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HIGHLIGHTS OF THIS ISSUE

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

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER C—PROCUREMENT PRACTICES

PART 331—CONTRACT COVERAGE

Miscellaneous Exemptions and Waivers

The purpose of this publication by the Cost Accounting Standards Board is to adopt a modification to Part 331, Contract Coverage, of its rules and regulations. The modification was published initially in the FEDERAL REGISTER of December 8, 1972 (37 FR 26127). Some of the material in the modification was also published in the FEDERAL REGISTER of October 6, 1972 (37 FR 21177). Comments regarding the publication on December 8 were invited to be submitted to the Board by January 15, 1973.

The Board received 14 comments from a wide range of commentators. The Board is grateful for their interest and takes this occasion to thank them for the comments.

One commentator urged the Board to require certain additional information to support waiver applications pursuant to subparagraphs (1)(i), (1)(iii), and (2)(i) of § 331.3(c). The Board agrees that such additional information will assist it in deciding whether to grant a waiver and therefore has adopted this proposal.

Two commentators urged that the signed, unequivocal statement by a proposed contractor or subcontractor that it refuses to accept a contract containing the Cost Accounting Standards clause might not be obtainable even when there has been such a refusal. The Board agrees and has consequently modified the requirement at § 331.3(c)(1)(i) so that the agency's statement of the fact of an unequivocal refusal, and of the contractor's or subcontractor's specific reasons therefor, will be sufficient to satisfy this requirement.

A commentator suggested that the Board provide for exemption from particular portions of the Cost Accounting Standards clause, as well as providing for exemption from all of it. The Board agrees that it is helpful to spell out such authority and has modified its proposal accordingly.

The Honorable Wright Patman, Chairman of the Committee on Banking and Currency of the House of Representatives, noting that any extensive use of the Board's proposed authority could seriously weaken the objectives of section 719 of the Defense Production Act of 1950, as amended, requested that within 30 days after acting on any request for an exemption the Board transmit to him a full report of the exemption request and its action thereon. The Board is pleased to comply with this request. A similar report will also be submitted to the Chairman of the Committee on Banking, Housing, and Urban Affairs of the U.S. Senate.

Another commentator urged in the interest of assuring maximum access by the public and the Congress to the Board's actions that requests for waivers be published in the FEDERAL REGISTER and that comments on them be solicited that the Board's action on a request and an explanation of it be published in the FEDERAL REGISTER, and, finally, that notwithstanding any prior publication, that the Board include in its annual report to Congress a listing of every request for waivers received during the year, together with an explanation of the Board's action granting or denying the request. This commentator, asserting that the Board does not have unlimited discretion to grant waivers or exceptions, urges that the standards the Board will apply in acting on requests for waivers be stated.

The Board adopts the suggestion that it include in its annual reports to Congress a listing of the requests it receives for waivers and its disposition of those requests. The Board, however, does not believe that it should publish a notice of requested waiver and solicit comments. As noted above, the Board will provide full information to the Congress and to the public through its reports on its actions on waivers. With respect to this commentator's suggestion that the Board publish the criteria which it will use in acting on requests for waivers, the Board is satisfied that those criteria clearly are implicit in the information which the Board is requiring to be submitted in support of a request for a waiver.

Several commentators urged that the Board delegate its waiver authority to the procuring agencies, stating essentially that waivers could thus be granted more expeditiously. The Board has not accepted this suggestion, since it believes that it should retain control over a matter as important as a total exemption from the requirements of section 719 of the Defense Production Act of 1950, as amended, and also because the Board is convinced that its retention of its waiver authority will not unduly delay action on waiver requests. In this connection, the Board reemphasizes its comments published in the FEDERAL REGISTER for December 8, 1972 (37 FR 26127) that, "The Board * * * is prepared to act promptly in response to requests for waivers but * * * the Board's ability to respond promptly will depend in very large measure on whether or not the agency's request for a waiver is in full accord with the proposed requirements." If experience shows that delegation of this authority is warranted, the Board will, however, reconsider this suggestion.

Some of these commentators also urged that the level of agency officials authorized to submit requests for waivers to the Board be modified to include persons at levels of responsibility below those indicated in the Board's proposal. The Board believes that the level proposed will not unduly burden the procuring agencies and will assure that any request for a waiver of the Board's regulations will receive consideration at a very high level within the procuring agency before submission to the Board. It, therefore, does not adopt this suggestion at this time, although it may reconsider this suggestion if experience warrants.

Some commentators urged the Board to expand its proposal to permit exemptions on broader bases, instead of confining the exemption authority to particular cases of demonstrated need. The Board does not accept this suggestion, since it does not anticipate wholesale or, indeed, even very numerous requests for waivers. Nevertheless, should a need for broader exemption action be justified, the Board can deal with that need under its authority in section 719(h)(2) of the Defense Production Act of 1950, as amended.

One commentator urged an outright exemption for both foreign and domestic concerns for work performed outside the United States, and other commentators urged the exemption of all subcontracts performed in Canada. The Board has adopted neither of these proposals, since it believes that the arguments advanced for them are unpersuasive in light of the purposes of section 719. The Board believes, further, that the exemption authority being adopted today proivdes an adequate basis for waivers where they are appropriate.

A commentator is concerned that the phrase, "on a timely basis," in §§ 331.3(c)(1)(iv) and 331.3(c)(2)(ii), if given a narrow interpretation, might suggest that timeliness of delivery is the only condition for granting a waiver. That commentator points out that other conditions also may warrant consideration. The Board agrees with the commentator, but it does not believe that a modification of its proposal is necessary to avoid the narrow interpretation feared.

In the interest of clarity, the waiver provision in § 331.6(c) is deleted from that section and transferred to § 331.3(c).

The Board has revised its proposal as discussed above and has made minor technical improvements. The revised proposal is adopted today.

Section 331.3, applicability, exemption, and waiver, is modified by adding a new paragraph (c) to read as follows:

§ 331.3 Applicability, exemption, and waiver.

* * * * *

(c) (1) Upon request of the Secretary of Defense, the Deputy Secretary of Defense, or the Assistant Secretary of Defense (Installation and Logistics), or outside the Department of Defense, of officials in equivalent positions, the Cost Accounting Standards Board may waive all or any part of the requirements of paragraph (a) of this section with respect to a contract or subcontract to be performed within the United States, or a contract or subcontract to be performed outside the United States by a domestic concern. A domestic concern is an incorporated concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States. (In the context of this subparagraph, "concern" refers to a prospective or actual contractor. Thus, a contract with a foreign subsidiary or foreign branch or business office of a U.S. corporation would not be a contract with a domestic concern. Conversely, a contract executed by a foreign salesman or agent on behalf of a domestic concern would nevertheless be a contract with a domestic concern since the basic contractual and legal responsibility resides with the domestic concern.) Any request for a waiver shall describe the proposed contract or subcontract for which waiver is sought and shall contain (i) an unequivocal statement that the proposed contractor or subcontractor refuses to accept a contract containing all or a specified part of the Cost Accounting Standards clause and the specific reason for that refusal, (ii) a statement whether the proposed contractor or subcontractor has accepted any prime contract or subcontract with any Federal department or agency containing the Cost Accounting Standards clause, (iii) the amount of the proposed award and the sum of all awards by the department or agency requesting the waiver to the proposed contractor or subcontractor in each of the preceding 3 years, (iv) a statement that no other source of the supplies or services being procured is available to satisfy the needs of the agency on a timely basis, (v) a statement of any alternative methods of fulfilling the project or program needs and the agency's reasons for rejecting such alternatives, (vi) a statement of the steps being taken by the procuring agency to establish other sources of supply for future procurements of the products or services for which a waiver is being requested, and (vii) any other information that may aid the Board in evaluating the requested waiver.

(2) Upon request of the Secretary of Defense, the Deputy Secretary of Defense, or the Assistant Secretary of Defense (Installation and Logistics), or outside the Department of Defense, of officials in equivalent positions, the Cost Accounting Standards Board may waive all or any part of the requirements of paragraph (a) of this section with respect to a proposed contract or subcontract to be performed outside the United States by a foreign government or a foreign concern. A foreign concern is a concern that is not a domestic concern, as defined in paragraph (c) (1) of this section. Any request for a waiver shall describe the proposed contract or subcontract for which waiver is sought and shall contain (i) the amount of the proposed award and the sum of all awards by the department or agency requesting the waiver to the proposed contractor or subcontractor in each of the preceding 3 years, (ii) a statement that no other source of the supplies or services being procured is available to satisfy the needs of the agency on a timely basis, (iii) a statement of any alternative methods of fulfilling the project or program needs and the agency's reasons for rejecting such alternatives, (iv) a statement of the steps being taken by the procuring agency to establish other sources of supply for future procurements of the products or services for which a waiver is being requested, and (v) any other information that may aid the Board in evaluating the requested waiver.

(3) In the event the agency head determines that it is impractical to secure a required Disclosure Statement in accordance with the contract clause and § 331.6, he may authorize award of such contract or subcontract. He shall within 30 days thereafter submit a report to the Cost Accounting Standards Board, setting forth all material facts.

(4) The authority in this § 331.3(c) shall not be delegated.

§ 331.6 [Amended]

Section 331.6, Post-award disclosure, is modified by deleting paragraph (c).

(Sec. 103, Public Law 91-379, 84 Stat. 796 (50 U.S.C. App. 2168))

Effective date. This amendment is effective on February 12, 1973.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-2696 Filed 2-9-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Phase II Term Limit Pricing Authorizations

Part 130 is amended in subpart A to clarify the rules applicable during Phase III to Phase II term limit pricing authorizations and extensions thereof.

A new § 130.3 is added to explicity provide that Phase II term limit pricing authorizations remain in effect until the respective expiration dates specified in those authorizations. Term limit pricing authorizations with respect to which the Price Commission issued, before January 11, 1973, a notification of extension remain in effect until the expiration date specified in the notification, unless, before January 11, 1973, the firm subject to the notification informed the Commission of its decision to allow its authorization to terminate without extension.

Consistent with the rules of Phase III applicable to all firms, firms subject to this section are entitled, for fiscal years ending after January 10, 1973, to compute their base period profit margins pursuant to the provisions of Subpart L.

Upon the expiration of term limit pricing authorizations under this section, firms become subject to the rules of this part otherwise applicable. For purposes of applying the weighted annual average 1.5 percent price provision of § 130.13 after expiration of the term limit pricing authorization under § 130.3, such firms are to compute-price increases as if § 130.13 had been applicable on January 11, 1973.

This clarification is intended to carry out the policy of section 3 of Executive Order No. 11695 to preserve the effect of settled Phase II actions.

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 rule making 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. 20507.

(Economic Stabilization Act of 1970, title II of Public Law 92-210, 85 Stat. 743 and Executive Order 11695, 38 FR 1473.)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 11, 1973.

Issued in Washington, D.C., on February 5, 1973.

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

Subpart A is amended by adding a new § 130.3, as follows:

§ 130.3 Phase II term limit pricing authorizations.

(a) Subject to paragraph (b) of this section, a term limit pricing authorization shall remain in effect until the expiration date specified in that authorization.

(b) A term limit pricing authorization with respect to which a notification of extension was issued by the Price Commission before January 11, 1973, shall remain in effect until the applicable expiration date specified in that notification (March 31, 1973 or April 30, 1973), unless before January 11, 1973, the firm subject to the notification informed the Price Commission of its decision to allow its authorization to terminate without extension.

(c) With respect to any fiscal year ending after January 10, 1973, any firm subject to this section may compute its base period profit margin in accordance with the definitions of "Base period" and "Profit margin" in § 130.110.

(d) Upon the expiration of its term limit pricing authorization in accordance

with the provisions of this section, a firm is subject to the rules of this part otherwise applicable. For purposes of applying the weighted annual average 1.5 percent price provision of § 130.13 after expiration of the term limit pricing authorization under this § 130.3, such a firm is to compute price increases as if § 130.13 had been applicable on January 11, 1973.

[FR Doc.73-2819 Filed 2-8-73;2:31 pm]

Title 7—Agriculture

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

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

This regulation requires early spring onions produced in south Texas to meet minimum quality and size requirements. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, and Marketing Order No. 959. This regulation should promote orderly marketing of south Texas early spring onions by keeping less desirable qualities and sizes from being distributed in fresh market channels.

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in south Texas, was published in the FEDERAL REGISTER, December 2, 1972 (37 FR 25723). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than January 2, 1973. None was filed.

Statement of consideration. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1973 early spring crop of south Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 12.

The grade and size requirements herein will prevent culls and poor quality onions, as well as undesirable sizes, from being distributed in fresh market channels. This should provide consumers with desirable onions at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of south Texas onions.

The container requirements will prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of south Texas onions. However, such requirements will not preclude the use of containers customarily packed for the retail trade.

The requirements with respect to special purpose shipments will allow the use of containers which have been the subject of experimental shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes.

The prohibition on packaging and loading onions on Sundays is to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

The regulation is as follows:

§ 959.313 Limitation of shipments.

During the period beginning March 12, 1973, through May 13, 1973, no handler may package or load onions on Sundays; or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (d) of this section, or unless such onions are handled in accordance with the provisions of paragraph (e) or (f) of this section.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (e) or (f)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b), and (d) of this section and if they are handled in accordance with the reporting requirements established in paragraph (f)(2) of this section on such shipments: *Provided,* That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments: *And provided further,* That shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms, and with outside dimensions of such bags not greater than 32 by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "FOR EXPORT ONLY" and shipments shall be only to points outside of the 48-contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles such shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed,

and the size of the containers in which such onions were handled. Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

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

Dated January 22, 1973, to become effective March 12, 1973.

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

[FR Doc.73-2747 Filed 2-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-GL-63]

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

Alteration, Designation and Revocation of VOR Federal Airway Segment

On December 9, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 26342) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would:

1. Realign V–47 from Salem, Mich., to Hunter, Mich., INT.
2. Extend V–493 from Livingston, Mich., INT to Mt. Pleasant, Mich.
3. Designate a new airway from Jackson, Mich., to Flint, Mich.
4. Revoke V–42E from Windsor, Ontario, to Flint, Mich.
5. Revoke V–493 from Livingston, Mich., INT to Flint, Mich.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

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

1. In VOR Federal airway No. 47 "INT Salem 027° and Flint, Mich., 118° radials." is deleted and "to the INT Salem 021° and Flint, Mich., 088° radials." is substituted therefor.

2. In VOR Federal airway No. 493 "INT Carleton 334° and Flint, Mich., 202° radials, Flint." is deleted and "INT Carleton 334° and Mt. Pleasant, Mich., 142° radials; to Mt. Pleasant." is substituted therefor.

3. VOR Federal airway No. 353 is added: "V353 from Jackson, Mich., via INT Jackson 029° and Flint, Mich., 228° radials; to Flint."

4. In VOR Federal airway No. 42 "Windsor including an E alternate INT Flint 118° and Windsor 335° radials, 7 mi. wide (3 mi. E and 4 mi. W of centerline)." is deleted and "Windsor;" is substituted therefor.

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

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

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

[FR Doc.73-2686 Filed 2-9-73;8:45 am]

[Airspace Docket No. 73-SO-2]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., control zone and transition area.

The Atlanta control zone is described in § 71.171 (38 FR 351). In the description, an extension is predicated on the ILS Runway 9R localizer course. The Atlanta transition area is described in § 71.181 (38 FR 435). In the description, extensions are predicated on the ILS Runway 9R localizer course and the ILS Runway 9L localizer course.

Under the William B. Hartsfield Atlanta International Airport expansion program, a new east/west parallel runway has been constructed. To avoid confusion a new runway numbering system that will change the present Runway 9L to Runway 8; the present Runway 9R to 9L; the new parallel Runway 9 to 9R; the present Runway 27R to 26; the present Runway 27L to 27R, and the new parallel Runway 27 to 27L, will be effective February 1, 1973. It is necessary to alter the control zone and transition area descriptions to reflect these changes. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 1, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Atlanta, Ga., control zone is amended as follows:

"* * * ILS Runway 9R * * *" is deleted and "* * * ILS Runway 9L * * *" is substituted therefor, and "* * * ILS Runway 9L * * *" is deleted and "* * * ILS Runway 8 * * *" is substituted therefor.

In § 71.181 (38 FR 435), the Atlanta, Ga., transition area is amended as follows:

"* * * ILS Runway 9R * * *" is deleted and "* * * ILS Runway 9L * * *" is substituted therefor.

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

Issued in East Point, Ga., on January 29, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-2685 Filed 2-9-73;8:45 am]

[Airspace Docket No. 72-SO-121]

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

Alteration of Transition Area

On December 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25529), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Newnan, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making 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., March 29, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Newnan, Ga., transition area is amended as follows:

"* * * NE of the VORTAC * * *" is deleted and "* * * NE of the VORTAC; within 3 miles each side of the 130° bearing from Coweta RBN (Lat. 33°18'31" N., Long. 84°46'22" W.), extending from the 5-mile radius area to 8.5 miles SE of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on January 24, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc. 73-2684 Filed 2-9-73;8:45 am]

[Airspace Docket No. 72-WE-44]

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

Alteration of Trasition Area; Correction

On January 9, 1973 FR Doc. 73-376 was published in the FEDERAL REGISTER (38 FR 1118) that amended Part 71 of the Federal Aviation Regulations by altering the description of the Yuma, Ariz., transition area. A review of the document revealed that the northern boundary of the 9,000 feet MSL portion of the transition area description was incorrect. Action is taken herein to affect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing, FR Doc. 73-376 (38 FR 1118) is amended by deleting all after "* * * 20 miles N of the Yuma VORTAC" and substituting therefore, "* * * to the arc of an 18-mile radius circle centered on the Blythe, California airport."

Effective date. The effective date as originally established may be retained.

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

Issued in Los Angeles, Calif., on January 30, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.73-2687 Filed 2-9-73;8:45 am]

[Airspace Docket No. 72-WA-38]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route Segments and Associated Control Areas

On December 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25855) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would extend Jet Route No. 62 from Nantucket, Mass., to a point at lat. 41°17′ N., long. 68°00′ W. (Cod INT); extend Jet Route No. 97 from Nantucket, Mass., to a point at lat. 39°50′ N., long. 69°15′ W. (Haddock INT); and designate their associated control areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

Section 71.161 (38 FR 343) is amended by adding:

Jet Route No. 62 From Nantucket, Mass., to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area.

Jet Route No. 97 From Nantucket, Mass., to the INT of the Nantucket 157° radial and the western boundary of the New York Oceanic Control Area.

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

Jet Route No. 62 heading and text are amended to read:

Jet Route No. 62 (Kennedy, N.Y., to Cod, Mass., INT) from Kennedy, N.Y., via the INT of Kennedy 080° and the Nantucket, Mass., 255° radials; Nantucket; to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area (Cod INT).

Jet Route No. 97 heading and text are amended to read:

Jet Route No. 97 (Haddock, Mass., to Plattsburgh, N.Y.) from the INT of the Nantucket, Mass., 157° radial and the western boundary of the New York Oceanic Control Area, via Nantucket; Boston, Mass.; to Plattsburgh, N.Y.

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

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

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

[FR Doc.73-2688 Filed 2-9-73;8:45 am]

[Airspace Docket No. 72-CE-26]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration and Extension of Jet Route Segment

On December 5, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 25856) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-80 segment, in part, from Kansas City, Mo., direct Hill City, Kans., and extend J-24 from Kansas City to Hill City via Salina Kans.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

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

1. In Jet Route No. 80 "Salina Kans.," is deleted.

2. In Jet Route No. 24 the text is rewritten as follows:

From Hill City, Kans., via Salina, Kans.; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Palmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

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

Issued in Washington, D.C., on February 5, 1973.

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

[FR Doc.73-2689 Filed 2-9-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-789]

PART 228—EMBARGOES ON PROPERTY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of February 1973.

By notice of proposed rule making EDR-214[1] the Board proposed to amend Part 228 of the Economic Regulations (14 CFR Part 228) so as to revise the definition of embargo, as well as other rules and procedures relating to the imposition of embargoes.

As noted in EDR-214, the term "embargo" is commonly used in transportation law to mean a temporary refusal by a carrier to accept traffic for shipment where extraordinary circumstances beyond the control of the carrier prevent the carriage of such traffic, and the present definition in Part 228 has been intended to encompass this usage. However, the Board had received a substantial volume of informal complaints from shippers indicating that our existing embargo rules have been misused, in that air carriers have been refusing to accept cargo shipments in situations where no embargo is in fact justified. There was also considerable evidence that carriers have been imposing embargoes without the notice to the Board which our present rules require.

Accordingly, the Board issued EDR-214. Specifically, it was proposed to redefine "embargo" as being, in substance, a temporary disability of an extraordinary nature which prevents the carriage of all freight, or particular classes of freight, between specified points. It was also proposed to limit the initial effectiveness of an embargo to not more than 30 days after it first becomes effective, but with proposed prescribed procedures whereby a carrier could apply to extend an embargo for a longer period, where conditions so require.

Comments in response to the notice were filed by the Air Transport Association (ATA), on behalf of certain of its member carriers, the Hawaii Air Cargo Shippers Association, Inc. (HACSA), the Pet Industry Joint Advisory Council (Pet Industry), the Drug and Toilet Preparation Traffic Conference (DTPTC), the Society of American Florists (SAF), and United Air Lines, Inc. (United).[2] All of the commenting organizations, except ATA and United, represent shippers of

[1] Dated October 7, 1971, Docket 23886, 36 FR 19914.

air freight. The shipper associations generally support the proposed rule, although they recommend certain modifications. The carriers take the position that the proposed rule is in many respects unnecessary and unduly burdensome, and they suggest substantial modifications. In this connection, ATA argues that appropriate enforcement of the existing regulation would alleviate many of the difficulties presently being experienced by shippers with respect to embargoes. Upon consideration, we have determined to adopt the rule as proposed, with some modifications. Except as specifically modified herein, the tentative findings set forth in the notice are hereby adopted and made final. There follows a discussion of comments directed toward various aspects of the proposed rule, and our conclusions with respect thereto.

