewheeling feature. A bicycle not equipped with a brake shall be so labeled on the chain guard in legend visible from a 10-foot distance in daylight conditions, and the words "NO BRAKE" shall appear on the carton. A sidewalk bicycle shall not have hand-operated brakes as the primary braking system. The brake system shall transmit braking force to the rear wheel in proportion to actuation forces of 10 to 50 pounds in the ratio of 1 pound of wheel braking force for 2 pounds of pedal actuating force. The wheel braking force shall be measured tangentially at the tread of the tire.

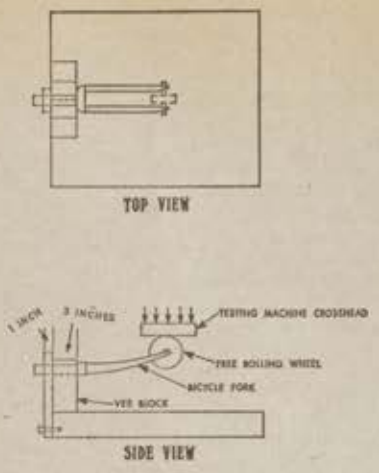

FIGURE 1 - Schematic of test set up for cantilever bending tests of bicycle forks

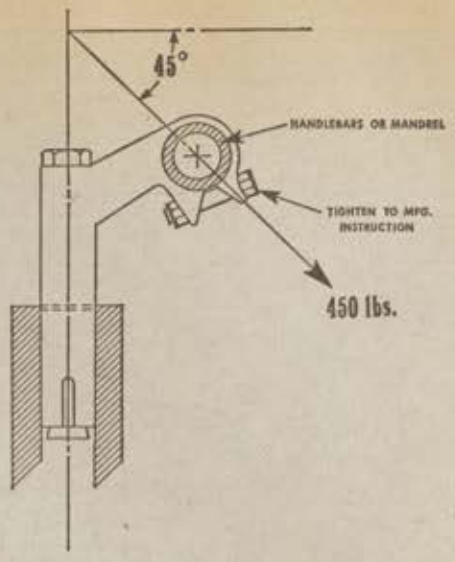

FIGURE 2 - Handlebar Stem Loading

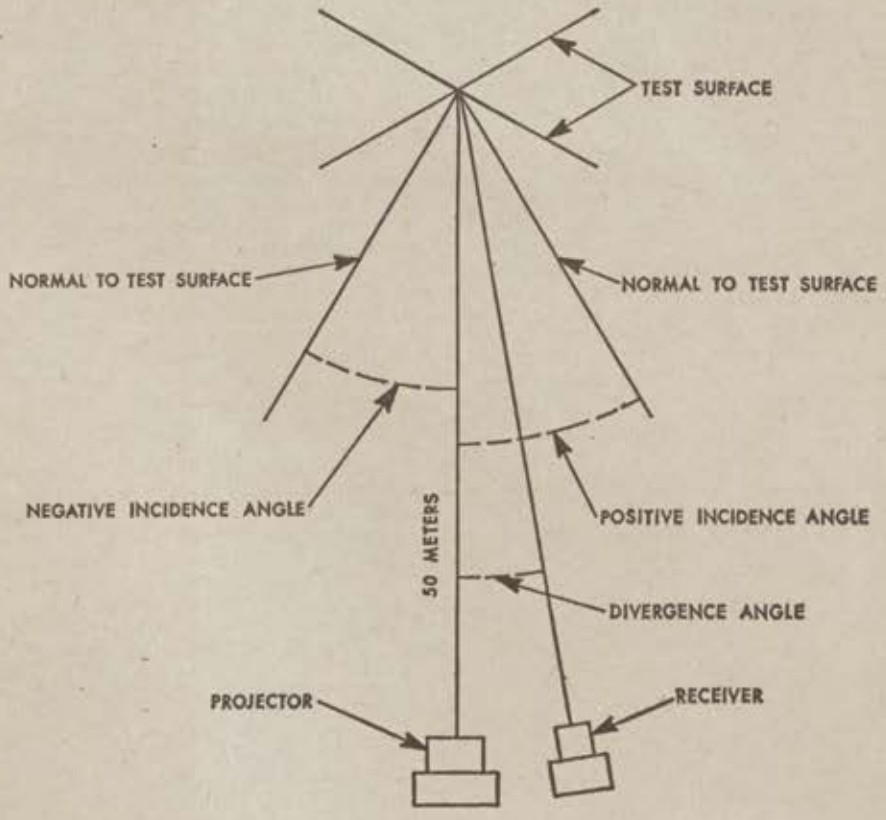

FIGURE 3 - Incidence and Divergence Angles

TABLE I—MINIMUM CANDLEPOWER PER INCIDENT FOOT-CANDLE FOR CLEAR PRISMATIC REFLECTOR[1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees			Pedal reflectors; entrance angle in degrees		
	0	10 up/down	20 left/right	0	10 up/down	20 left/right
0.2	27.0	18.0	9.0	7.5	6.0	3.0
0.3				6.0	4.8	2.4
1.5	.28	.20	.12	.28	.20	.12

[1] Amber values shall be 5/6 × clear values. Red values shall be 1/4 × clear values.

TABLE II—MINIMUM CANDLEPOWER PER INCIDENT FOOT-CANDLE FOR CLEAR PRISMATIC REFLECTOR[1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees		
	30 left/right	40 left/right	50 left/right
0.2	8.0	7.0	6.0
1.5	.12	.12	.12

[1] Amber values shall be 5/6 × clear values. Red values shall be 1/4 × clear values.

TABLE III—MINIMUM ACCEPTABLE REFLECTANCE FACTOR RELATIVE TO A PERFECTLY REFLECTING DIFFUSE REFLECTOR FOR REFLECTIVE SIDEWALL TIRES (SPECIFIC INTENSITY/UNIT LENGTH)

Angle of divergence	Angle of incidence	Minimum acceptable reflectance factor
Degrees	*Degrees*	
0.2	−4	60
.2	20	60
.2	40	60
1.5	−4	6
1.5	20	6
1.5	40	6

Interested persons may, on or before July 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

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