1. *Definition of "embargo."* As discussed above, in order to clarify our intention to limit a lawful embargo to its common law meaning, we proposed to redefine "embargo" as a "temporary refusal by an air carrier to accept for transportation over any route or segment thereof, or to or from any point of a connecting carrier, any (freight) duly tendered, where, because of lack of facilities or personnel, or because it is required to give preference or precedence to other traffic entitled to priority or because of other compelling reasons not within the control of the carrier, it is temporarily unable to perform all of the authorized transportation service requested of it." ATA suggests that this definition be revised to include a refusal to carry property to or from an entire "area," rather than only particular "points," just as the present rule permits embargoes on an area-wide basis. In this connection, ATA notes that the portion of the proposed rule prescribing the contents of an embargo notice does provide for the designation of a "geographic area" in some cases. We have determined to accept this suggestion, and the proposed definition is modified accordingly, since it is clear that in appropriate circumstances an embargo to or from an entire area would be justifiable.

ATA also contends that the proposed definition of embargo should explicitly state, as does the existing definition, that refusal to accept property in accordance with the terms of a tariff is not an embargo. Although we think that our proposed definition of the term would clearly imply that it does not include tariff restrictions,[3] we have determined to accept this suggested revision also, in order to remove any possible ambiguity.

United points out that the proposed definition of embargo is imprecise insofar as it includes the phrase, "or * * * other compelling reasons not within the control of the carrier." However, while we recognize that the quoted phrase does render our definition somewhat imprecise, it is the kind of imprecision which is inevitable, since we wish to apply our rules to all those circumstances which are beyond a carrier's control, and which have therefore historically justified an embargo. Yet, no definition can precisely encompass every such circumstance. By the same token, we cannot accept SAF's suggestion that the definition should include specific examples of circumstances which would not justify an embargo, since to list a few kinds of such circumstances might unwarrantedly imply that a circumstance not explicitly so listed does justify an embargo. We therefore think it is preferable to have a definition incorporating a general standard, whose application to a particular case will necessarily depend on a reasonable assessment of the precise factual situation.[4]

Finally, in the same vein, we have declined to accept a suggestion by Pet Industry to prohibit "selective" embargoes and require that any embargo must apply to all classes of freight, since we think that there could obviously be circumstances which would justify a "selective" embargo, i.e., one limited to only certain classes of freight.

2. *Initial duration of embargo.* We proposed to limit the initial duration of an embargo to not more than 30 days. DTPTC says that this appears to be excessive, and that the initial embargo period should be no more than 15 days.[5] In the absence of specific grounds in support of a shorter period, there is no reason to depart from our tentative view that 30 days is reasonable. In this connection, it should be noted that the rule does not purport to relieve a carrier from whatever liability may result from an unjustified embargo, of any duration, and that any person is free to file a complaint against an unjustified embargo, either formally, pursuant to Rule 201 of the Board's rules of practice (14 CFR Part 302), or informally, with the Board's Office of Consumer Affairs.[6]

3. *Procedures for extension of embargo.* It was proposed to require that applications for extensions of embargoes be filed no later than 10 days prior to the expiration date of the initial embargo notice.[7] Despite ATA's objection that a carrier might not know as early as 10 days before the expiration date that an extension will be necessary, we continue to be inclined to the view that to accept extension applications filed later than 10 days before the expiration date would, as a general proposition, be unfair to shippers. It should be noted that a request for extension has the effect of automatically extending the embargo until the Board disposes of the application, so that providing for extension applications on, or close to, the expiration date would thus have the effect of automatically extending the initial duration of embargoes beyond 30 days. Nevertheless, we recognize that unforeseeable circumstances might occasionally necessitate the filing of an application for extension less than 10 days before the expiration date of the initial embargo. We have therefore decided to provide in the within final rule that an application for extension may be filed at any time without prescribing the proposed deadline, but retaining the proposed proviso that any application for an extension which is filed more than 10 days after the effective date of the initial embargo will be accepted only upon the applicant's showing why it did not sooner anticipate the need for an embargo beyond the initial 30 days.

It was also proposed to require that copies of extension applications be served upon connecting carriers, officials of affected municipalities, and upon affected shippers. ATA argues that such service is unnecessary, since the information contained in the embargo notice, and in particular the note advising interested persons that they may request copies of the extension application from the carrier's embargo officer, is sufficient notice to the public. ATA claims that the proposed service requirement would be unduly burdensome, since it could result in service upon persons who might not in fact be affected by the embargo. In this connection, ATA argues that the proposal to require service upon "any shipper who the carrier knows may be affected by the embargo" would necessitate subjective determinations, might demand widespread service, and could result in several carriers notifying a shipper of the same embargo. ATA also argues that service upon local government officials would serve no useful purpose, and might involve air carriers in political controversies. As an alternative, ATA suggests that the note accompanying the embargo notice be modified

[2] United also joined in the comment of ATA.

[3] Indeed, as ATA itself points out, the distinction between an embargo and a tariff limitation is made clear in § 228.7.

[4] A juxtaposition of comments by ATA and Pet Industry illustrates the difficulties which would inhere in an attempt to list circumstances not justifying an embargo. ATA suggests that an embargo on live creatures would be justified where extremely cold weather is likely to cause the suffering or death of the creatures. Pet Industry, on the other hand, suggests that such an embargo would be unjustified if the creatures could be protected by proper packaging and handling. Clearly, the resolution of this issue would depend upon a consideration of all the relevant facts in a particular case, rather than on adoption of a precise definition.

[5] ATA suggests that the embargo notice should contain an expiration date, where such a date is determinable, but this suggestion appears to overlook that § 228.3(c) of the proposed rule, which we are adopting herein (as § 228.4(c)), already requires an embargo notice to contain an expiration date.

[6] SAF says that the proposed rule contains no provision for a shipper to contest an embargo of less than 30 days. In order to make clear that a shipper may make a formal or informal complaint in such a case, we are making an appropriate modification to the note accompanying the embargo notice form.

[7] In addition, it was proposed to require that, where the carrier has reason to anticipate that the embargo will extend beyond 30 days, an application for extension must generally be filed not later than 10 days after the effective date of the initial embargo, and that an application filed thereafter would have to include a statement explaining why the carrier did not sooner anticipate a protracted embargo.

so as to advise interested persons that they may request the carrier to notify them of an extension. ATA also recommends a parallel amendment to § 228.6 (notice of termination or modification of embargo) which would require that, when an embargo is extended beyond the posted expiration date, the carrier so notify all persons who have made an appropriate request for such notification.

Upon consideration, we agree with ATA that the proposed requirement of service of extension applications upon shippers "who the carrier knows may be affected" would be impractical to apply. Accordingly, we are deleting that provision and adopting in its place ATA's suggested requirement of service upon persons who have requested such service, coupled with an appropriate modification of the note accompanying the embargo notice.[8]

However, we have determined to adhere to our tentative determination that extension applications should be served upon connecting carriers and officials of affected municipalities.[9] With respect to the latter, it should be noted that such officials may have a legitimate interest in opposing the application for extension of an embargo which adversely affects the local economy.[10] That such notice might entail "political controversies" is hardly a persuasive reason to dispense with it, since a public official's interest in the economic well-being of his community may well be a "political" factor which should be considered in assessing the propriety of a continued embargo.

4. *Other comments.* DTPTC says that the Board should limit the number of initial embargoes which a carrier may impose in a year, in order to preclude carriers from imposing a series of slightly separated 30-day embargoes. We are not accepting this suggestion, since it is possible, even if unlikely, that a succession of extraordinary occurrences would compel a carrier to impose several embargoes in a single year. Should such a series of embargoes be imposed, however, the coincidence would obviously suggest the possibility of abuse of our regulations, and invite particularly close scrutiny by the Board.

It was proposed to retain the present requirements that an air carrier give immediate public notice of an initial embargo, except when the embargo is authorized by the Board, and that such notice "be posted in a conspicuous and public place at each of the carrier's offices where property of the kind affected by the embargo can reasonably be expected to be received." [11] SAF, noting that this procedure does not give actual notice to the shipping public, suggests a requirement that notice be published in various official and trade publications, and served upon affected shippers. Although such procedures would give more widespread actual notice, we do not believe it is necessary to require them in connection with initial embargoes. In any event, a carrier imposing an embargo for more than 30 days must comply with the more elaborate notice provisions of Subpart B of Part 228, as amended herein.

5. *Other departures from the proposed rule.* A number of minor suggestions contained in the various comments are being rejected, without specific discussion herein, because we have found them to be undeserving of serious consideration. We have also made certain self-explanatory editorial modifications to the language of the proposed rule, solely for purposes of clarification.

In view of the extensive amendments which we are making to the existing embargo rules, as set forth in Part 228, we have decided to reissue the part, as revised herein.[12]

In consideration of the foregoing, the Board hereby amends and reissues Part 228 of the Economic Regulations (14 CFR Part 228), effective March 12, 1973, as follows:

Subpart A—General Provisions

Sec.
228.1 Definitions.
228.2 Duration of embargo.
228.3 Notice of embargo.
228.4 Contents of embargo notice.
228.5 Nature of public notice.
228.6 Notice of modification, termination or extension of embargo.
228.7 Tariff limitations.

Subpart B—Application To Extend Embargoes

228.20 Contents of application.
228.21 Filing of application.
228.22 Service.
228.23 Answers by interested persons and replies thereto.
228.24 Disposition.

AUTHORITY: Secs. 204(a), 401(j), 403(a), 404, and 1002(b), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 as amende by 76 Stat. 143, 82 Stat. 867, 72 Stat. 758 as amended by 74 Stat. 445, 72 Stat. 760, 788; 49 U.S.C. 1324, 1371, 1373, 1374, and 1482.

Subpart A—General Provisions

§ 228.1 Definitions.

"Embargo" means the temporary refusal by an air carrier to accept for transportation over any route or segment thereof, or to or from any area or point of a connecting carrier, any commodity, type or class of property (other than passenger baggage) duly tendered, where, because of lack of facilities or personnel, or because it is required to give preference or precedence to other traffic entitled to priority, or because of other compelling reasons not within the control of the carrier, it is temporarily unable to perform all of the authorized transportation service requested of it. Refusal to accept property for transportation in accordance with restrictions and limitations in the tariff or the certificate of an air carrier shall not be deemed an embargo.

§ 228.2 Duration of embargo.

(a) Except as provided herein no embargo imposed under the provisions of this part shall extend beyond 30 days from the initial effective date of such embargo.

(b) Any air carrier who finds it necessary to continue in effect any embargo imposed under the provisions of this part for more than 30 days from the initial effective date of such embargo may file an application under Subpart B of this part for authority to extend such embargo for more than 30 days. Pending the disposition by the Board of such application, the 30-day limitation prescribed in paragraph (a) of this section shall not apply.

(c) This part shall not be construed as relieving any air carrier, during the initial 30-day embargo period prescribed herein and for any period that such embargo is automatically extended, of any duty otherwise imposed upon it to furnish authorized transportation service or to observe all requirements of the Federal Aviation Act, and the rules and regulations thereunder.

§ 228.3 Notice of embargo.

Whenever any certificated air carrier finds that it will be necessary for it to impose an embargo on the acceptance of any shipment, said air carrier shall give public notice thereof immediately, except when such embargo is authorized by order of the Board. When an embargo has been extended beyond the period specified in the notice, or beyond the initial 30-day period pending the disposition of an application for extension pursuant to § 228.2, a supplemental notice to that effect shall be given.

§ 228.4 Contents of embargo notice.

The contents of the notice of embargo required by § 228.3 shall be in the form prescribed in the appendix attached to this Part 228, shall be executed by the Embargo Officer of the air carrier, and shall contain the following information:

(a) The serial number of the embargo notice. Each embargo notice shall be

[8] In addition, we are requiring that such persons be notified by the carrier if modification or termination of the embargo is to occur prior to the original or extended expiration date. Consistent with this, we are also modifiying the note accompanying the embargo notice so that interested persons will be expressly advised that they may request notification of these occurrences.

[9] We are, however, modifying the service requirement so as to permit service by certified, as well as registered, mail.

[10] Economic impact upon particular localities is one of the factors which the Board might consider in determining whether to issue an order extending an embargo. Examples of other such factors are the extent to which a carrier is attempting to alleviate the circumstances giving rise to the embargo, the availability of alternative means of transportation, and the length of the proposed extention. With regard to the latter point, it should be noted that a prolonged refusal to carry property, or particular types of property, is a matter necessitating a tariff filing rather than an embargo.

[11] In addition, copies of the notice must be mailed to connecting carriers and to the Board.

[12] In light of the amendments being adopted herein, Resolution No. 210.30 of the Air Traffic Conference of America (Embargoes—[Suspension of Service]) should be conformed immediately.

numbered in ascending sequential order.

(b) The name of the carrier declaring the embargo and its principal place of business.

(c) The issue, effective, and expiration dates of the embargo.

(d) Whether the embargo is applicable to all commodities, and if not, a description of the particular commodity, commodities, items or classes of commodities to be embargoed.

(e) Whether all points on the carrier's routes are embargoed, and if not, a designation of the origination and destination point, geographic area, and routes affected by the embargo.

(f) If the embargo is applicable only to property transported on certain types of equipment, the equipment types and flights subject to such embargo shall also be specified.

(g) An explicit statement of the grounds which the carrier claims to justify the imposition of the embargo.

(h) A note which reads as follows:

If the embargoing carrier shall find it necessary to continue in effect the embargo described in this notice beyond the date of expiration specified herein, it shall file an application with the Civil Aeronautics Board for authority to extend such embargo. Should such application be filed, any interested person may, within 7 days after the filing, file with the CAB and serve upon the carrier a written answer in opposition to or in support of such application, together with the reasons why the application should be denied or granted. Any person interested in receiving a copy of any such application for extension as may be filed by the carrier, or in receiving notification of any modification of the embargo, or of termination thereof before, or of extension thereof beyond, the date of expiration specified herein, should so advise the undersigned Embargo Officer promptly.

Any interested person may make an informal complaint concerning the embargo described in this notice by addressing such complaint to the Director, Office of Consumer Affairs, Civil Aeronautics Board, Washington, DC 20428. In addition, any interested person may make a formal complaint against such embargo (see 14 CFR 302.201).

§ 228.5 Nature of public notice.

The embargo notice required by this part shall be posted in a conspicuous and public place at each of the carrier's offices where property of the kind affected by the embargo can reasonably be expected to be received. Such notice shall be posted immediately and, unless circumstances beyond the control of the air carrier necessitate a later posting thereof, in no event less than 24 hours before the embargo becomes effective. Upon posting of said notice, one copy thereof shall be sent to each connecting carrier which may be affected by the embargo and two copies shall be mailed to the Tariffs Section of the Civil Aeronautics Board at Washington, D.C. 20428. When a notice is not posted 24 hours or more before an embargo takes effect, the air carrier shall attach to the copies mailed to the Board a brief explanation of the circumstances which necessitated the late posting of the notice.

§ 228.6 Notice of modification, termination, or extension of embargo.

In any case where the embargo is modified, terminated earlier than, or extended beyond, the expiration date set forth in the embargo notice, a notice of the modification, termination, or extension of the embargo shall be posted, and copies thereof shall be sent to each connecting carrier, local official, and other person, upon whom an application for extension is required to be served by § 228.22, and shall be filed with the Board in the same manner and to the same extent as the original notice of embargo.

§ 228.7 Tariff limitations.

This part shall not be construed as precluding any carrier from filing an appropriate tariff where the carrier finds it necessary, on a long-term or permanent basis, to limit the scope of its holding out of authorized freight services.

Subpart B—Application To Extend Embargoes

§ 228.20 Contents of application.

An application to extend an embargo beyond 30 days after its effective date shall contain all of the information specified in § 228.4, and, in addition, the following:

(a) An explicit statement of the facts relied upon to establish that, for one or more of the reasons set forth in § 228.1, the applicant is unable to perform the specified transportation service for more than 30 days, and any other matter which the applicant desires the Board to officially notice; and, by affidavit, such other facts as are alleged in support of the application.

(b) A statement that any interested person may file an answer in opposition to or in support of the application within 7 days after the filing of the application.

(c) A list of the persons upon whom copies of such application were served in accordance with § 228.22.

§ 228.21 Filing of application.

An executed original and 19 copies of an application made pursuant to § 228.20 shall be filed with the Docket Section of the Civil Aeronautics Board, Washington, D.C. If such application is filed later than 10 days following the initial effective date of the embargo, it will be accepted only if it includes, or is accompanied by, a showing of good cause why such application could not have been filed earlier.

§ 228.22 Service.

(a) A copy of each application filed and of each answer addressed thereto pursuant to the provisions of this subpart, shall be served personally, or by registered or certified mail, upon such persons as the Board may designate in a particular case. A copy of each application shall also be so served on the following persons in all cases:

(1) Each connecting carrier required to be served with an embargo notice pursuant to § 228.5.

(2) The chief executive of the city, town, or other unit of local government at any point located in the United States or any possession thereof where property of the kind affected by the embargo can reasonably be expected to be received.

(3) Any person who has made an appropriate request of the carrier's Embargo Officer.

(b) A copy of such application shall also be posted in a conspicuous place at each of the carrier's offices where property of the kind affected by the embargo can reasonably be expected to be received.

§ 228.23 Answers by interested persons and replies thereto.

(a) Any interested person may file with the Board, and serve upon the applicant, a written answer in opposition to or in support of an application filed pursuant to § 228.21, within 7 days after the filing thereof. Such answers shall set forth in detail the reasons why the application should be denied or granted, a statement of any other matters which it is desired that the Board shall officially notice, and, by affidavit, such other facts as are alleged in support of the answer. An executed original and 19 copies of such answer shall be filed with the Docket Section of the Board.

(b) Within 5 days from the date of service of an answer, the applicant may file a reply thereto and shall serve it upon any person who has filed an answer. An executed original and 19 copies of such reply shall be filed with the Docket Section.

§ 228.24 Disposition.

An order may be issued extending an embargo for a specified period, upon a finding by the Board that for one or more of the reasons set forth in § 228.1 the carrier is unable to perform the specified transportation service. Where the public interest so requires, the Board may act upon an application without waiting for answers thereto.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

EMBARGO NOTICE

Issue date_____
Effective date_____
Embargo Notice No. _____
Expiration date _____

1. Name and address of carrier. _____

2. Description of embargoed commodities. _____

3. Points affected by embargo. _____

4. Equipment type(s) and flight(s) subject to embargo. _____

5. Reasons for embargo: ----------

Embargo Officer:

Name

Title

Address

NOTE: If the embargoing carrier shall find it necessary to continue in effect the embargo described in this notice beyond the date of expiration specified herein, it shall file an application with the Civil Aeronautics Board for authority to extend such embargo. Should such application be filed, any interested person may, within 7 days after the filing, file with the CAB and serve upon the carrier a written answere in opposition to or in support of such application, together wtih the reasons why the application should be denied or granted. Any person interested in receiving a copy of any such application for extension as may be filed by the carrier, or in receiving notification of any modification of the embargo, or of termination thereof before, or of extension thereof beyond, the date of expiration specified herein, should so advise the undersigned Embargo Officer promptly.

Any interested person may make an informal complaint concerning the embargo described in this notice by addressing such complaint to the Director, Office of Consumer Affairs, Civil Aeronautics Board, Washington, DC 20428. In addition, an interested person may make a formal complaint against such embargo (see 14 CFR 302.201).

[FR Doc.73-2711 Filed 2-9-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8843]

PART 13—PROHIBITED TRADE PRACTICES

Georgia-Pacific Corp.

Correction

In FR Doc. 73-762 appearing at page 1581 in the issue for Tuesday, January 16, 1973, the following changes should be made in Appendix I:

1. In the sixth paragraph of the "Texas-Louisiana Operations", the figure "1600 Mcf" should read "1600M cu. ft.".

2. The last two lines of the sixth paragraph of "Texas-Louisiana Operations" should be transferred to appear as the last two lines of the second paragraph of "Ketchikan (50 Percent Owned)".

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-470; Order No. 472]

PART 1—RULES OF PRACTICE AND PROCEDURE

Authority Delegated to Presiding Officers

FEBRUARY 2, 1973.

This order amends § 1.27(b)(1) of the Commission's rules of practice and procedure, Subchapter A, Chaper I, Title 18 of the Code of Federal Regulations. The amendment deletes the phrase, "subject to the approval of the Chief Administrative Law Judge," from the provision which delegates to presiding officers authority to regulate the course of hearings. By this amendment, the Commission, in the interests of better administration, places full authority and responsibility for controlling the course of hearings in the presiding officer and removes the limitation upon his authority which has been imposed by subjecting his rulings to the approval of the Chief Administrative Law Judge.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825g, 825h) and the provisions of the Natural Gas Act, as amended, particularly sections 15 and 16 (52 Stat. 829, 830; 15 U.S.C. 717n, 717o) orders:

(A) Part 1 of the Commission's rules of practice and procedure, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting the words "subject to the approval of the Chief Administrative Law Judge" from § 1.27(b)(1). As amended § 1.27(b)(1) reads as follows:

§ 1.27 **Presiding officers.**

* * * * *

(b) *Authority delegated.* * * *

(1) To regulate the course of hearings, including the scheduling thereof, and the recessing, reconvening, and adjournment thereof, unless otherwise provided by the Commission, as provided in § 1.13 (e); * * *

* * * * *

(B) The amendment provided for herein shall be effective as of February 2, 1973.

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

By the Commission.

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

[FR Doc.73-2659 Filed 2-9-73;8:45 a.m.]

[Docket No. R-457; Order No. 471]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report for Importers and Exporters of Natural Gas

FEBRUARY 2, 1973.

On November 6, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 23849, November 9, 1972) proposing to amend:

A. Part 260 of its Regulations—Statements and Reports (Schedules); Subchapter G—Approved Forms, Natural Gas Act; Chapter I, Title 18 of the Code of Federal Regulations to prescribe the addition of a new § 260.4, Form No. 14, Annual Report for Importers and Exporters of Natural Gas, for the reporting year 1972 and thereafter;

B. Part 3 of its rules of practice and procedure, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations to add Form No. 14 to the list in § 3.170—Approved Forms, etc.

These amendments establish an annual reporting requirement together with a new form, FPC Form No. 14,[1] which will place the reporting of data relating to the import and export of natural gas on a periodic, uniform and formalized basis. Heretofore, procedures for the reporting of such data have been prescribed by the Commission on a case by case basis as conditions to Commission orders authorizing the import or export of natural gas. This approach has resulted in nonuniformity of the data reported.

Views and comments regarding the proposed amendments were invited from interested parties to be submitted on or before December 21, 1972. The Commission received responses from six parties. Three of the respondents had neither objections to, nor comments concerning, the proposed amendments.[2] None of the remaining three respondents objected to establishment of the new reporting requirement nor did they request a conference, but each suggested some minor changes in the language of the Form for the purposes of clarification.

Marathon Oil Co. felt that the term "Transporter" as used in Schedule II could be interpreted in several ways and should, therefore, be clearly defined if, in fact, it is important to retain that part of the Form. Southern California Gas Co. suggested that the headings "Quantity Received or Shipped at the Receiving or Loading Point," and "Amount Paid or Received at Receiving or Loading Point" in Schedule II be more specific in view of the many different types of contractual arrangements governing transfer of title and place of payment that might be used in LNG import or export transactions. Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., requested that the Commission permit all natural gas companies which are presently authorized to import or export natural gas pursuant to section 3 of the Natural Gas Act, to fulfill all reporting requirements for such authorization by submitting only Form 14.

In accordance with these suggestions, the following changes are being made in the proposed FPC Form 14:

1. In the General Instructions, instruction 6 is revised to read, "Amount paid or received and costs or receipts shall be reported in U.S. dollars".

2. In the General Instructions, a new instruction 7 is added and reads, "Definitions: Transporter—the party or parties,

[1] FPC Form No. 14 filed as part of the original document.

[2] The Independent Natural Gas Association of America, Montana Power Company, and Phillips Petroleum Company.

other than buyer or seller, owning the facilities by which gas or LNG is physically transferred between buyer and seller; Costs—all expenses incurred by importer up to the U.S. point of delivery for the reported quantity imported; Receipts—all revenues received by exporter for the reported quantity exported."

3. In Schedules I and II, the category heading, "Transporter (other than buyer and seller)" is revised to read, "Transporter".

4. In Schedule II, the heading, "Quantity Received or Shipped at the Receiving or Loading Point" is revised to read, "Quantity Received or Shipped at the U.S. Receiving or Loading Point".

5. In Schedule II, the heading, "Amount Paid or Received at Receiving or Loading Point" is revised to read, "Costs or Receipts".

In addition, in response to the point raised by Tennessee, we acknowledge that to the extent data on the new Form 14 duplicates data now required pursuant to a specific reporting condition under an existing section 3 authorization, submittal of such data on Form 14 should be considered to be in compliance with such reporting condition. We would caution, however, that should such section 3 authorization reporting condition be general in nature or require additional data not reported on Form 14, the filing of Form 14 may not satisfy all reporting requirements under that particular authorization. Further, Form 14 is not intended to supersede or limit any present reporting requirements concerning FPC Form Nos. 2, 2–A, 11, 15, or 15–A.

FPC Form 14 has been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. sections 3501–3511.

The Commission finds:

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

(2) Upon consideration of all relevant matters presented, including the suggestions and other views expressed in the comments received, the amendments of the Commission's Regulations under the Natural Gas Act, herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(3) The changes prescribed herein which were not included in the notice in this proceeding are of a minor nature and consistent with the primary purpose of this rule making, and further notice thereof is therefore unnecessary.

(4) Since the report required by the amendments of the Commission's regulations under the Natural Gas Act, herein prescribed is to be filed for the calendar year ending December 31, 1972, and thereafter, good cause exists for making this order effective upon issuance.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 3, 10, 14, and 16 thereof (52 Stat. 822, 826, 828, 830; 15 U.S.C. 717b, 717i, 717m, 717o), orders:

(A) Part 260 of the Commission's Regulations—Statements and Reports (Schedules); Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended by the addition of a new section 260.4, Form No. 14, Annual Report For Importers and Exporters of Natural Gas to read as follows:

§ 260.4 Form No. 14, Annual Report for Importers and Exporters of Natural Gas.

(a) The form of the annual report for importers and exporters of natural gas is prescribed for the calendar year ending December 31, 1972, and thereafter, and is designated as FPC Form No. 14.

(b) Each person having authorization from the Federal Power Commission pursuant to Section 3 of the Natural Gas Act, to import or export natural gas shall, beginning with the reporting year 1972, and thereafter annually, file on or before March 31, an original and 3 conformed copies of the above designated FPC Form No. 14, signed and certified by an officer of the reporting company.

(B) Part 3 of the Commission's rules of practice and procedure, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by the addition of Form 14 to the list in § 3.170 —Approved Forms, etc., to read as set forth below. The existing number (14) and succeeding numerical designations in paragraph (a) of § 3.170 shall be renumbered accordingly.

§ 3.170 Approved forms, etc.

(a) * * *

(14) Form No. 14, annual report for importers and exporters of natural gas (§ 260.4 of this chapter).

* * * * *

(C) The FPC Form No. 14 entitled Annual Report for Importers and Exporters of Natural Gas prescribed herein as § 260.4 in Chapter I, Title 18 of the Code of Federal Regulations, is set forth as an attachment hereto.

(D) The amendments ordered herein are effective as of the date of issuance of this order, and FPC Form No. 14 shall be filed for the calendar year ending December 31, 1972.

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

By the Commission.

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

[FR Doc.73-2658 Filed 2-9-73;8:45 am]

[Docket No. R-395; Order No. 469]

UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORT FORMS NO. 1 AND NO. 2

Equity Method of Accounting for Long-Term Investments in Subsidiaries

FEBRUARY 1, 1973.

On August 3, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 FR 12668, August 8, 1970).

Comments were invited from interested parties to be submitted on or before September 17, 1970. Based on requests from respondents, this date was extended to October 17, 1970 (35 FR 14851, September 24, 1970). The Commission received 34 responses.[1] At the request of the respondents, a conference with the staff was held on February 3, 1971.[2]

Our existing Uniform Systems of Accounts provide that long-term investments in subsidiary companies shall be accounted for by the "cost" method. Briefly, under the "cost" method of accounting, the utility's recorded investment in a subsidiary is unaffected by the results of subsidiary company's operations and income from a subsidiary's operations is recorded only as dividends are received from it. Our proposal was to adopt the "equity" method, a more modern method of accounting for such investments. Briefly, under the "equity" method of accounting, the utility's investment account is increased or decreased to reflect the utility's proportionate share of a subsidiary's current earnings applicable to common stock regardless of whether the earnings are actually paid out as dividends to the utility. When dividends are received, the investment account is reduced by an equivalent amount. In essence the "equity" method of accounting provides current recognition of the results of operations of a subsidiary company and accounts for such operations as though the

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[1] Arthur Andersen & Co., Haskins & Sells, Troupe Kehoe Whiteaker & Kent, American Gas Association, Independent Natural Gas Association of America, New England Gas & Electric Association, American Electric Power Service Corp., Central Hudson Gas & Electric Corp., Central Vermont Public Service Corp., Cincinnati Gas & Electric Co., Cleveland Electric Illuminating Co., Columbus and Southern Ohio Electric Co., Commonwealth Edison Co., Consumers Power Co., Duke Power Co., Green Mountain Power Corp., Montana Power Co., New England Power Co., Northern States Power Co., Pacific Gas & Electric Co., Pennsylvania Power & Light Co., Public Service Company of Colorado, Public Service Electric & Gas Co., Rochester Gas & Electric Co., Southern California Edison Co., South Carolina Electric & Gas Co., Southern Services Inc., Utah Power & Light Co., Wisconsin Electric Power Co., Colorado Interstate Gas Co., Northern Natural Gas Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., John H. Bickley.

[2] Arthur Andersen & Co., Central Hudson Gas & Electric Corp., Central Vermont Public Service Corp., Colorado Interstate Gas Co., Columbia Gas System, Inc., Consolidated Natural Gas Co., Consumers Power Co., The Detroit Edison Co., Duke Power Co., Green Mountain Power Corp., Haskins & Sells, Leighton & Sherline, The Montana Power Co., Natural Gas Pipeline Company of America, New England Power Co., Northern Natural Gas Co., Pacific Gas & Electric Co., Peat, Marwick, Mitchell & Co., Philadelphia Electric Co., Public Service Company of Colorado, Rochester Gas & Electric Corp., Shell Oil Co., Southern Natural Gas Co., Southern Services, Inc., Stone & Webster Mgt., Tennessee Gas Transmission Co., Texas Eastern Transmission Corp., General Public Utilities, Federal Communications Commission.

subsidiary were an integral part of the utility company.

We found that there was substantial general support for the adoption of equity accounting, although several modifications in its proposed application were suggested.

Several of the respondents commented on the then existing generally accepted accounting practices in nonregulated industries and referred to the fact that the American Institute of Certified Public Accountants (AICPA) was in the process of finalizing an opinion on accounting for investments in subsidiary companies urging that our rule be made compatible with any opinion issued by the AICPA. The AICPA opinion on this subject, No. 18, which was issued in March 1971, makes moot the arguments regarding the soundness of equity accounting. The principal differences between our proposal and the views expressed in Opinion No. 18 related to two facets of equity accounting.

First, our proposal would require equity accounting only if 50 percent or more of the voting stock of a subsidiary were owned by the utility, whereas Opinion No. 18 uses a 20-percent guideline. To minimize this difference we have amended our proposal to require the use of the equity method of accounting where less than 50 percent of the voting stock of a subsidiary is owned and control exists. Second, Opinion No. 18 prescribes equity accounting for joint ventures regardless of ownership percentage, whereas our proposal was silent on this issue. We have revised our proposed accounting to conform with the AICPA opinion in this regard. With these revisions we believe that the Commission's prescribed accounting will be compatible with AICPA Opinion No. 18.

A few respondents suggested that equity accounting and the related reporting requirements not apply to "immaterial" investments. While this suggestion has merit, the term "immaterial" is difficult to define without reference to the financial position of an individual company. Even if a general definition could be devised, a group of immaterial investments taken together could be material in relation to a utility's overall financial position. We believe that the additional accounting and reporting requirements prescribed herein will not be unduly burdensome even though the amounts involved may be relatively small in some instances.

Several respondents pointed out that the proposed rule did not specifically discuss the initial accounting entries to be made to record undistributed subsidiary earnings since acquisition when the change from the cost method is made. These respondents were correct in their assumption that Account 439, Adjustments to Retained Earnings, should be used and the Commission hereby grants approval of the use of such account for the initial recordation of undistributed subsidiary earnings since acquisition by the utility.

Several respondents objected to the statement in the proposed rule making that "it will continue to be the Commission's policy that the undistributed earnings of subsidiaries are to be excluded from the common stockholder's equity in determining rate of return." These respondents contend that there may be circumstances under which it could be deemed proper for rate purposes to include undistributed earnings of a subsidiary as part of the total capitalization and that the Commission should not prejudge this issue. The cited statement in the proposed rule was intended only to indicate that the Commission had no plans to change its ratemaking policy in this regard and was not intended to preclude individual companies from presenting their position in a rate case.

Some respondents objected to the part of the proposed rule which would require reporting (proposed schedule 203 of FPC Forms No. 1 and No. 2) of earnings of individual subsidiary companies. The respondents contended that this information should be kept confidential so that competitors would not have information that might be useful to them. We are not pursuaded by the arguments made on this issue and believe that it is important that the Commission and the public have information on the results of operations of individual subsidiary companies as such operations may have a significant impact on the utility's financial position.

Certain other constructive suggestions received from respondents and conferees have been included in the revisions to the Commission's Uniform Systems of Accounts and Annual Report Forms No. 1 and No. 2, ordered herein.

The Commission finds:

(1) The notice and opportunity to participate in this rule making by submission, in writing, and presentation at a conference held on February 3, 1971, of data, views, and comments in the manner described above are consistent and in accordance with the procedural requirements of section 553 of title 5 of the United States Code.

(2) The amendments to Part 101 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees and Annual Report Form No. 1 prescribed by § 141.1, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Part 201 of the Commission's Uniform System of Accounts for Natural Gas Companies and Annual Report Form No. 2 prescribed by § 260.1, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the changes prescribed herein which were not included in the notice of this proceeding are consistent with the prime purpose of the proposed rule making, further notice and opportunity for comment is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations, is revised and amended as follows:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

1. The Defintions section of Part 101 is amended by adding a new definition, "34. Subsidiary Company," and renumbering present definition "34. Utility," as 35. As amended, the Definitions section reads:

Definitions

* * * * *

34. "Subsidiary Company" means a company which is controlled by the utility through ownership of voting stock. (See "Definitions" item 5B, "Control"). A corporate joint venture in which a corporation is owned by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group is a subsidiary company for the purposes of this system of accounts.

35. [Recodified from 34.]

* * * * *

2. The Chart of Balance Sheet Accounts is amended by adding a new account "123.1, Investment in Subsidiary Companies," immediately following account "123, Investment in Associated Companies," and new account "216.1, Unappropriated Undistributed Subsidiary Earnings," immediately following account "216, Unappropriated Retained Earnings." As so revised, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123.1 Investment in subsidiary companies.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

Other paid-in capital

* * * * *

216.1 Unappropriated undistributed subsidiary earnings.

* * * * *

3. In the text of Balance Sheet accounts, paragraphs A and B of account "123, Investment in Associated Companies," and account "216, Unappropriated Retained Earnings," are revised. Immediately following account "123, Investment in Associated Companies," a new account "123.1, Investment in Subsidiary Companies," is added. Immediately following account "216, Unappropriated Retained Earnings," a new account "216.1, Unappropriated Undis-

tributed Subsidiary Earnings," is added. As so amended, those portions of the text of Balance Sheet Accounts read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement, provided that the investment does not relate to a subsidiary company. (If the investment relates to a subsidiary company it shall be included in account 123.1, Investment in Subsidiary Companies.) Include herein the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. This account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

123.1 Investment in subsidiary companies.

A. This account shall include the cost of investments in securities issued or assumed by subsidiary companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement plus the equity in undistributed earnings or losses of such subsidiary companies since acquisition. This account shall be credited with any dividends declared by such subsidiaries.

B. This account shall be maintained in such a manner as to show separately for each subsidiary: the cost of such investments in the securities of the subsidiary at the time of acquisition; the amount of equity in the subsidiary's undistributed net earnings or net losses since acquisition; advances or loans to such subsidiary; and full particulars regarding any such investments that are pledged.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

Other paid-in capital

* * * * *

216 Unappropriated retained earnings.

This account shall include the balances, either debit or credit, of unappropriated retained earnings arising from earnings of the utility. This account shall not include any amounts representing the undistributed earnings of subsidiary companies.

216.1 Unappropriated undistributed subsidiary earnings.

This account shall include the balances, either debit or credit, of undistributed retained earnings of subsidiary companies since their acquisition. When dividends are received from subsidiary companies relating to amounts included in this account, this account shall be debited and account 216, "Unappropriated Retained Earnings," credited.

* * * * *

4. The Chart of Income Accounts is amended by adding a new account "418.1, Equity in Earnings of Subsidiary Companies," immediately following account "418, Nonoperating Rental Income." As amended, the Chart of Income Accounts reads:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Equity in earnings of subsidiary companies.

* * * * *

5. The text of Income Accounts is amended by adding a new account "418.1, Equity in Earnings of Subsidiary Companies," immediately following accounts "418, Nonoperating Rental Income." As amended, the text of the Income Accounts reads:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Equity in earnings of subsidiary companies.

This account shall include the utility's equity in the earnings or losses of subsidiary companies for the year.

* * * * *

PART 141—STATEMENT AND REPORT (SCHEDULES)

B. Effective for the reporting year 1973, certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended and added as set out in Attachment A hereto.[1]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

C. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed in Part 201, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Definitions section of Part 201 is amended by adding a new definition "30. Subsidiary Company," and renumbering present definition "30. Utility," as 31. As amended, the Definitions section reads:

Definitions

* * * * *

30. "Subsidiary Company" means a company which is controlled by the utility through ownership of voting stock. (See "Definitions"—item 5B "Control"). A corporate joint venture in which a corporation is owned by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group is a subsidiary company for the purposes of this system of accounts.

31. [Recodified from 30.]

* * * * *

2. The Chart of Balance Sheet Accounts is amended by adding new account "123.1, Investment in Subsidiary Companies," immediately following account "123, Investment in Associated Companies," and new account "216.1, Unappropriated Undistributed Subsidiary Earnings," immediately following account "216, Unappropriated Retained Earnings." As amended, the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123.1 Investment in subsidiary companies.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

Other Paid-in Capital

* * * * *

216.1 Unappropriated undistributed subsidiary earnings.

* * * * *

3. In the text of Balance Sheet accounts, paragraphs A and B of account "123, Investment in Associated Companies," and account "216, Unappropriated Retained Earnings," are revised. Immediately following account "123, Investment in Associated Companies," a new account "123.1, Investment in Subsidiary Companies," is added. Immediately following account "216, Unappropriated Retained Earnings," a new account "216.1, Unappropriated Undistributed Subsidiary Earnings," is added. As so amended, those portions of the text of Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or

[1] Attachment A filed as part of the original document.

assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement, provided that the investment does no relate to a subsidiary company. (If the investment relates to a subsidiary company it shall be included in account 123.1, Investment in Subsidiary Companies.) Include herein the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. This account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

123.1 Investment in subsidiary companies.

A. This account shall include the cost of investments in securities issued or assumed by subsidiary companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement plus the equity in undistributed earnings or losses of such subsidiary companies since acquisition. This account shall be credited with any dividends declared by such subsidiaries.

B. This account shall be maintained in such a manner as to show separately for each subsidiary: the cost of such investments in the securities of the subsidiary at the time of acquisition; the amount of equity in the subsidiary's undistributed net earnings or net losses since acquisition; advances or loans to such subsidiary; and full particulars regarding any such investments that are pledged.

* * * * *

LIABILITIES AND OTHER CAPITAL

5. PROPRIETARY CAPITAL

* * * * *

Other Paid-In Capital

* * * * *

216 Unappropriated retained earnings.

This account shall include the balances, either debit or credit, of unappropriated retained earnings arising from earnings of the utility. This account shall not include any amounts representing the undistributed earnings of subsidiary companies.

216.1 Unappropriated undistributed subsidiary earnings.

This account shall include the balances, either debit or credit, of undistributed retained earnings of subsidiary companies since their acquisition. When dividends are received from subsidiary companies and the balances have been included in this account, this account shall be debited and account 216, Unappropriated Retained Earnings, credited.

* * * * *

4. The Chart of Income Accounts is amended by adding new account "418.1, Equity in Earnings of Subsidiary Companies," immediately following account "418, Nonoperating Rental Income." As amended, the Chart of Income Accounts reads:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Equity in earnings of subsidiary companies.

* * * * *

5. The text of Income Accounts is amended by adding a new account "418.1, Equity in Earnings of Subsidiary Companies," immediately following account "418, Nonoperating Rental Income." As amended, the text of the Income Accounts reads:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Equity in earnings of subsidiary companies.

This account shall include the utility's equity in the earnings or losses of subsidiary companies for the year.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

D. Effective for the reporting year 1973, certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, are amended and added as set out in Attachment A hereto.[1]

E. The amendments to the Commission's Uniform Systems of Accounts ordered herein are effective as of January 1, 1973.

F. The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-2660 Filed 2-9-73;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

Amphetamines for Human Use

On August 8, 1970, there was published in the FEDERAL REGISTER (35 FR 12652) § 130.46 concerning amphetamines and their salts and levamfetamine and its salts. Section 130.46 required the submission of new drug applications for amphetamine or dextroamphetamine and their salts as a condition for continued marketing. The new drug applications were to contain evidence of efficacy, including efficacy in the treatment of obesity.

Pursuant to that requirement 106 new drug applications for amphetamines or amphetamine-containing drugs were received. The analysis of the data submitted concerning the amphetamines and other, nonamphetamine anorectic drugs generally supported the efficacy of anorectic drugs. Use of the drug in obese patients was associated with more weight loss than was diet alone. The degree of extra weight loss was small (a few tenths of a pound a week in many cases), variations were great, and the rate of weight loss decreased after the first weeks of therapy.

On the basis of the currently available evidence, the Commissioner concludes that oral dosage forms of amphetamine and/or dextroamphetamine are effective in the management of exogenous obesity as a short term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction for patients in whom obesity is refractory to other measures. Appropriate notices concerning such drugs which have been reviewed in the Drug Efficacy Study will be published in the FEDERAL REGISTER.

Use of amphetamines for long periods of time may lead to drug dependence and abuse. Abuse of the amphetamines has been well known. Persistence of abuse under conditions of marketing described herein may lead the Commissioner to take further steps to restrict the use of these drugs.

No data have been received providing substantial evidence of effectiveness of levamfetamine and its salts. Accordingly these preparations continue to be regarded as new drugs requiring approved full new drug applications.

On September 3, 1971, a Drug Efficacy Study Implementation notice was published in the FEDERAL REGISTER (36 FR 17669) stating that methamphetamine hydrochloride injection (intended for other than anorectic indications) was regarded as effective for some indications and less than effective for others. The Commissioner has now fully reviewed the evidence on the safety and effectiveness of this drug, and has concluded that the well-documented history of abuse of parenteral methamphetamine, together with the severe risk of dependence and the availability of safer and equally effective alternative drugs, creates an unfavorable balance of risk to benefit. A proposal to withdraw approval of those new drug applications as lacking evidence of safety is published elsewhere in this issue of the FEDERAL REGISTER. The Commissioner also concludes that, for the same reasons, parenteral preparations containing amphetamine, dextroamphetamine, or levamfetamine or their salts are lacking evidence of safety.

On August 8, 1970, a Drug Efficacy Study Implementation notice was published in the FEDERAL REGISTER (35 FR 12678) stating that various combination drugs containing an anorectic drug were regarded as possibly effective for their

[1] Attachment A filed as part of the original document.

claimed anorectic effects and lacking substantial evidence of effectiveness for their other indications. Data were received concerning those drugs and also combination drugs which were subjects of new drug applications submitted as required by § 130.46. The combinations consisted of anorectic agents associated with, for example, sedatives, tranquilizers, rauwolfia derivatives, or vitamins. The data were reviewed and found not to fulfill the criteria set forth in the Statement of General Policy or Interpretation § 3.86 Fixed-combination prescription drugs for humans, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037). Further, in view of the lack of substantial evidence of effectiveness of the drugs as fixed combinations, the recognized potential for abuse of the amphetamine, dextroamphetamine, methamphetamine, and phenmetrazine components, and the availability of alternative therapeutic measures which are safer and effective, combinations containing such components also lack proof of safety. Proceedings to withdraw approval of such applications are being initiated, and an appropriate notice is published elsewhere in this issue of the FEDERAL REGISTER.

In a forthcoming issue of the FEDERAL REGISTER, the Commissioner will set forth his policy with respect to anorectic agents in general.

On the basis of all of the data and information submitted pursuant to § 130.46, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (f), (j), 505, 701(a), 52 Stat. 1051–53; as amended, 1055; 21 U.S.C. 352(f), (j), 355, 371(a)), and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs hereby revises § 130.46 of Part 130, Subpart A to read as follows:

§ 130.46 Amphetamines (amphetamine, dextroamphetamine, and their salts and levamfetamine and its salts) for human use.

(a) Amphetamine and dextroamphetamine and their salts. (1) Pursuant to the drug efficacy requirements of the Federal Food, Drug, and Cosmetic Act, the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, has evaluated certain dosage forms of amphetamines and other sympathomimetic stimulant drugs intended for use in the treatment of obesity and for other uses. The Academy found that such drugs as a class have been shown to have a generally short-term anorectic action. They further commented that clinical opinion on the contribution of the sympathomimetic stimulants in a weight reduction program varies widely, the anorectic effect of these drugs often plateaus or diminishes after a few weeks, most studies of them are for short periods, no available evidence shows that use of anorectic alters the natural history of obesity, some evidence indicates that anorectic effects may be strongly influenced by the suggestibility of the patient, and reservations exist about the adequacy of the controls in some of the clinical studies. Their significant potential for drug abuse was also cited.

(2) In addition to those dosage forms that were reviewed for efficacy by the Academy, other dosage forms of amphetamine drugs are on the market that were not cleared through the new-drug procedures. While certain amphetamines were marketed prior to enactment of the Federal Food, Drug, and Cosmetic Act in 1938, some of the conditions of use subsequently prescribed, recommended, or suggested in their labeling (for example, for the treatment of obesity) differ from uses claimed for the amphetamines before said enactment. Such uses have not been cleared through the effectiveness provisions of the Drug Amendments of 1962 (Public Law 87–781 which amended the Federal Food, Drug, and Cosmetic Act). These drugs are very extensively used in the treatment of obesity. The extent of use for such purposes as narcolepsy and minimal brain dysfunction in children is believed to be minor as compared with the total usage of these drugs. Because of their stimulant effect on the central nervous system, they have a potential for misuse by those to whom they are available through a physician's prescription, and their abuse by those who obtain them through illicit channels is well documented. Production data indicate that amphetamines have been produced and prescribed in quantities greatly in excess of demonstrated medical needs.

(3) Pursuant to a notice published in the FEDERAL REGISTER of August 8, 1970 (35 FR 12652), which required the submission of new drug applications as a condition for continued marketing of amphetamines, 106 new drug applications for amphetamines or amphetamine-containing drug products were received. The data submitted in those applications, and data obtained from other sources concerning anorectic drugs, generally supported the efficacy of anorectic drugs.

(b) On the basis of currently available evidence derived from short-term studies, the Commissioner concludes that single drug entity oral dosage forms of amphetamine or dextroamphetamine are effective in the management of exogenous obesity as a short-term (a few weeks) adjunct in a regimen of weight reduction, based on caloric restrictions, for patients in whom obesity is refractory to other measures. For purposes of this regulation, a mixture of dextroamphetamine and amphetamine is ordinarily regarded as a single drug entity.

(c) The Food and Drug Administration is not aware of data providing substantial evidence of the effectiveness of levamfetamine and its salts and regards these preparations as new drugs requiring approval full new-drug applications.

(d) In view of the well-documented history of abuse of parenteral amphetamines the severe risk of drug dependence, and the availability of safer alternative parenteral drugs which are equally effective for recognized non-anorectic indications, the Food and Drug Administration regards parenteral amphetamines as lacking evidence of safety.

(e) Any combination drug containing amphetamine or dextroamphetamine is regarded as a new drug requiring an approved full new-drug application as a condition for marketing. Data in new-drug applications are required to fulfill the criteria set forth in § 3.86 governing fixed combination prescription drugs for humans.

(f) New drug applications have been received from persons marketing orally administered single entity amphetamine or dextroamphetamine dosage forms. Any other person who intends to market such drug is required to submit to the Food and Drug Administration an abbreviated new drug application (§ 130.4 (f)) except that in addition, the application shall contain full information required under items 7 and 8 (composition and methods, facilities, and controls) of the new drug application form FD–356H (§130.4(c)).

(g) The labeling conditions for single entity oral dosage forms of amphetamine and dextroamphetamine and their salts are as follows:

(1) The label shall bear the statement "Caution: Federal law prohibits dispensing without prescription".

(2) The drug shall be labeled to comply with all requirements of the act and regulations. The labeling shall bear adequate information for safe and effective use of the drug. The indications for use are:

Narcolepsy.

Minimal brain dysfunction in children (hyperkinetic behavior disorders), as an aid to general management.

Management of exogenous obesity as short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction, for patients in whom obesity is refractory to other measures.

(3) Complete labeling guidelines are available from the Food and Drug Administration.

(h) Regulatory proceedings will be initiated with regard to any such drug within the jurisdiction of the act which is not in accord with this regulaton.

Effective date. This regulation shall be effective on March 14, 1973.

Dated: February 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2717 Filed 2-9-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Trimeprazine Tartrate and Prednisolone Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12–437V) filed by

Norden Laboratories, Inc., Lincoln, NE 68501, proposing revised labeling for the safe and effective use of trimeprazine tartrate and prednisolone tablets as an antipruritic and antitussive with anti-inflammatory action in dogs. 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.88 Trimeprazine tartrate and prednisolone tablets, veterinary.

(a) *Specifications.* Each tablet contains: trimeprazine tartrate, 5 milligrams; and prednisolone, 2 milligrams.

(b) *Sponsor.* See code No. 026 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered orally to dogs for the relief of itching regardless of cause; reduction of inflammation commonly associated with most skin disorders of dogs such as eczema, caused by internal disorders, otitis, and dermatitis, allergic, parasitic, pustular and nonspecific. It is also used in dogs as adjunctive therapy in various cough conditions including treatment of "kennel cough" or tracheobronchitis, bronchitis including allergic bronchitis, in tonsillitis, acute upper respiratory infections and coughs of nonspecific origin. The product may also be administered to dogs suffering from acute or chronic bacterial infections, provided the infection is controlled by appropriate antibiotic or chemotherapeutic agents.

(2) The drug is administered orally at an initial dosage level of ½ tablet twice daily to dogs weighing up to 10 pounds, one tablet twice daily to dogs weighing 11 to 20 pounds, two tablets twice daily to dogs weighing 21 to 40 pounds, and three tablets twice daily to dogs weighing over 40 pounds. After 4 days, the dosage is reduced to approximately ½ the initial dosage or to an amount just sufficient to maintain remission of symptoms. Dosages in individual cases may vary and should be adjusted until proper response is obtained.

(3) Do not use the drug in cases of viral infections involving corneal ulceration or dendritic ulceration of the cornea.

(4) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

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

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

Effective date. This order shall be effective on February 12, 1973.

Dated: February 5, 1973.

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

[FR Doc.73-2703 Filed 2-9-73;8:45 am]

AMPICILLIN

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-050V) filed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08902, proposing the safe and effective use of ampicillin trihydrate soluble powder, veterinary for oral use in swine. The application is approved.

The Commissioner concludes that a negligible tolerance limitation is required to assure that edible tissues of swine treated with the drug are safe for human consumption. The Commissioner also concludes that the drug is subject to the antibiotic certification requirements of the act and that the requirements for certification of the drug should be published.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c, 135g, and 149b are amended as follows:

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

1. Part 135c is amended by adding the following new section:

§ 135c.85 Ampicillin trihydrate soluble powder, veterinary.

(a) *Specifications.* The drug conforms to the certification requirements of § 149b.21 of this chapter.

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

(c) *Conditions of use.* (1) The drug is administered orally in the treatment of porcine colibacillosis (*E. coli*) infections in swine up to 75 pounds body weight.

(2) The drug is administered at a dosage level of 5 milligrams of ampicillin activity per pound of body weight twice daily, administered orally by gavage or in drinking water for up to 5 days.

(3) For use in swine only. Not for use in other animals which are raised for food production. Treated swine must not be slaughtered for food during treatment and for 24 hours following the last treatment.

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

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

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

§ 135g.83 Ampicillin.

A tolerance of 0.01 part per million is established for negligible residues of ampicillin in the uncooked edible tissues of swine.

PART 149b—AMPICILLIN

3. Part 149b is amended by adding the following new section:

§ 149b.21 Ampicillin trihydrate soluble powder, veterinary.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate soluble powder, veterinary is a dry mixture of ampicillin trihydrate with one or more suitable and harmless diluents and stabilizing agents. Each gram contains an amount of ampicillin trihydrate equivalent to 88.2 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin it is represented to contain. Its moisture content is not more than 5.0 percent. Its pH in an aqueous solution containing 20 milligrams of ampicillin per milliliter is not less than 3.5 and not more than 6.0. The ampicillin trihydrate used conforms to the standards prescribed by § 146a.6(a).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, except that in lieu of the requirements of § 148.3(a)(1) it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter.

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

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, crystalline, and identity.

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

(ii) Samples required:

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

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

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3) to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

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

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 20 milligrams of ampicillin per milliliter.

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

Effective date. This order shall be effective on February 12, 1973.

Dated: February 5, 1973.

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

[FR Doc.73-2702 Filed 2-9-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108,683]

PART 86—MARITIME DISASTERS, AWARDS AND SEIZURES

Claims Arising Out of Seizures of Vessels

On January 3, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 30) stating that the Department of State was considering revisions and amendments to Part 86 in order to establish procedures regarding reimbursement of claims arising out of seizures of vessels, and to implement the authority vested in the Secretary of State by the Fishermen's Protective Act, as amended by Public Law 92-569 of October 26, 1972 (22 U.S.C. 1971).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed revisions and amendments are hereby adopted, as set forth below.

Effective date. The revisions and amendments shall become effective February 5, 1973.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

FEBRUARY 5, 1973.

1. The table of contents of Part 86, following § 86.6, reads as follows:

Sec.
86.7 Seizures of vessels.
86.8 Certification by Secretary of State of fines, fees, and other direct charges.
86.9 Lien on vessel.
86.10 Claims arising out of seizures of vessels.
86.11 Notification.
86.12 Exemptions.

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111, 22 U.S.C. 2658) unless otherwise noted and delegation of authority No. 94-1 dated March 6, 1969 (34 F.R. 5512)

2. Section 86.7 is revised to read as follows:

§ 86.7 Seizures of vessels.

(a) When a private vessel documented or certificated under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and

(b) There is no dispute of material facts with respect to the location or activity of such vessel at the time of the seizure, the Secretary of State shall, as soon as practicable, take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country, to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which had been paid to secure the prompt release of the vessel and the crew.

3. The heading and text of § 86.8 is revised to read as follows:

§ 86.8 Certification by Secretary of State of fines, fees, and other direct charges.

(a) When a vessel is seized under the conditions stated in § 86.7, and a fine, license fee, registration fee, or any other direct charge has been paid in order to secure the prompt release of the vessel and crew, the legal adviser or deputy legal adviser, acting for the Secretary of State, shall, as soon as possible after ascertainment, make a certification to the Secretary of the Treasury of the amount of the fine, license fee, registration fee, or any other direct charge actually paid for reimbursement to the owner of such vessel from the Fishermen's Protective Fund, as authorized by the Act of October 26, 1972 amending the Fishermen's Protective Act of 1967.

(b) As a condition precedent to such certification, the owner of the vessel or his agent shall furnish the Secretary of State a "Certificate of Ownership of Vessel" showing that the vessel was documented or certificated under the laws of the United States at the time of seizure.

4. The heading and text of § 86.9 is revised to read as follows:

§ 86.9 Lien on vessel.

The amount of any reimbursement from the Fishermen's Protective Fund made by the Secretary of the Treasury to the owner of a vessel as provided in § 86.8 shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be found. Such lien shall terminate on the 90th day after the date on which the Treasury check of reimbursement is issued to the owner unless before such 90th day the United States terminates the lien or initiates action to enforce the lien. The Secretary of State shall initially determine at an appropriate time before the 90th day whether proceedings shall be initiated by the United States to enforce such lien. The Secretary of State shall request the Department of Justice to initiate and conduct the lien proceedings.

5. A new § 86.10 is added to read as follows:

§ 86.10 Claims arising out of seizures of vessels.

(a) *Submission of claim.* (1) Within 50 days after reimbursement of a fine, fee, or other direct charges by the Secretary of the Treasury, the owner of the vessel shall submit a properly prepared and documented claim to the Office of the Legal Adviser, Department of State, Washington, D.C. 20520. The claim may be filed by the owner of the vessel or by an authorized agent. When filed by an agent, the claim must show the title or capacity of the person presenting the claim and must be accompanied by evidence of his appointment as a duly authorized agent.

(2) The owner of the vessel or his agent may within 15 days after notification in writing by the Department of State of the invalidity of the claim or the insufficiency of evidence to support the claim, submit supporting legal briefs, additional documents or evidence, or request a review of the claim by the Department of State.

(b) *Form of claim.* The claim shall be prepared in the form of a sworn statement, in triplicate, and shall contain in narrative form a clear chronological statement of the following facts:

(1) Name and address of claimant.

(2) Date and manner in which claimant became a national of the United States.

(3) Date and manner in which claimant acquired vessel or other property involved.

(4) Name of home port of vessel at time of seizure and date of last documentation.

(5) Date and time of seizure and foreign government making the seizure.

(6) Detailed circumstances of the seizure, including the exact place of seizure and how determined, activities of the vessel when seized, actions of the seizing vessel, etc.

(7) Names of official and agency seizing the vessel and description of seizing vessel.

(8) Hearings afforded the captain of the vessel, defenses interposed and determination of the tribunal, including the amount of the fine paid, and/or the license fee, registration fee, and other direct charges exacted as a condition of release.

(9) Name of agency to which amounts in item 8 paid.

(10) Date vessel released and date sailed.

(11) Nature and amount of other losses sustained as a result of the seizure.

(c) *Evidence to be submitted by claimant.* There shall be attached to the sworn statement of claim documentary evidence consisting of original documents or certified copies thereof to support every allegation in the sworn statement. The documents filed as evidence shall be numbered consecutively and cited by number in the sworn statement in support of which the documents are filed. All evidence shall be filed in triplicate. The original evidence or certified copies thereof shall be attached to the original copy of the claim. Uncertified copies may be attached to the other two copies of the affidavit of claim. All documents submitted in other than the English language shall be accompanied by an English translation. The more important documentary evidence filed in support of the claim shall include the following:

(1) Articles of incorporation of the owner or partnership agreement of the owners and all amendments thereto.

(2) Proof of citizenship of officers and directors of the corporation or of the partners, or of a sole individual owner, as the case may be.

(3) Affidavit of an officer of the corporation as to the citizenship status of the stockholders as far as known.

(4) Receipt for payment of fine, fees, or other direct charge.

(5) Proof to substantiate all other expenses for which claim is made, consisting of receipts, vouchers, etc.

(6) Log of the vessel seized.

(7) Records of any hearings conducted by authorities of the government making the seizure relative to such seizure.

(8) Convincing evidence of any available nature to bring the case within the provisions of the statute.

(9) Affidavits of officers of the seized vessel corroborating allegations upon which the claim is based.

6. A new § 86.11 is added to read as follows:

§ 86.11 Notification.

The Department of State will notify the Department of the Treasury and the owner of the vessel or his agent in writing of the final determination made regarding any pending claim.

7. A new § 86.12 is added to read as follows:

§ 86.12 Exemptions.

The provisions of this section shall apply with respect to seizures of vessels of the United States occurring on or after October 26, 1972; except that reimbursements under section 3 of the Fishermen's Protective Act of 1967 may be made from the fund provided by section 9 of the Act as amended with respect to any seizure of a vessel occurring before such date of enactment and after December 31, 1970, if no reimbursement had been made before such date.

[FR Doc.73-2705 Filed 2-9-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T. D. 7259]

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

Limitation on Deduction of Bond Repurchase Premium

By a notice of proposed rule making appearing in the FEDERAL REGISTER for October 29, 1971 (36 FR 20760), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 163 and 249 of the Internal Revenue Code of 1954 were proposed to conform such regulations to changes made by section 414 of the Tax Reform Act of 1969 (83 Stat. 612). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below.

Section 249 and the regulations set forth below provide that in the case of premiums paid on the repurchase by a corporation of its indebtedness which is convertible into its own stock (or the stock of a controlling or controlled corporation), the amount of the premium which may be deducted is limited to an amount not in excess of a normal call premium for comparable nonconvertible corporate indebtedness.

A larger deduction may be allowed with respect to the premium, however, where the corporation can demonstrate to the satisfaction of the Commissioner that the amount of the premium in excess of that otherwise allowed as a deduction is related to the cost of borrowing and is not attributable to the conversion feature of the indebtedness. This exception is designed to allow for changes in interest rates and to permit market and credit conditions to be taken into account.

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (c)(3) of § 1.163–3 as set forth in paragraph 1 in the notice of proposed rule making is revised to read as set forth below.

PAR. 2. Paragraph (e)(2) of § 1.249–1 as set forth in paragraph 3 in the notice of proposed rule making is revised to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: February 2, 1973.

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 163 and 249 of the Internal Revenue Code of 1954 to section 414 of the Tax Reform Act of 1969 (83 Stat. 912), such regulations are amended as follows:

PARAGRAPH 1. Section 1.163–3(c) is amended by revising the heading and changing subparagraph (1) and by adding at the end thereof a new subparagraph (3). These amended and added provisions read as follows:

§ 1.163–3 Deduction for discount on bond issued on or before May 27, 1969.

* * * * *

(c) *Deduction upon repurchase.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, if bonds are issue by a corporation and are subsequently repurchased by the corporation at a price in excess of the issue price plus any amount of discount deducted prior to repurchase, or (in the case of bonds issued subsequent to Feb. 28, 1913) minus any amount of premium returned as income prior to repurchase, the excess of the purchase price over the issue price adjusted for amortized premium or discount is a deductible expense for the taxable year.

* * * * *

(3) No deduction shall be allowed under subparagraph (1) of this paragraph to the extent a deduction is disallowed under subparagraph (2) of this paragraph or to the extent a deduction is disallowed by section 249 (relating to limitation on deduction of bond premium on repurchase of convertible obligation) and the regulations thereunder. See paragraph (f) of § 1.249–1 for effective date limitation on section 249.

* * * * *

PAR. 2. Paragraph (c) of § 1.163–4, as set forth in a notice of proposed rule making published on July 22, 1971, in 36 F.R. 13606, is revised to read as follows:

§ 1.163–4 Deduction for original issue discount on certain obligations issued after May 27, 1969.

* * * * *

(c) *Deduction upon repurchase.* (1) Except as provided in subparagraph (2) of this paragraph, if bonds are issued by a corporation and are subsequently repurchased by the corporation at a price in excess of the issue price plus any amount of original issue discount deducted prior to repurchase, or minus any amount of premium returned as income prior to repurchase, the excess of the repurchase price over the issue price adjusted for amortized premium or deducted discount is deductible as interest for the taxable year.

(2) The provisions of subparagraph (1) of this paragraph shall not apply to the extent a deduction is disallowed by section 249 (relating to limitation on deduction of bond premium or repurchase of convertible obligation) and the regulations thereunder.

PAR. 3. There are inserted immediately after § 1.248–1 the following new sections:

§ 1.249 Statutory provisions; limitation on deduction of bond premium on repurchase.

SEC. 249. *Limitation on deduction of bond premium on repurchase*—(a) *General rule.* No deduction shall be allowed to the issuing corporation for any premium paid or incurred upon the repurchase of a bond, debenture, note, or certificate or other evidence of indebtedness which is convertible into the stock of the issuing corporation, or a corporation in control of, or controlled by, the issuing corporation, to the extent the repurchase price exceeds an amount equal to the adjusted issue price plus a normal call premium on bonds or other evidences of indebtedness which are not convertible. The preceding sentence shall not apply to the extent that the corporation can demonstrate to the satisfaction of the Secretary or his delegate that such excess is attributable to the cost of borrowing and is not attributable to the conversion feature.

(b) *Special rules.* For purposes of section (a)—

(1) *Adjusted issue price.* The adjusted issue price is the issue price (as defined in section 1232(b)) increased by any amount of discount deducted before repurchase, or, in the case of bonds or other evidences of indebtedness issued after February 28, 1913, decreased by any amount of premium included in gross income before repurchase by the issuing corporation.

(2) *Control.* The term "control" has the meaning assigned to such term by section 368(c).

[Sec. 249 as added by sec. 414, Tax Reform Act 1969 (83 Stat. 612)]

§ 1.249–1 Limitation on deduction of bond premium on repurchase.

(a) *Limitation*—(1) *General rule.* No deduction is allowed to the issuing corporation for any "repurchase premium" paid or incurred to repurchase a convertible obligation to the extent the repurchase premium exceeds a "normal call premium."

(2) *Exception.* Under paragraph (e) of this section, the preceding sentence shall not apply to the extent the corporation demonstrates that such excess is attributable to the cost of borrowing and not to the conversion feature.

(b) *Obligations*—(1) *Definition.* For purposes of this section, the term "obligation" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(2) *Convertible obligation.* Section 249 applies to an obligation which is convertible into the stock of the issuing corporation or a corporation which, at the time the obligation is issued or repurchased, is in control of or controlled by the issuing corporation. For purposes of this subparagraph, the term "control" has the meaning assigned to such term by section 368(c).

(3) *Comparable nonconvertible obligation.* A nonconvertible obligation is comparable to a convertible obligation if both obligations are of the same grade and classification, with the same issue and maturity dates, and bearing the same rate of interest. The term "comparable nonconvertible obligation" does not include any obligation which is convertible into property.

(c) *Repurchase premium.* For purposes of this section—

(1) The term "repurchase premium" means the excess of the repurchase price paid or incurred to repurchase the obligation over its "adjusted issue price."

(2) The term "adjusted issue price" means the issue price (as defined in section 1232(b) and the regulations thereunder) increased by any amount of discount deducted before repurchase, or, in the case of convertible obligations issued after February 28, 1913, decreased by any amount of premium included in gross income before repurchase. For rules applicable to deduction of discount, see §§ 1.163–3 and 1.163–4. For rules applicable to amortization of bond premium see § 1.61–12.

(d) *Normal call premium*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, for purposes of this section, a "normal call premium" on a convertible obligation is an amount equal to a normal call premium on a nonconvertible obligation which is comparable to the convertible obligation. A normal call premium on a comparable nonconvertible obligation is a call premium specified in dollars under the terms of such obligation. Thus, if such a specified call premium is constant over the entire term of the obligation, the normal call premium is the amount specified. If, however, the specified call premium varies during the period the comparable nonconvertible obligation is callable or if such obligation is not callable over its entire term, the normal call premium is the amount specified for the period during the term of such comparable nonconvertible obligation which corresponds to the period during which the convertible obligation was repurchased.

(2) *One-year's interest rule.* Under this subparagraph, a call premium specified in dollars under the terms of a convertible obligation shall be considered to be a normal call permium on a nonconvertible obligation if the call premium on the convertible obligation so specified which is applicable at the time it is repurchased does not exceed an amount equal to 1 year's interest payable on such obligation increased by the amount of discount on the obligation deductible under § 1.163–3 or § 1.163–4 (as the case may be) for the corporation's taxable year during which the repurchase occurred or reduced by the amount of issue premium includible in income under § 1.61–12(c) for such taxable year (computed as if the obligation were not repurchased). The provisions of this subparagraph shall not apply if the amount of interest payable for the corporation's taxable year is subject under the terms of the obligation to any contingency other than repurchase prior to the close of such taxable year.

(e) *Exception*—(1) *In general.* If a repurchase premium exceeds a normal call premium, the general rule of paragraph (a)(1) of this section does not apply to the extent that the corporation demonstrates to the satisfaction of the Commissioner or his delegate that such repurchase premium is attributable to the cost of borrowing and is not attributable to the conversion feature. For purposes of this paragraph, if a normal call premium cannot be established under paragraph (d) of this section, the amount thereof shall be considered to be zero.

(2) *Determination of the portion of a repurchase premium attributable to the cost of borrowing and not attributable to the conversion feature.* (i) for purposes of subparagraph (1) of this paragraph, the portion of a repurchase premium which is attributable to the cost of borrowing and which is not attributable to the conversion feature is the amount by which the selling price of the convertible obligation increased between the dates it was issued and repurchased by reason of a decline in yields on comparable nonconvertible obligations traded on an established securities market or, if such comparable traded obligations do not exist, by reason of a decline in yields generally on nonconvertible obligations which are as nearly comparable as possible.

(ii) In determining the amount under subdivision (i) of this subparagraph, appropriate consideration shall be given to all factors affecting the selling price or yields of comparable nonconvertible obligations. Such factors include general changes in prevailing yields of comparable obligations between the dates the convertible obligation was issued and repurchased and the amount (if any) by which the selling price of the nonconvertible obligation was affected by reason of any change in the issuing corporation's credit rating or the credit rating of the obligation during such period (determined on the basis of widely published ratings of recognized credit rating services or on the basis of other relevant facts and circumstances which reflect the relative credit ratings of the corporation or the comparable obligation).

(iii) The relationship between selling price and yields in subdivision (i) of this subparagraph shall ordinarily be determined by means of standard bond tables.

(f) *Effective date*—(1) *In general.* Under section 414(c) of the Tax Reform Act of 1969, the provisions of section 249 and this section shall apply to any repurchase of a convertible obligation occurring after April 22, 1969, other than a convertible obligation repurchased pursuant to a binding obligation incurred on or before April 22, 1969, to repurchase such convertible obligation at a specified call premium. A binding obligation on or before such date may arise if, for example, the issuer irrevocably obligates itself, on or before such date, to repurchase the convertible obligation at a specified price after such date, or if, for example, the issuer, without regard to the terms of the convertible obligation, negotiates a contract which, on or before such date, irrevocably obligates the issuer to repurchase the convertible obligation at a specified price after such date. A binding obligation on or before such date does not include a privilege in the convertible obligation permitting the issuer to call such convertible obligation after such date, which privilege was not exercised on or before such date.

(2) *Effect on transactions not subject to this section.* No inferences shall be drawn from the provisions of section 249 and this section as to the proper treatment of transactions not subject to such provisions because of the effective date limitations thereof. For provisions relating to repurchases of convertible bonds or other evidences of indebtedness to which section 249 and this section do not apply, see §§ 1.163–3(c) and 1.163–4(c).

(g) *Example.* The provisions of this section may be illustrated by the following example:

Example. On May 15, 1968, corporation A issues a callable 20-year convertible bond at face for $1,000 bearing interest at 10 percent per annum. The bond is convertible at any time into 2 shares of the common stock of corporation A. Under the terms of the bond, the applicable call price prior to May 15, 1975, is $1,100. On June 1, 1974, corporation A calls the bond for $1,100. Since the repurchase premium, $100 (i.e., $1,100 minus $1,000), was specified in dollars in the obligation and does not exceed 1 year's interest at the rate fixed in the obligation, the $100 is considered under paragraph (d)(2) of this section to be a normal call premium on a comparable nonconvertible obligation. Accordingly, A may deduct the $100 under § 1.163–3(c).

[FR Doc.73–2649 Filed 2–9–73;8:45 am]

[T.D. 7257]

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

Capital Expenditures

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Tuesday, October 3, 1972 (37 FR 20719), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to section 263(e) of the Internal Revenue Code of 1954. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Section 263(e) provides that amounts expended for the rehabilitation of a unit of railroad rolling stock which, but for section 263(e) would be capital expenditures, may be deducted as repair expenses if, within any 12-month period, they do not exceed 20 percent of the basis of the unit in the hands of the taxpayer. The section is elective on an annual basis by the taxpayer.

Five minor changes have been made in § 1.263(e)–1 as proposed in order to clarify points raised by comments on the proposed regulations. Two new sentences have been added to paragraph (a)(2) to make clear that the 20-percent rule is not a limitation on otherwise deductible repairs. Paragraph (b)(1) has been changed by adding a reference to section 1017 in order to implement further the language of the Senate Finance Committee Report which provides the basis of a unit of section 263(e) property is "the original cost of the unit when initially acquired by the taxpayer" (see S. Rept. No. 91–522, 91st Cong., 1st sess. 254 (1969)). Paragraph (c) has been changed to indicate more clearly that all expenditures properly chargeable to capital account are considered expenditures in connection with rehabilitation for purposes of section 263(e). The heading for paragraph (e)(3) has been changed to make clear that section 263(e) in no way adds to or detracts from the taxpayer's existing duty to keep records adequate to support claimed deductions for repairs. Example (1) in paragraph (f) has been changed to insure that the example is not misconstrued as deciding a question of fact. This change should in no way be construed as indicating what specific work on a gondola car might constitute a capital expenditure.

On October 3, 1972, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) was published in the FEDERAL REGISTER (37 FR 20719) in order to conform the regulations to provisions of section 263 of the Internal Revenue Code of 1954 as amended by section 4 of the Interest Equalization Tax Act (78 Stat. 845), section 4 (p) of the Interest Equalization Tax Extension Act of 1965 (79 Stat. 964), section 706 of the Tax Reform Act of 1969 (83 Stat. 674), and section 109 (c) and (d)(3) of the Revenue Act of 1971 (85 Stat. 509). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted subject to the changes set forth below.

Section 1.263(e)–1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is changed as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: February 1, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to conform the income tax regulations (26 CFR Part 1) to the provisions of section 263 of the Internal Revenue Code of 1954 as amended by section 4 of the Interest Equalization Tax Act (78 Stat. 845), section 4(p) of the Interest Equalization Tax Extension Act of 1965 (79 Stat. 964), section 706 of the Tax Reform Act of 1969 (83 Stat. 674), and section 109 (c) and (d)(3) of the Revenue Act of 1971 (85 Stat. 509), such regulations are amended as follows:

1. Section 1.263(a) is amended by adding a new subparagraph (3) and by amending the historical note. These added and amended provisions read as follows:

§ 1.263(a) Statutory provisions; capital expenditures; general rule.

SEC. 263 *Capital expenditures*—(a) *General rule.* No deduction shall be allowed for—* * *

(3) Except as provided in subsection (d), any amount paid as tax under section 4911 (relating to imposition of interest equalization tax).

[Sec. 263 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1001); sec. 21(b), Rev. Act 1962 (76 Stat. 1064); sec. 4, Interest Equalization Tax Act (78 Stat. 845); sec. 4(p)1), Interest Equalization Tax Extension Act 1965 (79 Stat. 964)]

2. The following new sections are added immediately after § 1.263(c)–1:

§ 1.263(d) Statutory provisions; capital expenditures; reimbursement of interest equalization tax.

SEC. 263. *Capital expenditures.* * * *

(d) *Reimbursement of interest equalization tax.* The deduction allowed by section 162(a) or 212 (whichever is appropriate) shall include any amount paid or accrued in the taxable year or a preceding taxable year as tax under section 4911 (relating to imposition of interest equalization tax) to the extent that any amount attributable to the amount paid or accrued as tax is included in gross income for the taxable year. Under regulations prescribed by the Secretary or his delegate, the preceding sentence shall not apply with respect to any amount attributable to that part of the tax so paid or accrued which is attributable to an amount for which a deduction has been claimed for the taxable year or a preceding taxable year under section 171 (relating to amortization of bond premium).

[Sec. 263(d) added by sec. 4(p)(2), Interest Equalization Tax Extension Act 1965 (79 Stat. 964]

§ 1.263(d)–1 [Reserved]

§ 1.263(e) Statutory provisions; capital expenditures in connection with certain railroad rolling stock.

SEC. 263. *Capital expenditures.* * * *

(e) *Expenditures in connection with certain railroad rolling stock.* In the case of expenditures in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) used by a domestic common carrier by railroad which would, but for this subsection, be properly chargeable to capital account, such expenditures, if during any 12-month period they do not exceed an amount equal to 20 percent of the basis of such unit in the hands of the taxpayer, shall, at the election of the taxpayer, be treated (notwithstanding subsection (a)) as deductible repairs under section 162 or 212. An election under this subsection shall be made for any taxable year at such time and in such manner as the Secretary or his delegat. prescribes by regulations. An election may not be made under this subsection for any taxable year to which an election under subsection (f) applies to railroad rolling stock (other than locomotives).

[Sec. 263(e) added by sec. 706, Tax Reform Act 1969 (83 Stat. 674); as amended by sec. 109 (c) and (d)(3), Rev. Act 1971 (85 Stat. 509)]

§ 1.263(e)–1 Expenditures in connection with certain railroad rolling stock.

(a) *Allowance of deduction*—(1) *Election.* Under section 263(e), for any taxable year beginning after December 31, 1969, a taxpayer may elect to treat certain expenditures paid or incurred during such taxable year as deductible repairs under section 162 or 212. This election applies only to expenditures described in paragraph (c) of this section in connection with the rehabilitation of a unit of railroad rolling stock (as defined in paragraph (b)(2) of this section) used by a domestic common carrier by railroad (as defined in paragraph (b)(3) and (4) of this section). However, an election under section 263(e) may not be made with respect to expenditures in connection with any unit of railroad rolling stock for which an election under section 263(f) and the regulations thereunder is in effect. An election made under section 263(e) is an annual election which may be made with respect to one or more of the units of railroad rolling stock owned by the taxpayer.

(2) *Special 20 percent rule.* Section 263(e) shall not apply if, under paragraph (d) of this section, expenditures paid or incurred during any period of 12 calendar months in connection with the rehabilitation of a unit exceed 20 percent of the basis (as defined in paragraph (b)(1) of this section) of such unit in the hands of the taxpayer. However, section 263(e) does not constitute a limit on the deduction of expenditures for repairs which are deductible without regard to such section. Accordingly, amounts otherwise deductible as repairs will continue to be deductible even though such amounts exceed 20 percent of the basis of the unit of railroad roll-

ing stock in the hands of the taxpayer.

(3) *Time and manner of making election.* (i) An election by a taxpayer under section 263(e) shall be made by a statement to that effect attached to its income tax return or amended income tax return for the taxable year for which the election is made if such return or amended return is filed no later than the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. An election under section 263(e) may be made with respect to one or more of the units of railroad rolling stock owned by the taxpayer. If an election is not made within the time and in the manner prescribed in this subparagraph, no election may be made (by the filing of an amended return or in any other manner) with respect to the taxable year.

(ii) If the taxpayer has filed a return on or before [the 30th day after the date of publication in the FEDERAL REGISTER of final regulations under section 263(e)] and has claimed a deduction under section 162 or 212 by reason of section 263(e), and if the taxpayer does not desire to make an election under section 263(e) for the taxable year with respect to which such return was filed, the taxpayer shall file an amended return for such taxable year on or before [the 90th day after such date of publication], and shall pay any additional tax due for such year. The taxpayer shall also file an amended return for each taxable year which is affected by the filing of an amended return under the preceding sentence and shall pay any additional tax due for such year. Nothing in this subdivision shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(iii) If an election under section 263(e) was not made at the time the return for a taxable year was filed, and it is subsequently determined that an expenditure was erroneously treated as an expenditure which was not in connection with rehabilitation (as determined under paragraph (c) of this section), an election under section 263(e) may be made with respect to the unit of railroad rolling stock for which such expenditure was made for such taxable year, notwithstanding any provision in this subparagraph (3) to the contrary. Nothing in this subdivision shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(iv) The statement required by subdivision (i) of this subparagraph shall include the following information:

(*a*) The total number of units of railroad rolling stock with respect to which an election is being made under section 263(e).

(*b*) The aggregate basis (as defined in paragraph (b)(1) of this section) of the units described in (*a*) of this subdivision (iv), and

(*c*) The total deduction being claimed under section 263(e) for the taxable year.

(b) *Definitions*—(1) *Basis.* (i) In general, for purposes of section 263(e) the basis of a unit of railroad rolling stock shall be the adjusted basis of such unit determined without regard to the adjustments provided in paragraphs (1), (2), and (3) of section 1016(a) and section 1017. Thus, the basis of property would generally be its cost without regard to adjustments to basis such as for depreciation or for capital improvements. If the basis of a unit in the hands of a transferee is determined in whole or in part by reference to its basis in the hands of the transferor, for example, by reason of the application of section 362 (relating to basis to corporations), 374 (relating to gain or loss not recognized in certain railroad reorganizations), or 723 (relating to the basis of property contributed to a partnership), then the basis of such unit in the hands of the transferor for purposes of section 263(e) shall be its basis for purposes of section 263(e) in the hands of the transferee. Similarly, when the basis of a unit of railroad rolling stock in the hands of the taxpayer is determined in whole or in part by reference to the basis of another unit, for example, by reason of the application of the first sentence of section 1033(c) (relating to involuntary conversions), then the basis of the latter unit for purposes of section 263(e) shall be the basis for purposes of section 263(e) of the former unit. The question whether a capital expenditure in connection with a unit of railroad rolling stock results in the retirement of such unit and the creation of another unit of railroad rolling stock shall be determined without regard to rules under the uniform system of accounts prescribed by the Interstate Commerce Commission.

(ii) For example, if a unit of railroad rolling stock has a cost to M of $10,000 and because of depreciation adjustments of $4,000 and capital expenditures of $3,000, such unit has an adjusted basis in the hands of M of $9,000, the basis for purposes of section 263(e) of such unit in the hands of M is $10,000. Further, if M transfers such unit to N in a transaction in which no gain or loss is recognized such as, for example, a transaction to which section 351(a) (relating to a transfer to a corporation controlled by the transferor) applies, the basis of such unit for purposes of section 263(e) is $10,000 in the hands of N.

(2) *Railroad rolling stock.* For purposes of this section, the term "unit" or "unit of railroad rolling stock" means a unit of transportation equipment the expenditures for which are of a type chargeable (or in the case of property leased to a domestic common carrier by railroad, would be chargeable) to the equipment investment accounts in the uniform system of accounts for railroad companies prescribed by the Interstate Commerce Commission (49 CFR Part 1201), but only if (i) such unit exclusively moves on, moves under, or is guided by rail, and (ii) such unit is not a locomotive. Thus, for example, a unit of railroad rolling stock includes a box car, a gondola car, a passenger car, a car designed to carry truck trailers and containerized freight, a wreck crane, and a bunk car. However, such term does not include equipment which does not exclusively move on, move under, or is not exclusively guided by rail such as, for example, a barge, a tugboat, a container which is used on cars designed to carry containerized freight, a truck trailer, or an automobile. A locomotive is self-propelled equipment, the sole function of which is to push or pull railroad rolling stock. Thus, a self-propelled passenger or freight car is not a locomotive.

(3) *Domestic common carrier by railroad.* The term "domestic common carrier by railroad" means a railroad subject to regulation under Part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.) or a railroad which would be subject to regulation under Part I of the Interstate Commerce Act if it were engaged in interstate commerce.

(4) *Use.* For purposes of this section, a unit of railroad rolling stock is not used by a domestic common carrier by railroad if it is owned by a person other than a domestic common carrier by railroad and (i) is exclusively used for transportation by the owner or (ii) is exclusively used for transportation by another person which is not a domestic common carrier by railroad. Thus, for example, a unit of railroad rolling stock which is owned by a person which is not a domestic common carrier by railroad and is leased to a manufacturing company by the owner is not a unit of railroad rolling stock used by a domestic common carrier by railroad.

(c) *Expenditures considered in connection with rehabilitation.* For purposes of section 263(e) and this section all expenditures which would be properly chargeable to capital account but for the application of section 263 (e) or (f) shall be considered to be expenditures in connection with the rehabilitation of a unit of railroad rolling stock. Expenditures which are paid or incurred in connection with incidental repairs or maintenance of a unit of railroad rolling stock and which are deductible without regard to section 263 (e) or (f) shall not be included in any determination or computation under section 263(e) and shall not be treated as paid or incurred in connection with the rehabilitation of a unit of railroad rolling stock for purposes of section 263(e). The determination of whether an item would be, but for section 263 (e) or (f), properly chargeable to capital account shall be made in a manner consistent with the principles for classification of expenditures as between capital and expenses under the Internal Revenue Code. See, for example, §§ 1.162-4, 1.263(a)-1, 1.263(a)-2, and paragraph (a)(4) (ii) and (iii) of § 1.446-1. An expenditure shall be classified as capital or as expense without regard to its classification under the uniform system of accounts prescribed by the Interstate Commerce Commission.

(d) *20-percent limitation*—(1) *In general.* No expenditures in connection with the rehabilitation of a unit of railroad rolling stock shall be treated as a deductible repair by reason of an election under section 263(e) if, during any

period of 12 calendar months in which the month the expenditure is included falls, all such expenditures exceed an amount equal to 20 percent of the basis (as defined in paragraph (b)(1) of this section) of such unit in the hands of the taxpayer. All such expenditures shall be included in the computation of the 20-percent limitation even if such expenditures were deducted under section 263(f) in either the preceding or succeeding taxable year. Solely for purposes of the 20-percent limitation in this paragraph, such expenditures shall be deemed to be included in the month in which a rehabilitation of the unit of railroad rolling stock is completed. For the requirement that expenditures treated as repairs solely by reason of an election under section 263(e) be deducted in the taxable year paid or incurred, see paragraph (a) of this section.

(2) *12-month period.* For purposes of this section, any period of 12 calendar months shall consist of any 12 consecutive calendar months except that calendar months prior to the calendar month of January 1970 shall not be included in determining such period.

(3) *Period for certain corporate acquisitions.* If a unit of railroad rolling stock to which section 263(e) applies is sold, exchanged, or otherwise disposed of in a transaction in which its basis in the hands of the transferee is determined in whole or in part by reference to its basis in the hands of the transferor (see paragraph (b)(1) of this section), calendar months during which such unit is in the hands of the transferor and in the hands of such transferee shall both be included in the calendar months used by the transferor and the transferee to determine any period of 12 calendar months for purposes of section 263(e).

(4) *Deduction allowed in year paid or incurred.* If, based on the information available when the income tax return for a taxable year is filed, an expenditure paid or incurred in such taxable year would be deductible by reason of the application of section 263(e) but for the fact that it cannot be established whether the 20-percent limitation in subparagraph (1) of this paragraph will be exceeded, the expenditure shall be deducted for such taxable year. If by reason of the application of such 20-percent limitation it is subsequently determined that such expenditure is not deductible as a repair, an amended return shall be filed for the year in which such deduction was treated as a deductible repair and additional tax, if any, for such year shall be paid. Appropriate adjustment with respect to the taxpayer's tax liability for any other affected year shall be made. Nothing in this subparagraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(e) *Recordkeeping requirements*—(1) *In general.* Such records as will enable the accurate determinaton of the expenditures which may be subject to the treatment provided in section 263(e) shall be maintained. No deduction shall be allowed under section 162 or 212 by reason of section 263(e) with respect to a unit unless the taxpayer substantiates by adequate records that expenditures in connection with such unit of railroad rolling stock meet the requirements and limitations of this section.

(2) *Separate records.* A separate section 263(e) record shall be maintained for each unit with respect to which an election under section 263(e) is made. Such record shall—

(i) Identify the unit,

(ii) State the basis (as defined in paragraph (b)(1) of this section) and the date of acquisition of the unit,

(iii) Enumerate for each unit the amount of all expenditures incurred in connection with rehabilitation of such unit which would, but for section 263(e) or (f), be properly chargeable to capital account (including expenditures incurred by the taxpayer in connection with rehabilitation of such unit undertaken by a person other than the taxpayer) regardless of whether such expenditures during any 12-month period exceed 20 percent of the basis of such unit,

(iv) Describe the nature of the work in connection with each expenditure, and

(v) Specify the calendar month in which the rehabilitation is completed and the taxable year in which each expenditure is paid or incurred.

A section 263(e) record need only be prepared for a unit of railroad rolling stock for the period beginning on the first day of the eleventh calendar month immediately preceding the month in which the rehabilitation of such unit is completed and ending on the last day of the eleventh calendar month immediately succeeding such month. No section 263(e) record need be prepared for calendar months before January 1970.

(3) *Records for certain expenditures:* Expenditures determined to be incidental repairs and maintenance (referred to in paragraph (c) of this section) shall not be entered in the section 263(e) record. However, each taxpayer shall maintain records to reflect that such expenditures are properly deductible.

(4) *Convenience rule.* In general, expenditures and information maintained in compliance with subparagraphs (1) and (2) of this paragraph shall be recorded in the section 263(e) record of the specific unit with respect to which such expenditures are incurred. However, when a group of units of the same type are rehabilitated in a single project and the expenditure for each unit in the project will approximate the average expenditure per unit for the project, expenditures for the project may be aggregated without regard to the unit in the project with respect to which each expenditure is connected, and an amount equal to the aggregate expenditures for the project divided by the number of units in the project may be entered in the section 263(e) account of each unit in the project.

(f) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). M Corporation, a domestic common carrier by railroad, uses the calendar year as its taxable year. M owns and uses several gondola cars to which an election under section 263(e) applies for its taxable years 1970–1972. Gondola car #1 has a basis (defined in paragraph (b)(1) of this section) of $10,000. No expenditures properly chargeable to the section 263(e) record are made on gondola car #1 in 1970 and 1971, except in January 1971. In January 1971, M at a cost of $1,500 performed rehabilitation work on gondola car #1. Such amount was properly entered in the section 263(e) record for gondola car #1. Since the expenditures in such record do not exceed an amount equal to 20 percent of the basis of gondola car #1 ($2,000) during any period of 12 calendar months in which January 1971 falls, the expenditures during January 1971 shall be treated as a deductible expense regardless of what the treatment would have been if section 263(e) had not been enacted.

Example (2). Assume the same facts as in example (1). Assume further that for 1970, 1971, and 1972, only the following expenditures in connection with rehabilitation which would, but for section 263(e), be properly chargeable to capital account were deemed included for gondola car #2:

(a) December 1970	$1,500
(b) November 1971	600
(c) December 1971	400
(d) January 1972	1,050

Assume further that gondola car #2 has a basis (as defined in paragraph (b)(1) of this section) equal to $10,000, that M files its tax return by September 15 following each taxable year, and that each rehabilitation was completed in the month in which expenditures in connection with it were incurred. Any expenditures in connection with each gondola car (#1 or #2) have no effect on the treatment of expenditures in connection with the other gondola car. With respect to gondola car #2, the expenditures of December 1970 are treated as deductible repairs at the time M's income tax return for 1970 is filed because, based on the information available when the income tax return for 1970 is filed, such expenditure would be deductible by reason of application of section 263(e) but for the fact that it cannot be established whether the 20-percent limitation in paragraph (d)(1) of this section will be exceeded. Nevertheless, because such expenditures during the period of 12 calendar months including calendar months December 1970 and November 1971 exceed $2,000, the December 1970 rehabilitation expenditures are not subject to the provisions of section 263(e). Because such rehabilitation expenditures during the period of 12 calendar months including calendar months February 1971 and January 1972 exceed $2,000, rehabilitation expenditures in 1971 are not subject to the provisions of section 263(e). Similarly, the 1972 rehabilitation expenditures are not subject to the provisions of section 263(e).

[FR Doc.73-2642 Filed 2-9-73;8:45 am]

[T.D. 7258]

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

Special Rules With Respect to Organizations Which Are Not Private Foundations

The prior regulations under section 508 of the Internal Revenue Code of 1954,

generally allow certain contributors to organizations which have notified the Commissioner of Internal Revenue that they are not private foundations to rely upon such notice with respect to grants, contributions, and distributions made before March 22, 1973. The amendment to the regulations which appears below extends the period of reliance to grants, contributions, and distributions made before January 1, 1974. This will permit grantors, contributors, and distributors who make grants, contributions, and distributions during 1973, generally, to rely upon the claimed public charity status of such organizations.

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (b)(4) of § 1.508–1 is amended to read as follows:

§ 1.508–1 Notices.

* * * * *

(b) *Presumption that old and new organizations are private foundations.* * * *

(4) *Effect of notice upon grantors or contributors to the filing organization.* In the case of grants, contributions, or distributions made prior to January 1, 1974, any organization which has properly filed the notice described in section 508(b) prior to March 22, 1973, will not be treated as a private foundation for purposes of making any determination under the internal revenue laws with respect to a grantor, contributor, or distributor (as for example, a private foundation distributing all of its net assets pursuant to a section 507(b)(1)(A) termination), thereto, unless the organization is controlled directly or indirectly by such grantor, contributor, or distributor, if by the 30th day after the day on which such notice is filed, the organization has not been notified by the Commissioner that the notice filed by such organization has failed to establish that such organization is not a private foundation. See paragraph (b)(6) of this section for the effect of an adverse notice by the Internal Revenue Service. For purposes of this subparagraph, an organization which has properly filed the notice described in section 508(b) prior to March 22, 1973, and which has claimed recognition of its status under only one paragraph of section 509(a) in such notice, will be treated only for purposes of grantors, contributors, or distributors as having the classification claimed in the notice if the provisions of this subparagraph are otherwise satisfied.

Because this Treasury decision extends certain transitional rules and because of the need for emmediate guidance with respect to the provisions contained in the Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date of limitations of subsection (d) of such section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: February 1, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.73-2468 Filed 2-9-73;8:45 am]

[T. D. 7260]

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

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Extension of Time for Corporations To Pay Tax

By a notice of proposed rule making appearing in the FEDERAL REGISTER for November 10, 1972 (37 FR 23922), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 6081 and 6161 of the Internal Revenue Code of 1954 were proposed in order to provide that an automatic extension of time to file a corporation income tax return does not extend the time for payment of tax due on the return. Further, such notice of proposed rule making contained a proposed amendment to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6651 of such Code in order to provide that reasonable cause for any underpayment of the tax will be presumed if certain stated conditions are satisfied. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are adopted by this document without change.

The purpose of these amendments is to permit automatic assessment of the penalty under section 6651(a)(2) for late payment of income tax on any corporation which files Form 7004 (Application for Automatic Extension of Time to File Corporation Income Tax Returns) and underestimates by more than 10 percent its tentative amount of income tax for the taxable year.

On November 10, 1972, a notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 6081 and 6161 of the Internal Revenue Code of 1954 and the Regulations on Procedure and Administration (26 CFR Part 301) under section 6651 of such Code was published in the FEDERAL REGISTER (37 FR 23922). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted without change, effective for returns with respect to taxable years ending on or after December 31, 1972.

(Sec. 7805, Internal Revenue Code of 1954, 68 Stat. 917; 26 U.S.C. 7805)

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

Approved: February 6, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to provide that an automatic extension of time to file a corporation income tax return does not operate to extend the time for payment of tax due on such return and to specify that reasonable cause for any underpayment of such tax will be presumed if certain conditions are satisfied, the Income Tax Regulations (26 CFR Part 1) under sections 6081 and 6161 of the Internal Revenue Code of 1954 and the Procedure and Administration Regulations (26 CFR Part 301) under section 6651 of such code are hereby amended as follows, effective for returns with respect to taxable years ending on or after December 31, 1972:

PARAGRAPH 1. Section 1.6081–1 is amended by revising paragraph (a) to read as follows:

§ 1.6081–1 Extension of time for filing returns.

(a) *In general.* District directors and directors of service centers are authorized to grant a reasonable extension of time for filing any return, declaration, statement, or other document which relates to any tax imposed by Subtitle A of the code and which is required under the provisions of Subtitle A or F of the code or the regulations thereunder. However, other than in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months. Except in the case of an extension of time pursuant to § 1.6081–2, an extension of time for filing an income-tax return shall not operate to extend the time for the payment of the tax or any installment thereof unless specified to the contrary in the extension. In the case of an extension of time pursuant to § 1.6081–2, an extension of time for filing an income-tax return shall operate to extend the time for the payment of the tax or any installment thereof unless specified to the contrary in the extension. For extension of time for filing of declarations of estimated tax, see § 1.6073–4. For rules relating to extension of time for paying tax, see § 1.6161–1.

* * * * *

PAR. 2. Section 1.6081–3 is amended by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) reading as follows:

§ 1.6081–3 **Automatic extension of time for filing corporation income tax returns.**

* * * * *

(c) *Special rule for the extension of time for the payment of tax.* Notwithstanding the application of § 1.6081–1(a), any automatic extension of time for filing a corporation income tax return granted under paragraph (a) or (b) of this section shall not operate to extend the time for payment of any tax due on such return.

* * * * *

§ 1.6161–1 [Amended]

PAR. 3. Section 1.6161–1 is amended by deleting paragraph (a)(3).

PAR. 4. Section 301.6651–1 of Part 301 is amended by revising subparagraph (1) of paragraph (c) and by adding a new subparagraph (4) to such paragraph, to read as follows:

§ 301.6651–1 **Failure to file tax return or to pay tax.**

* * * * *

(c) *Showing of reasonable cause.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, a taxpayer who wishes to avoid the addition to the tax for failure to file a tax return or pay tax must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return or pay such tax on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director or the director of the service center with whom the return is required to be filed; *Provided*, That where special tax returns of liquor dealers are delivered to an alcohol, tobacco and firearms officer working under the supervision of the Regional Director, Bureau of Alcohol, Tobacco and Firearms, such statement may be delivered with the return. If the district director, the director of the service center, or, where applicable, the Regional Director, Bureau of Alcohol, Tobacco and Firearms, determines that the delinquency was due to a reasonable cause and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause. A failure to pay will be considered to be due to reasonable cause to the extent that the taxpayer has made a satisfactory showing that he exercised ordinary business care and prudence in providing for payment of his tax liability and was nevertheless either unable to pay the tax or would suffer an undue hardship (as described in § 1.6161–1(b) of this chapter) if he paid on the due date. In determining whether the taxpayer was unable to pay the tax in spite of the exercise of ordinary business care and prudence in providing for payment of his tax liability, consideration will be given to all the facts and circumstances of the taxpayer's financial situation, including the amount and nature of the taxpayer's expenditures in light of the income (or other amounts) he could, at the time of such expenditures, reasonably expect to receive prior to the date prescribed for the payment of the tax. Thus, for example, a taxpayer who incurs lavish or extravagant living expenses in an amount such that the remainder of his assets and anticipated income will be insufficient to pay his tax, has not exercised ordinary business care and prudence in providing for the payment of his tax liability. Further, a taxpayer who invests funds in speculative or illiquid assets has not exercised ordinary business care and prudence in providing for the payment of his tax liability unless, at the time of the investment, the remainder of the taxpayer's assets and estimated income will be sufficient to pay his tax or it can be reasonably foreseen that the speculative or illiquid investment made by the taxpayer can be utilized (by sale or as security for a loan) to realize sufficient funds to satisfy the tax liability. A taxpayer will be considered to have exercised ordinary business care and prudence if he made reasonable efforts to conserve sufficient assets in marketable form to satisfy his tax liability and nevertheless was unable to pay all or a portion of the tax when it became due.

* * * * *

(4) If, for a taxable year ending on or after December 31, 1972, a corporate taxpayer satisfies the requirements of § 1.6081–3 (a) or (b) (relating to an automatic extension of time for filing a corporation income tax return), reasonable cause shall be presumed, for the period of the extension of time to file, with respect to any underpayment of tax if—

(i) Not less than the amount of tax that would be required as the first installment under section 6152(a)(1), if the taxpayer elected to pay the tax in installments, is paid on or before the regular due date of the return and the second installment is paid on or before 3 months after such date,

(ii) The amount of tax (determined without regard to any prepayment thereof) shown on Form 7004, or the amount of tax paid on or before the regular due date of the return, is at least 90 percent of the amount of tax shown on the taxpayer's Form 1120, and

(iii) Any balance due shown on the Form 1120 is paid on, or before the due date of the return, including any extensions of time for filing.

* * * * *

[FR Doc.73–2650 Filed 2–9–73;8:45 am]

[T.D. 7248]

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

Termination of Private Foundation Status; Correction

On January 5, 1973, T.D. 7248 was published in the FEDERAL REGISTER (38 FR 860). The following corrections should be made to T.D. 7248:

(1) In line 18 of paragraph (a)(5)(ii) of § 1.507–2, the designation shown as "§ 1.170 A–9(b)(2) and (e)(10)" should read "§ 1.170 A–9(c)(2) and (e)(10)."

(2) In line 2 of paragraph (b)(1)(ii) of § 1.507–2, the designation shown as "subparagraph (4)" should read "subparagraph (3)."

(3) In line 16 of paragraph (c)(1)(ii) of § 1.507–2, the words "private foundation" should read "publicly supported."

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.73–2755 Filed 2–9–73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt. 53]

OI REG. 1—OIL IMPORT REGULATION

Revised Section 23, Canadian Imports—Districts I–IV

This Amendment 53 amends section 23, Canadian Imports—Districts I–IV. The revised section 23 makes all holders of 1972 allocations of Canadian imports eligible for allocations of Canadian imports in 1973.

The aggregate of the allocations to be made under section 23 is set at 650,000 average barrels per calendar day.

A separate amendment to Oil Import Regulation 1 (Revision 5) will be issued covering 1973 allocations of Canadian imports to new and reactivated facilities and to persons who have refineries and petrochemical facilities which qualify for an allocation under sections 9 or 10, but who are newcomers to the Canadian import program. This separate amendment will be issued as soon as comments on the proposed revision of section 25 have been analyzed.

This new amendment, Amendment 53, will become effective on February 12, 1973.

STEPHEN A. WAKEFIELD,
Deputy Assistant Secretary of Energy Programs.

I concur:

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

FEBRUARY 7, 1973.

Sec. 23 **Canadian Imports—Districts I–IV.**

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the terms of paragraph (d) of this section, make allocations for the alloca-

tion period January 1, 1973, through December 31, 1973, of not to exceed 650,000 average barrels daily of Canadian imports into Districts I–IV.

(d) The Director shall make allocations of Canadian imports to eligible applicants who received allocations of such imports for the period January 1, 1972, through December 31, 1972, either under paragraphs (d) or (e) of section 29 or from the Oil Import Appeals Board under section 21, or from both. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

$$\text{Sum of each eligible applicant's allocations under section 29 and section 21} \times 1.1137$$

(e) An allocation made under this section shall supersede any interim or partial allocations made to that person pursuant to section 3A of Presidential Proclamation 3279, as amended, and Amendment 46 (37 FR 184) of this regulation. Licenses issued to a person under such an interim or partial allocation shall be charged against the allocation made to that person under this section.

(f) A person receiving an allocation under paragraph (d) of this section must process in his facilities a quantity of Canadian imports equal to at least 50 percent of that allocation. For the purposes of this paragraph, blending by mechanical means does not constitute processing.

(g) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (and domestic oil received in exchange for such imports) in his facilities before March 1, 1974, or if he fails to meet the requirement of paragraph (f) of this section, then any allocation of Canadian imports, or any allocation for Districts I–IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation, for the first allocation period beginning after December 31, 1973, shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before March 1, 1974, or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (f), except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person on or before May 1, 1973, in writing, relinquishes all or part of an allocation made under this section and returns to the Director licenses issued thereunder.

(h) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, not later than March 15, 1973, (1) the total quantity of Canadian imports which that person imported during the period January 1, 1972, through December 31, 1972, pursuant to an allocation made under section 29 of this regulation, and (2) the quantity of such imports that were processed in his facilities before March 1, 1973. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by March 15, 1973, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(i) An allocation made pursuant to this section shall not be sold, assigned or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process such imports (or oil received in an exchange) only in the facilities set forth in his application.

(j) A person who imports Canadian imports under an allocation made pursuant to this section may exchange not to exceed 50 percent of such imports for domestic crude oil or domestic unfinished oils. A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken. Each such exchange must be effected on a ratio of not less than one barrel of domestic oil for each barrel of Canadian imports.

(k) If a person holds an allocation of imports under sections 9, 10, or 25 for the allocation period January 1, 1973, through December 31, 1973, he may obtain from the Director a license which will permit him to import Canadian imports in a quantity not exceeding the total amount of his allocation made under sections 9, 10, or 25. Such a license shall be charged against, and imports under such a license shall be deemed to have been made pursuant to, the allocation made under sections 9, 10, or 25.

(l) Under the provisions of section 1A of Proclamation 3279, as amended, "entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1974, under any license authorizing such imports from Canada" into Districts I–IV for the period January 1, 1973, through December 31, 1973.

(m) An application for an allocation under this section shall be made by letter or telegram to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Director on or before February 19, 1973. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of qualified inputs (as defined in paragraph (d)(1) of this section) for each such facility during the year ending September 30, 1972.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before March 1, 1974.

(n) Licenses issued pursuant to this section shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only.

[FR Doc.73-2859 Filed 2-9-73;8:45 am]

Proposed Rule Making

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 rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

PRE-COLUMBIAN MONUMENTAL AND ARCHITECTURAL SCULPTURE OR MURALS

Importation Controls

Notice is hereby given that under the authority of 5 U.S.C. 301, Revised Statute 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759, as amended (19 U.S.C. 1624), and section 204, 86 Stat. 1297, it is proposed to amend the Customs Regulations to implement Title II of Public Law 92-587 which authorizes the Secretary of the Treasury to regulate the importation into the United States of pre-Columbian monumental and architectural sculpture and murals exported contrary to the laws of the country of origin. The proposed amendment lists the types of articles regulated and the countries which control the exportation of such articles; the documents required for entering the articles into the United States and the time in which those documents must be submitted if they are not available at the time of entry; and provides for the disposition of articles seized for failure to produce the required documents.

Accordingly, it is proposed to amend Part 12 of the Customs Regulations by the insertion of a new center heading and §§ 12.105 to 12.109 to read as follows:

PRE-COLUMBIAN MONUMENTAL AND ARCHITECTURAL SCULPTURE AND MURALS

§ 12.105 Definitions.

For purposes of §§ 12.106 through 12.109:

(a) The term "pre-Columbian monumental or architectural sculpture or mural" means any stone carving or wall art listed in paragraph (b) of this section which is the product of a pre-Columbian Indian culture of Bolivia, British Honduras, Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico, Panama, Peru, or Venezuela.

(b) The term "stone carving or wall art" includes:

(1) Such immobile stone monuments as altars and altar bases, archways, ball court markers, basins, calendars, and calendrical markers, columns, monoliths, obelisks, statues, stelae, sarcophagi, thrones, zoomorphs;

(2) Such architectuarl structures as aqueducts, ball courts, buildings, bridges, causeways, courts, doorways (including lintels and jambs), forts, observatories, plazas, platforms, facades, reservoirs, retaining walls, roadways, shrines, temples, tombs, walls, walkways, wells;

(3) Architectural masks, decorated capstones, decorative beams of wood, frescoes, friezes, glyphs, graffiti, mosaics, moldings, or any other carving or decoration which had been part of or affixed to any immobile monument or architectural structure, including cave paintings or designs;

(4) Any fragment or part of any stone carving or wall art listed in the preceding subparagraphs.

(c) The term "country of origin," as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where the sculpture or mural was first discovered.

§ 12.106 Importation prohibited.

Except as provided in § 12.107, no pre-Columbian monumental or architectural sculpture or mural which is exported from its country of origin after the effective date of this regulation may be imported into the United States.

§ 12.107 Importations permitted.

Pre-Columbian monumental or architectural sculpture or mural for which entry is sought into the Customs territory of the United States will be permitted entry if at the time of making entry:

(a) A certificate, issued by the Government of the country of origin of such sculpture or mural, in a form acceptable to the Secretary, certifying that such exportation was not in violation of the laws of that country, is filed with the district director of Customs; or

(b) Satisfactory evidence is presented to the district director of Customs that such sculpture or mural was exported from the country of origin on or before the effective date of this regulation; or

(c) Satisfactory evidence is presented to the district director of Customs that such sculpture or mural is not an article listed in § 12.105.

§ 12.108 Detention of articles; time in which to comply.

If the importer cannot produce the certificate or evidence required in § 12.107 at the time of making entry, the district director shall take the sculpture or mural into Customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until the certificate or evidence is presented to such officer. The certificate or evidence must be presented within 90 days after the date on which the sculpture or mural is taken into Customs custody, or such longer period as may be allowed by the district director for good cause shown.

§ 12.109 Seizure and forfeiture.

(a) Whenever any pre-Columbian monumental or architectural sculpture or mural listed in § 12.105 is detained in accordance with § 12.108 and the importer states in writing that he will not attempt to secure the certificate or evidence required, or such certificate or evidence is not presented to the district director prior to the expiration of the time provided in § 12.108, the sculpture or mural shall be seized and summarily forfeited to the United States in accordance with Part 162 of this chapter.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall in accordance with the provisions of Title II of Public Law 92-587:

(1) First be offered for return to the country of origin, and shall be returned if that country presents a request in writing for the return of the article and agrees to bear all expenses incurred incident to such return; or

(2) If not returned to the country of origin, be disposed of in accordance with law, pursuant to the provisions of section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609), and § 162.46 of this chapter.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Office of the Chief Counsel, Washinton, DC 20229. To insure consideration of those communications, they must be received in the Bureau of Customs by February 28, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3 (b)), at the Office of the Chief Counsel, Bureau of Customs, Washington, D.C., during regular business hours.

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

Approved:

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-2750 Filed 2-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

[980.111 Amdt. 1]

ONION IMPORTS

Minimum Grades and Sizes

It is proposed that imported onions meet similar minimum grade and size regulations as those in effect for the South Texas Onion Marketing Order, as required by Federal law.

Notice is hereby given of a proposed amendment of § 980.111 onion import regulation (37 FR 13701), applicable to the importation of onions into the United States to become effective March 19, 1973, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.111 (37 FR 13701), became effective July 17, 1972, and sets forth similar grade, size, quality, maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and eastern Oregon. Grade, size, quality, and maturity requirements become effective for the period March 12 through May 13, 1973, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in south Texas. It is anticipated that imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 19 and the proposed changes will be necessary to bring import regulations into line with domestic regulations covering these south Texas onions.

Considerations will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 20, 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)).

The proposed amendment is as follows:

Section 980.111 onion import regulation (37 FR 13701), is hereby amended to read as follows:

§ 980.111 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 19, 1973, and continuing through May 13, 1973, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements. (1) Grade. Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to ingrade lots.

(2) Size. White onions—1 inch minimum diameter; all other varieties of onions—1¾-inch minimum diameter.

(b) Condition. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) Inspection and official inspection certificates. (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone—512-385-5385 or 5386).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone—602-287-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, Post Office Box 5423, Pawaa Substation, 1428 South King St., Honolulu, HI 96814 (Phone—808-941-3071).	1 day.
All Puerto Rico points.	Daniel H. Hancock, Post Office Box 10163, Santurce, PR 00908 (Phone—809-783-2230 or 4116).	2 days.
New York City	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669 or 7668).	1 day.
New Orleans	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone—504-527-6741 or 6742).	Do.
All other points	D. S. Matheson, Fruit and Vegetable Division, Agriculture Marketing Service, Washington, D.C. 20250 (Phone—202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection; (ii) the name of the shipper, or applicant; (iii) the commodity inspected; (iv) the quantity of the commodity covered by the certificate; (v) the principal identifying marks on the containers; (vi) the railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and (vii) the following statement, if the facts warrant; meets import requirements of 7 U.S.C. 608e–1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in south Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality, and maturity being made effective for onions grown in south Texas.

(i) Definitions. For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickled onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: January 22, 1973.

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

[FR Doc.73-2748 Filed 2-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 30]

ALTERNATE (INTERMODAL) SHIPPER'S EXPORT DECLARATION

Notice of Proposed Rule Making

Notice is hereby given that the Bureau of the Census under the authority of sections 301–307 of title 13, United States Code, is considering the issuance of a directive eliminating the use by exporters or their agents of Commerce Form 7525–V–Alternate (horizontal) and making Commerce Form 7525–V–Alternate–Intermodal the sole official alternate (horizontal) Shipper's Export Declaration effective July 1, 1973.

Commerce Form 7525–V–Alternate (horizontal) was designed a number of years ago as an alternate form of Shipper's Export Declaration to conform to the various shipping documents then commonly in use. Effective January 1971 an additional alternate (horizontal) Shipper's Export Declaration, designated Commerce Form 7525–V–Alternate–Intermodal, was made available. Alternate Shipper's Export Declaration, Form 7525–V–Alternate–Intermodal conforms to the Standard Master for International Trade (which is largely compatible with the Economic Commission for Europe (ECE) layout key). This is the format for bills of lading and other shipping documents that the Department of Transportation, the National Committee on International Trade Documentation, and other facilitation groups representing the United States have agreed upon as the desired Standard Master for International Trade. As of July 1973, Form 7525–V–Alternate (Intermodal) will have been available and in use for more than 2 years.

The continued acceptance and processing of two different alternate (horizontal) Shipper's Export Declaration forms is causing increasing problems and is becoming increasingly burdensome. Permitting the continued use of two alternate (horizontal) Shipper's Export Declarations quite similar in overall appearance but with key data columns and/or spaces reversed (e.g., the "Gross Weight" and "Measurement" columns) tends to increase the likelihood of reporting and/or processing errors; necessitates maintaining separate processing instructions and procedures; and consequently is more time consuming and costly. Accordingly, the Bureau of the Census (with the concurrence of the Office of Export Control) is considering eliminating use of the old alternate form and making Commerce Form 7525–V–Alternate–Intermodal the only acceptable form of Alternate Shipper's Export Declaration.

Interested persons may on or before March 14, 1973, file with the Bureau of the Census, Foreign Trade Division, Washington, D.C. 20233, such written comments and related material as they desire. All comments and related material received on or before March 14, 1973, will be considered by the Bureau of the Census before taking final action on this proposed rule making.

GEORGE H. BROWN,
Director, Bureau of the Census.

I concur: February 1, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-2694 Filed 2-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 37]

SECOND ROUND OF ROENTGENOGRAPHIC AND MEDICAL EXAMINATION IN COAL MINERS

Proposed Specifications

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise the subpart of Part 37 of Title 42, Code of Federal Regulations, entitled "Chest Roentgenographic Examinations" by setting forth specifications for giving, reading, classifying, and submitting the second round of chest roentgenograms required to be given to the underground coal miners by section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843) supplemented by other tests which the Secretary deems necessary.

Section 203 of the Act directs, among other things, that every miner be afforded an opportunity to have an initial chest X-ray by June 30, 1971, a second chest X-ray by June 30, 1974, and that mine operators provide the roentgenograms in accordance with specifications prescribed by the Secretary. The Act also makes provision for other medical examinations as specified by the Secretary.

It is proposed to make the revised regulations effective on the date of their republication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views, and arguments concerning the proposed regulations may be submitted to the NIOSH Regulations Officer, National Institute for Occupational Safety and Health, room 10A–16, 5600 Fishers Lane, Rockville, MD 20852. All material received on or before March 14, 1973, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address. Copies of all forms to which reference is made in the subpart are available on request to the Appalachian Laboratory for Occupational Respiratory Diseases, Box 4258, Morgantown, W. Va. 26505.

The subpart entitled, Chest Roentgenographic Examinations, would provide as set forth below:

Dated: December 21, 1972.

FREDERICK L. STONE,
Acting Administrator, Health Services and Mental Health Administration.

Approved: January 12, 1973.

ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare.

Subpart—Chest Roentgenographic and Medical Examinations

SPECIFICATIONS FOR INTERPRETATION AND CLASSIFICATION OF CHEST FILMS

Sec.
37.50 Interpreting and classifying chest roentgenograms.
37.51 Proficiency in the use of the ILO–U/C Classification.
37.52 Method of obtaining definitive interpretations.
37.53 Notification of abnormal roentgenographic findings.

SPECIFICATIONS FOR SUBMITTING ROENTGENOGRAMS, ETC.

37.60 Submitting required chest roentgenograms, reports, and other information.

AUTHORITY: Sec. 203, Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 843.

Subpart—Chest Roentgenographic Medical Examinations

§ 37.1 Scope.

The provisions of this subpart set forth the specifications for giving, reading and interpreting, classifying, and submitting chest roentgenograms and medical examinations required by section 203 of the Act to be given to underground coal miners and new miners.

§ 37.2 Definitions.

Any term defined in the Federal Coal Mine Health and Safety Act of 1969, and not defined below shall have the meaning given it in the Act. As used in this subpart:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, et seq.).

(b) "ALFORD" means the Appalachian Laboratory for Occupational Respiratory Diseases, Box 4258, Morgantown, W. Va. 26505.

(c) "Chest roentgenogram" means a posteroanterior X-ray projection of the chest at full inspiration recorded on radiographic film.

(d) "Convenient time and place" with respect to the conduct of any examination under this subpart means the locality in which the miner resides or in a location that is equivalent with respect to convenience of time and place. Examinations at the mine during, immediately preceding, or immediately following work and a "no appointment" examination at a medical facility in a town easily accessible to a mining community or mining communities shall be considered of equivalent convenience for purposes of this subpart.

(e) "Forced expiratory volume in one second" or "$FEV_{1.0}$" means the volume of gas (1) exhaled over the first second interval during a complete determination of forced vital capacity and (2) measured in liters corrected to body temperature saturated with water vapor (B.T.P.S.) in accordance with the procedure prescribed in § 37.31.

(f) "Forced vital capacity" or "FVC" means the volume of gas (1) expired as rapidly and completely as possibly after full inspiration (i.e. forced) by the person being examined and (2) measured in liters corrected to body temperature saturated with water vapor (B.T.P.S.) in accordance with the procedure prescribed by § 37.31.

(g) "Institute" and "NIOSH" mean the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD 20852.

(h) "ILO-U/C International Classification of Radiographs of Pneumoconiosis 1971" or "ILO–U/C Classification" means the classification of the pneumoconiosis devised in 1971 by an international committee of the International Labour Office and described in "Medical Radiography and Photography," volume 48, No. 3, December 1972.

(i) "Miner" means any individual who is working in or at any underground coal mine and who has been employed to work in or at any underground coal mine on or before December 30, 1969, but does not include any surface worker who does not have direct contact with underground coal mining or with coal processing operations.

(j) "New miner" means any individual who is working in or at any underground coal mine and who began working in or at an underground coal mine for the first time subsequent to December 30, 1969, but does not include any surface worker who does not have direct contact with underground coal mining or with coal processing operations.

(k) "Operator" means any owner, lessee, or other person who operates, controls, or supervises an underground coal mine.

(l) "Panel of Radiologists" means the U.S. Public Health Service Consultant Panel of Radiologists, c/o: ALFORD, Post Office Box 4528, Morgantown, W. Va. 26505.

(m) "Preemployment physical examination" means any medical examination which includes a chest roentgenogram and the medical examination given in accordance with the specifications of this subpart to a person not previously employed by the same operator or at the same mine for which the miner or new miner is being considered for employment.

(n) "Pulmonary function test" means a method or test for recording the volume and flow and quantifying the forced vital capacity maneuver.

(o) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(p) "Stead-Wells spirometer" means the recording spirometer described in an article in the "Journal of Applied Physiology," volume 14, pages 451–454, May 1959, by Herbert S. Wells, William W. Stead, Thomas D. Rossing, and John Oganovich, entitled, "Accuracy of an Improved Spirometer for Recording of Fast Breathing."

§ 37.3 Chest roentgenograms and medical examinations required for miners and new miners.

(a) Every operator shall provide to each miner employed in or at any of its underground coal mines an opportunity for a chest roentgenogram and medical examination in accordance with this subpart by June 30, 1974. This requirement will be considered as having been fulfilled with respect to any miner for whom the required roentgenogram and examination were made subsequent to July 1, 1972.

(b) Every operator shall provide to each new miner employed in or at any of its underground coal mines:

(1) An initial chest roentgenogram and medical examination as provided herein as soon as possible, but in no event later than 6 months, after commencement of his employment: *Provided*, That a preemployment physical examination will be considered as fulfilling these requirements: *And provided further*, That an initial chest roentgenogram given to a new miner in accordance with the applicable regulations prior to the effective date of this revised subpart will be considered as fulfilling this requirement;

(2) A second chest roentgenogram and medical examination in accordance with this subpart 3 years following the initial examination made under these or the former regulations of this subpart if the miner is still engaged in underground mining;

(3) A third chest roentgenogram and medical examination 2 years following the second chest roentgenogram and medical examination if the miner is still engaged in underground coal mining and if the second examination shows any evidence of dust retention.

(c) The chest roentgenograms and medical examinations made available by an operator for purposes of this subpart shall be provided in accordance with a plan which has been submitted and approved in accordance with this subpart.

§ 37.4 Plans for chest roentgenographic and medical examinations.

(a) Every plan for chest roentgenographic and medical examinations of miners and new miners shall be submitted on such forms as prescribed by the Secretary to ALFORD within 90 calendar days after the effective date of this subpart: *Provided*, That in the case of a person who after such date becomes an operator of a mine for which no plan has been approved, a plan shall be submitted within 60 days after such event occurs. Each plan shall include:

(1) The name and address of the operator(s) submitting the plan;

(2) The name, Federal Bureau of Mines identification number for respirable dust measurements, and address of each mine included in the plan;

(3) The time schedule for the required roentgenograms and medical examinations including the estimated number of miners and new miners to be given or offered examinations under the plan;

(4) The name of the facility or facilities where, the location(s) at which, and the approximate date(s) and time(s) during which the roentgenograms and medical examinations will be given to miners and new miners, in sufficient detail to enable a determination of whether

such examinations will be conducted at a convenient time and place;

(5) The names and qualifications, including specialty training and experience, of the individual(s) who will:

(i) Complete the medical and occupational history questionnaire;

(ii) Administer the pulmonary function tests and compute the results;

(iii) Give the chest roentgenograms; and

(iv) Interpret and classify the chest roentgenograms.

(6) The name, address, and business telephone number of the individuals who will coordinate the submittal as required by § 37.60(a);

(7) A description of the technical factors to be employed to meet the requirements of § 37.41; and

(8) Assurances that (i) the operator will not solicit a physician's roentgenographic or other findings concerning any miner employed by the operator, (ii) instructions have been given to the person(s) giving the examinations that duplicate roentgenograms will not be taken or made and that (except as may be necessary for the purpose of this subpart) the physician's roentgenographic and other findings, as well as other medical information obtained from a miner or new miner, except if obtained in a preemployment examination, will not be disclosed in a manner which will permit identification of the employee and (iii) the roentgenographic and medical examinations will be made at no cost to the miner.

(b) The change of operators of any mine operating under a plan approved pursuant to § 37.5 shall not affect the plan of the operator which has transferred responsibility for the mine. Every such plan shall be subject to revision in accordance with paragraph (c) of this section.

(c) The operator shall advise ALFORD of any change in its plan. Each change in an approved plan including a modification of the information submitted under paragraph (a)(5) of this section is subject to the same review and approval as the originally approved plan.

§ 37.5 Approval of plans.

(a) If, after review of any plan submitted pursuant to this subpart, the Secretary determines that the action to be taken under such plan by the operator or group of operators meets the specifications of this subpart and will effectively achieve its purpose, the Secretary will approve such plan and notify the operator(s) submitting the plan of his approval. Such approval may be conditioned upon such terms as the Secretary deems necessary to carry out the purpose of section 203 of the act.

(b) Where the Secretary has reason to believe that he will deny approval of a plan he will, prior to the denial, give reasonable notice in writing to the operator(s) of an opportunity to amend the plan. The notice shall specify the ground upon which approval is proposed to be denied.

(c) If a plan is denied approval, the Secretary shall advise the operator(s) in writing of the reasons therefor.

§ 37.6 Roentgenographic and medical examinations conducted by the Secretary.

(a) The Secretary will give chest roentgenograms and perform medical examinations or make arrangements with an appropriate person, agency or institution to give the chest roentgenograms and perform the medical examinations required under this subpart in the locality where the miner resides, at the mine, or at a medical facility easily accessible to a mining community or mining communities, under the following circumstances:

(1) Where, in the judgment of the Secretary, due to the lack of adequate medical or other necessary facilities or personnel at the mine or in the locality where the miner resides, the required roentgenographic or medical examination cannot be given.

(2) Where the operator has not submitted an approvable plan.

(3) Where, after commencement of an operator's program pursuant to an approved plan and after notice to the operator of his failure to follow the approved plan and, after allowing 15 calendar days to bring the program into compliance, the Secretary determines and notifies the operator in writing that the operator's program still fails to comply with the approved plan.

(b) The operator of the mine shall reimburse the Secretary or such other person, agency, or institution as the Secretary may direct, for the cost of conducting each examination made in accordance with this section.

§ 37.7 Transfer of affected miner to less dusty area.

(a) Any miner who, in the judgment of the Secretary based upon the interpretation of one or more chest roentgenograms, shows category 2 (2/1, 2/2, 2/3) or category 3 (3/2, 3/3, 3/4) simple pneumoconiosis, or complicated pneumoconiasis, or the development of category 1 (1/0, 1/1, 1/2) simple pneumoconiosis in less than 10 years since first entering the coal mining industry (ILO-U/C classification) shall be afforded the option by the operator of transferring from his position to another position in an area of the mine where the concentration of respirable dust in the mine atmosphere is not more than 1.0 mg/m³ of air, or, if such level is not attainable in such mine, to a position in the mine where the concentration of respirable dust is the lowest attainable below 2.0 mg/m³ of air.

(b) Any transfer under this section shall be in accordance with the procedures specified in Part 90 of Title 30 of the Code of Federal Regulations.

SPECIFICATIONS FOR COMPLETING MEDICAL AND OCCUPATIONAL QUESTIONNAIRES AND MINER IDENTIFICATION DOCUMENT

§ 37.20 General provisions.

(a) A medical questionnaire, an occupational history questionnaire, and a miner identification document shall be completed for each miner and new miner at the same time and place where the chest roentgenogram and/or medical tests required by this subpart are given.

(b) The questionnaires and miner identification document shall be submitted to ALFORD in accordance with the requirements set forth in § 37.60.

§ 37.21 Ability to complete questionnaires.

(a) Questionnaires shall be completed in strict conformance with instructions by a person who is approved by ALFORD to complete the questionnaires. An individual who has successfully completed a training course offered by, or under the direction of ALFORD, will be approved upon application to ALFORD on a form it has prescribed.

(b) Where a total of fewer than 50 miners and new miners are employed in the area, an individual who has not participated in an approved training course may be approved upon application to ALFORD on a form it has prescribed.

§ 37.22 Completion of questionnaire.

Only questionnaires that have been completed by persons (a) approved in accordance with § 37.21, and (b) named in the plan approved pursuant to § 37.5, shall be accepted by ALFORD.

SPECIFICATIONS FOR PULMONARY FUNCTION EXAMINATIONS

§ 37.30 General provisions.

(a) The pulmonary function examinations shall be performed at the same visit and in the same place as the chest roentgenogram, or shall be made available to the miner at a convenient time and place.

(b) The pulmonary function examination report shall be fully completed and submitted to ALFORD in accordance with the requirements set forth in § 37.60.

(c) A pulmonary function examination shall be made (1) by a physician approved by ALFORD under § 37.32 or, (2) by a person approved by ALFORD under § 37.32 under the direction of any physician.

(d) Pulmonary function test data shall be reviewed visually for consistency and best effort before the miner is advised that the examination is concluded. Variation between the largest and smallest forced vital capacity of the three satisfactory tracings described in § 37.31 (b) shall not, in the judgment of the individual administering the examination, exceed 10 percent.

§ 37.31 Pulmonary function specifications.

The spirometric measurements of pulmonary function shall conform to the following:

(a) *Apparatus.* (1) The instrument shall be accurate to within 50 ml at all points over the entire volume range of the instrument which for single breath procedures shall not be less than 6.5 liters.

(2) The instrument shall be linear to within ±1 percent of reading.

(3) The instrument shall have a low inertia and offer low resistance to airflow such that the back pressure measured in the tubing during the performance of a forced vital capacity maneuver

by a subject having an $FEV_{1.0}$ of at least 3.5 liters shall not exceed 5 cm. of water for longer than 30 milliseconds and then, for the remainder of the maneuver, shall not exceed 1.5 cm. of water. Or, the frequency response of the instrument shall be flat and within 5 percent to at least 6 Hz (cycles per second).

(4) The diameter of the mouthpiece shall be not less than 2.5 cm., and the diameter of the tubing from the mouthpiece to the instrument shall be not less than 3.0 cm.

(5) If a flow versus volume tracing is recorded by the instrument, it must include a self-contained timing unit to indicate the start and end of the $FEV_{1.0}$ time period. The timing unit shall be accurate to within ± 1 percent, and capable of calibration under conditions of use. The timing mechanism shall be actuated during expiration after the exhalation of 100 ± 25 ml. of gas.

(6) For apparatus incorporating a kymograph, the minimum paper speed for measurement of the forced expiratory volume in 1 second ($FEV_{1.0}$) shall be 2.0 cm. per second. The kymograph shall be operated to bring it to proper speed before the beginning of the rapid forced expiration maneuver.

(7) For apparatus incorporating measurements of airflow as well as volume, the instrument shall measure flow accurately to within 1 percent of full scale for flow rates of greater than 0.1 liter per second. The minimum range for flow measurement shall be from 0 to 12 liters per second.

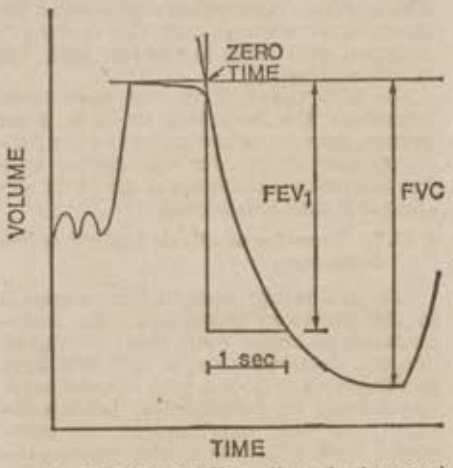
(8) The instrument shall incorporate a temperature sensing device so that under conditions of varying ambient temperatures and barometric pressures the flows and volumes recorded can be corrected to body temperature saturated with water vapor (B.T.P.S.).

(9) The instrument used shall provide a tracing of either flow versus volume, volume versus time during the entire forced expiration, or shall provide electric output records proportional to volume and/or flow. Electronic instruments shall be checked daily for calibration.

(10) The apparatus used to record the tracings of the forced vital capacity maneuver shall have a minimum sensitivity of 7.5 mm. of chart per liter of volume, 4.0 mm. of chart per liter per second of flow and 20 mm. of chart per second of time.

(b) *Technique for measurement of forced vital capacity maneuver.* (1) Use of a nose clip is optional. The procedures shall be explained in simple terms to the subject who shall be instructed to loosen any tight clothing and sit with free motion possible or stand comfortably in front of the apparatus. Particular attention shall be given to seeing that the chin is slightly elevated and the neck slightly extended. The subject shall be instructed to make a full inspiration from a normal breathing pattern and then blow into the apparatus without interruption as hard, fast, and completely as possible. During the practice attempts, of which there shall be at least two, the subject shall be observed for compliance with instructions. Three further forced expirations shall be recorded. The three expirations shall be checked visually for reproducibility. If the observer has reason to believe that the subject has not reached full inspiration preceding the forced expiration, or has not used maximal effort during the forced expiration, or has not continued the expiration for at least 6 seconds for those subjects that show continued exhalation of air, the effort shall be unacceptable, and further attempts are required to obtain at least three acceptable tests. From the three satisfactory tracings, the forced vital capacity (FVC) and forced expiratory volume in 1 second ($FEV_{1.0}$) shall be measured and recorded.

(2) By convention, the $FEV_{1.0}$ measured from a kymograph or chart recorded tracing of the FVC maneuver shall be the volume (corrected to B.T.P.S.) from the beginning of the expiration to the point where the 1 second time intersects the volume tracing during expiration. The zero time point is determined by extrapolating the steepest portion of the volume tracing back to the maximal inspiration volume (see illustration).



(c) *Standardization.* Any instrument or method for recording FVC and $FEV_{1.0}$ is acceptable provided it meets the specifications set out in paragraph (a) of this section. If an instrument other than a noncounterweighted spirometer of low inertia (e.g., the Stead-Wells spirometer) is used, documentation of a valid comparison of the values for FVC and $FEV_{1.0}$ obtained on that instrument with values obtained on a Stead-Wells spirometer shall be provided. Such documentation shall consist of submission to ALFORD of three acceptable FVC and $FEV_{1.0}$ values obtained on both instruments in a random fashion from a minimum of 100 subjects whose $FEV_{1.0}$ shall range from approximately 2.0 to 4.0 liters. From the data, a method shall be devised for making the conversion of $FEV_{1.0}$ and FVC required by paragraph (d) of this section. The documentation submitted to ALFORD shall include the method of conversion and an explanation as to how it was derived. The documentation shall be evaluated and approved by ALFORD before any examinations are made hereunder. Periodic recalibration of the alternate instrument, as described above, is desirable and may be required at the discretion of ALFORD.

(d) The FVC and $FEV_{1.0}$ determined for each miner shall be corrected to body temperature saturated with water vapor (B.T.P.S.), and if an instrument approved under paragraph (c) of this section is used, converted in accordance with the conversion procedure approved by ALFORD. Corrected values for the three acceptable expirations shall be reported to ALFORD (see § 37.30) along with the make, model, and serial numbers of the spirometer and recording equipment used. The actual tracings or other graphic records of the three acceptable forced vital capacity maneuvers shall be attached to the pulmonary function examination report. The tracing or other graphic record shall be appropriately labeled. If presented as a volume-time curve, the labeling shall show distance per liter on the ordinate and distance per second on the abscissa. If presented as a flow-volume curve, the labeling shall show distance per liter per second on the ordinate and distance per liter on the abscissa and a clearly identifiable mark(s) indicating the $FEV_{1.0}$. The absolute values of FVC and $FEV_{1.0}$ shall be accompanied by a measurement of standing height of the subject to the nearest cm. or ½ inch measured with a right-angle device and age at the last birthday. Standing height shall be without shoes or corrected for the height of the heel.

NOTE: Explanatory material regarding the above requirements of this section may be found in the following:

Respiratory Function Tests in Pneumoconiosis, Occupational Safety and Health Series, table A, pp. 22–23, and appendix A, pp. 125–129, International Labour Organization, Geneva, Switzerland (1966).

Stead, W. W.; Wells, H. S.; Gault, N. L.; and Organovich, J.: Inaccuracy of the conventional water-filled spirometer for recording rapid breathing. J. Appl. Physiol. 14:448–450, 1959.

Wels, H. S.; Stead, W. W.; Rossing, T.; and Organovich, J.: Accuracy of an improved spirometer for recording of fast breathing. J. Appl. Physiol. 14:451–454, 1959.

Hyatt, R. E., Dynamic Lung Volumes, published in "Handbook of Physiology: A Critical, Comprehensive Presentation of Physiological Knowledge and Concepts," volume II, section 3: Respiration, W. O. Fenn and H. Rahn, editors, chapter 54, pp. 1381–1397, 1965, Baltimore, Md., The Williams & Wilkins Co.

§ 37.32 Ability to administer high quality pulmonary function examinations.

(a) Pulmonary function examinations shall be conducted by a person who is approved by ALFORD to conduct such examinations. An individual who has successfully completed a training course offered by or approved by ALFORD will be approved upon application to ALFORD on a form it has prescribed.

(b) Where a total of fewer than 50 miners and new miners are employed in the area, an individual who has not participated in an approved training course may be approved upon application to ALFORD on a form it has prescribed.

§ 37.33 Administration of pulmonary function test.

Results of pulmonary function tests will be accepted by ALFORD only from persons approved in accordance with § 37.32 and named in the plan approved pursuant to § 37.5.

SPECIFICATIONS FOR PERFORMING CHEST ROENTGENOGRAPHIC EXAMINATIONS

§ 37.40 General provisions.

(a) The chest roentgenographic examination shall be given at a convenient time and place.

(b) The chest roentgenographic examination consisting of the chest roentgenogram and Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin)) shall be completed in full and in accordance with the requirements set forth in § 37.50 and submitted to ALFORD pursuant to § 37.60.

(c) A roentgenographic examination shall be made in a facility approved in accordance with § 37.42 by or under the supervision of a physician who regularly takes chest roentgenograms and who has demonstrated his ability, in accordance with § 37.42, to take chest roentgenograms of a quality to best ascertain the presence of pneumoconiosis.

§ 37.41 Roentgenogram specification.

(a) Every chest roentgenogram shall be a posteroanterior projection at full inspiration on a 14- by 17-inch or 14- by 14-inch film.

(b) Roentgenograms shall be made only with a diagnostic X-ray machine having a rotating anode tube with a maximum of a 2 mm. source (focal) spot, except as stated in paragraph (e) of this section.

(c) Except as provided in paragraph (d) of this section, roentgenograms shall be made with units having generators which comply with the following: (1) The generators of existing roentgenographic units acquired by the examining facility prior to effective date of the regulations shall have a minimum rating of 200 MA at 100 kVp.; (2) generators of units acquired subsequent to such date shall have a minimum rating of 300 MA at 125 kVp.

NOTE: A generator with a rating of 150 kVp. is recommended.

(d) Roentgenograms made with battery-powered mobile or portable equipment shall be made with units having a minimum rating of 100 MA at 110 kVp. at 500 Hz.

(e) Capacitor discharge, and field emission units may be used: *Provided*, That the model of such units is approved by ALFORD for quality, performance, and safety.

(f) Roentgenograms shall be given only with equipment having a beam-limited device. The use of such a device shall be discernible from an examination of the roentgenogram.

(g) To insure high quality chest roentgenograms:

(1) The maximum exposure time shall not exceed 1/20 of a second;

(2) The source or focal spot to film distance shall be at least 6 feet: *Provided*, That where space limitation requires a shorter distance, the source to film distance shall not be less than 5 feet;

(3) Only medium-speed film and medium speed intensifying screens shall be used;

(4) Film-screen contact shall be maintained and verified frequently;

(5) Intensifying screens shall be inspected at least once a month and cleaned when necessary by the method recommended by the manufacturer;

(6) All intensifying screens in a cassette shall be of the same type and made by the same manufacturer;

(7) When using over 90 kV., a suitable grid or other means of reducing scattered radiation shall be used.

(8) The geometry of the radiographic system shall insure that the central axis of the primary beam is perpendicular to the entire film surface and impinges on the center of the film.

(h) Radiographic processing:

(1) Either automatic or manual film processing which produces a high quality film is acceptable. A constant time-temperature technique shall be meticulously employed in manual processing.

(2) If the mineral or other impurities in the processing water introduce difficulty in obtaining a high-quality roentgenogram, a suitable filter or purification system shall be used.

(i) Before the miner is advised that the examination is concluded, the film shall be processed and inspected and accepted for quality by the physician, if available. If the physician is not available, such acceptance may be made by the radiologic technologist. In a case of a substandard film, another film shall be immediately retaken.

(j) An electric power supply shall be used which complies with the voltage, current, and regulation specified by the manufacturer of the machine.

(k) A densitometric test object may be required on each roentgenogram for an objective evaluation of film quality at the discretion of ALFORD.

(l) Each roentgenogram made hereunder shall be permanently and legibly marked with the name and address or ALFORD approval number of the facility at which it is taken, the social security number of the miner, and the date of the roentgenogram. No other identifying markings shall be recorded on the film.

§ 37.42 Approval of roentgenographic facilities.

(a) Approvals of roentgenographic facilities given prior to the effective date of these regulations shall terminate on the effective date of these regulations. Previously approved roentgenographic facilities are encouraged to reapply in accordance with this subpart.

(b) To be eligible to participate hereunder, a roentgenographic facility shall demonstrate ability to take high quality diagnostic chest roentgenograms by submitting to ALFORD, six or more sample chest roentgenograms taken and processed at the applicant facility which are of acceptable quality to the panel of radiologists. Applicants shall also submit with each chest roentgenogram, a roentgenogram of a plastic step wedge object (available on loan from ALFORD) which was taken at the same time with the same technique and processed at the facility for which approval is sought. At least one chest roentgenogram and one test object film shall have been taken with each unit to be used hereunder. All film shall have been taken within the 15 calendar days prior to submission and shall identify the facility where each film was taken. The chest roentgenograms will be returned and may be the same roentgenograms submitted pursuant to § 37.51.

(c) Each roentgenographic facility submitting chest roentgenograms for approval under this section shall complete and include an X-ray facility document describing each X-ray unit to be used to take chest roentgenograms under the Act. Among other things, the form shall include: (1) The date of the last radiation safety inspection by an appropriate licensing agency or, if no such agency exists, by a qualified consultant; (2) the deficiencies found; and (3) a statement that all the deficiencies have been corrected. To be acceptable, the radiation safety inspection shall have been made within 1 year preceding the date of application.

(d) Roentgenograms submitted with applications for approval under this section will be evaluated by the panel of radiologists. Applicants will be advised of any reasons for denial of approval.

(e) ALFORD or its representatives may make a physical inspection of the applicant's facility and any approved roentgenographic facility at any reasonable time to determine if the requirements of this subpart are being met.

(f) Approvals granted hereunder may be suspended or withdrawn by notice in writing when in the opinion of ALFORD the quality of radiographs submitted hereunder warrants such action. A copy of a notice withdrawing approval will be sent to each operator who has listed the hospital, clinic, or physician as its facility for giving chest roentgenograms.

§ 37.43 Protection against radiation emitted by roentgenographic equipment.

Roentgenographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used, shall conform to the recommendations of the National Council on Radiation Protection and Measurements in NCRP Report No. 33 "Medical X-ray and Gamma-Ray Protection for Energies up to 10 MeV—Equipment Design and Use" (issued February 1, 1968) which document is hereby incorporated by reference and made a part hereof. This document is available for examination at ALFORD, at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD, and at the Public

Health Serivce Information Center or Regional Office Information Centers listed in 45 CFR 5.31. Copies of the document may be purchased for $1 each from NCRP Publications, Suite 1016, 7910 Woodmont Avenue, Bethesda, MD. An official historic file on NCRP Report No. 33 will be maintained at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD.

SPECIFICATIONS FOR INTERPRETATION AND CLASSIFICATION OF CHEST FILMS

§ 37.50 Interpreting and classifying chest roentgenograms.

(a) The interpretation of chest roentgenograms shall be classified in accordance with the ILO–U/C Classification system and recorded on a Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin)).

(b) Interpretation and classification shall be performed only by a physician who regularly reads chest roentgenograms and who has demonstrated proficiency in the use of the ILO–U/C Classification system in accordance with § 37.51.

(c) All interpreters hereunder, whenever interpreting chest roentgenograms made under the Act, shall have immediately available for reference a complete set of the ILO–U/C International Classification of Radiographs for Pneumoconioses, 1971.

NOTE: This set is available from the International Labour Office, Occupational Safety and Health Branch, CH 1211, Geneva 22, Switzerland.

(d) In all view boxes used for making interpretations hereunder:

(1) Fluorescent lamps shall be simultaneously replaced with new lamps at 6-month intervals;

(2) All the fluorescent lamps in a panel of boxes shall have identical manufacturer's ratings as to intensity and color;

(3) The glass, internal reflective surfaces, and the lamps shall be kept clean;

(4) The unit shall be so situated as to minimize front surface glare.

§ 37.51 Proficiency in the use of the ILO–U/C Classification.

(a) First or "A" readers:

(1) Proficiency in the use of the ILO–U/C Classification system shall be demonstrated by either:

(i) Submitting from the physician's files six sample chest roentgenograms classified by him to the panel of radiologists which are considered property classified by the panel. The submission shall consist of two without pneumoconiosis, two with simple pneumoconiosis, and two with complicated pneumoconiosis. The films will be returned to the physician. The interpretations shall be on the Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin)). (These may be the same roentgenograms submitted pursuant to § 37.42), or:

(ii) Completion, since June 15, 1970, of a course approved by ALFORD on the ILO–U/C Classification system or the UICC/Cincinnati Classification system. As used in this subparagraph "UICC/Cincinnati Classification" means the classification of the pneumoconioses devised in 1968 by a Working Committee of the International Union Against Cancer.

(b) Final or "B" readers:

(1) Additional proficiency in the use of the ILO–U/C Classification system shall be demonstrated by those physicians who desire to be a final or "B" reader by taking and passing a specially designed proficiency examination given on behalf of or by ALFORD.

(c) Physicians who wish to participate in the program shall make application on an Interpreting Physician Certification Document.

§ 37.52 Method of obtaining definitive interpretations.

All chest roentgenograms interpreted by "A" readers will be submitted by ALFORD to a "B" reader of its choosing, qualified as described in § 37.51 whose interpretation shall be final. If the first interpretation is by a "B" reader, it shall be final.

§ 37.53 Notification of abnormal roentgenographic findings.

(a) Findings of, or findings suggesting, enlarged heart, tuberculosis, lung cancer, or any other significant abnormal findings other than pneumoconiosis shall be communicated by the first physician to interpret and classify the roentgenogram to the designated physician of the miner or new miner indicated on the Miner's Identification Document. A copy of the communication shall be submitted to ALFORD.

(b) All final findings regarding pneumoconiosis will be sent to the miner by the Secretary of the Interior in accordance with section 203 of the Act (see 30 CFR Part 90). Significant findings with regard to pneumoconiosis will be reported to the miner's designated physician by ALFORD.

SPECIFICATIONS FOR SUBMITTING ROENTGENOGRAMS, ETC.

§ 37.60 Submitting required chest roentgenograms, reports, and other information.

(a) All chest roentgenograms and medical examinations required to be made under this subpart, together with their interpretations, and other documents and reports described in this subpart, shall be submitted together within 14 calendar days after examination to ALFORD and become the property of ALFORD.

(b) If ALFORD deems any part submitted under paragraph (a) of this section inadequate, it will notify the operator of the deficiency. The operator shall promptly make appropriate arrangements for the necessary re-examination.

(c) Failure to comply with paragraph (a) or (b) of this section shall be cause to revoke approval of a plan or any other approval as may be appropriate. An approval which has been revoked hereunder may be reinstated at the discretion of ALFORD after it receives satisfactory assurances and evidence that all deficiencies have been corrected and that effective controls have been instituted to prevent a recurrence.

(d) Chest roentgenograms and medical examinations shall be submitted only for miners or new miners. Results of preemployment physical examinations of persons who are not hired shall not be submitted.

(e) If a miner refuses to participate in all parts of the examinations, questionnaires, and roentgenograms described herein, all the forms shall be submitted with his name and social security account number on each. If any of the above cannot be completed because of the miner's refusal, it shall be marked "Miner Refuses," and shall be submitted. No submission shall be made, however, without a completed miner identification document containing the miner's name, address, social security number, place of employment, and work category.

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on July 7, 1970.

[FR Doc.73-2952 Filed 2-9-73;8:45 am]

[42 CFR Part 37]

AUTOPSIES OF COAL MINERS

Submission of Report

Section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(d)) provides that upon the death of any active or inactive coal miner, the Secretary of Health, Education, and Welfare, after obtaining proper consent, is authorized to pay for an autopsy to be performed on such a miner. On May 14, 1971, the Secretary prescribed the conditions under which qualified pathologists would be paid for such autopsies (36 FR 3869).

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary, proposes to amend the subpart of Part 37 of Title 42, Code of Federal Regulations entitled "Autopsies" by adding to § 37.202 the requirement that autopsy reports must be submitted for Occupational Respiratory Diseases (ALFORD) within 120 days after the postmortem examination of any miner. It is proposed to make the amendment effective on the date of its republication in the FEDERAL REGISTER.

Inquires may be addressed, and data, views, and arguments concerning the proposed amendment may be submitted to the National Institute for Occupational Safety and Health, Room 10–05, 5600 Fishers Lane, Rockville, MD 20852. All material received on or before March 14, 1973, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to amend Part 37 in the manner set forth below.

Dated: January 4, 1973.

DAVID J. SENCER,
Acting Administrator, Health Services and Mental Health Administration.

Approved: February 6, 1973.

FRANK CARLUCCI,
Acting Secretary.

In § 37.202(a), subparagraph (2) is redesignated as subparagraph (3), a new subparagraph (2) is added, and subparagraph (1) is revised to read as follows:

§ 37.202 Payment for autopsy.

(a) * * *

(1) Performs an autopsy on a miner in accordance with this subpart; and

(2) Submits the findings and other materials to ALFORD in accordance with this subpart within 120-calendar days after having performed the autopsy; and

* * * * *

(Sec. 508, 83 Stat. 803; 30 U.S.C. 957)

[FR Doc.73-2713 Filed 2-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-23 N]

LONG ISLAND INLAND WATERWAY, NEW YORK

Proposed Drawbridge Operation Regulations

The Coast Guard is considering adopting regulations for the Long Island State Park Commission bridges known as Loop Bridge, Meadowbrook Bridge, Wantagh Bridge, and the Captree Bridge to permit the draws to remain closed to the passage of vessels for periods of 2 hours to 3 hours during the peak season that the Long Island beaches are open. A request from the Chief, Deputy County Commissioner of Suffolk County is being considered to permit the draws of the five bridges from Narrow Bay through Shinnecock Bay to remain closed from 10 p.m. to 6 a.m. from May 1 through September 30 and from 4 p.m. to 8 a.m. from October 1 through April 30. At all other times the draws of these bridges shall open on signal. This is being considered because of limited requests for passage from vessels during these periods. The regulations for the Atlantic Beach and Long Beach bridges across Reynolds Channel will be editorially changed for overall clarity. This action is being considered in order that the increased current vehicular and marine traffic may operate with minimum inconvenience.

Also under consideration is a requirement that no draw listed in this section need open for a sailing vessel unless it is under machinery power or is under tow. This is being considered because of unduly long drawbridge closures caused by sailing vessels that are solely under sail.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before March 30, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.180 to read as follows:

§ 117.180 Long Island, N.Y. Inland Waterway from East Rockaway Inlet to Shinnecock Canal, bridges.

(a) The owners of or agencies controlling these bridges shall provide the necessary drawtenders and the proper machinery for safe, prompt operation of the draws.

(b) The draw of any bridge for which specific operating regulations are not prescribed in paragraphs (g), (j), (k), (l), (m), and (n) of this section shall open promptly on signal. However, no draw need open for a sailing vessel unless under machinery power or under tow if such an opening would unduly delay other vessel or vehicular traffic.

(c) The owners of or agencies controlling these bridges shall not permit automobiles, trucks, or other vehicles and vessels to stop or operate in such a manner so as to hinder or delay the operation of the draws. All passages over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(d) The owner of or agencies controlling each of these bridges shall provide and keep in good legible condition two clearance gauges on both the upstream and downstream sides of the bridge painted white, with black figures not less than 8 inches high, to indicate the minimum clearances under the closed draw at any stage of the tide. The clearance gauges shall be placed on each bridge or appurtenances thereto in a way that they are plainly visible to the operator of a vessel approaching the bridge, either upstream or downstream.

(e) The draws of these bridges need not open for vessels carrying appurtenances unessential for navigation which extend above the normal superstructure or for appurtenances essential to navigation but which may be altered by hinging, collapsing, telescoping, or otherwise, so as to require no greater clearance than the highest fixed and essentially unalterable point of the vessel.

(f) A copy of the paragraphs pertaining to individual bridges in this section shall be posted on each bridge or appurtenances thereto on both the upstream and downstream sides in such a manner that it can be easily read at any time. This copy shall state how the authorized representative may be contacted if constant attendance is not required.

(g) Public vessels of the United States, vessels used by State or local governments for public safety or vessels in distress shall be passed through the draws as soon as possible after vehicular traffic has been cleared from the drawspans but no later than 15 minutes after giving the opening signal.

(h) The time specified is local time.

(i) Signals: (1) *Call signals for opening of draw*—(i) *Sound signals.* Public vessels of the United States, State or local vessels used for public safety or vessels in distress, shall sound four distinct blasts of a whistle, horn, or four loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge. All other vessels shall sound three distinct blasts of a whistle, horn, or three loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle or horn or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(j) Atlantic Beach Bridge across Reynolds Channel:

(1) From October 1 through May 14 the draw shall open on signal at any time.

(2) From May 15 through September 30 the draw shall open on signal except during the following periods it need open only on the hour and half hour:

(i) From 4 p.m. to 7 p.m. on weekdays; and

(ii) From 11 a.m. to 9 p.m. on Saturdays, Sundays, Memorial Day, Independance Day, and Labor Day.

(3) From May 15 through September 30 the draw shall open on signal at any time from 2 hours before to 1 hour after predicted high tide (predicted high tide for this bridge shall be 10 minutes earlier than that predicted for Sandy Hook as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration).

(k) Long Beach Bridge across Reynolds Channel:

(1) From October 1 through May 14 the draw shall open on signal at any time.

(2) From May 15 through September 30 the draw shall open on signal except that from 3 p.m. to 8 p.m. on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day the draw need open only on the hour and half hour.

(l) Loop Parkway Bridge across Long Creek:

(1) The draw shall open on signal every other hour on the even hour except that on Saturdays, Sundays, and Federal holidays during the period from April 1 through October 31 the draw shall open on signal every 3 hours beginning at 3 a.m.

(2) The drawtender is on duty 24 hours per day at this bridge except for short absences between the times for scheduled openings. If an opening is desired at other than a scheduled time and the drawtender is absent, the opening may be requested via the telephones located on either side of the bridge or via marine radiotelephone.

(m) Bridges at Meadowbrook State Parkway across Sloop Creek, Wantagh State Parkway across Goose Creek, and Captree State Parkway across State Boat Channel at Captree Island:

(1) Except as provided in paragraph (m)(2) of this section, the draws of these bridges shall open on signal every other hour on the even hour if at least one-half hour advance notice is given to the Jones Beach State Park.

(2) On Saturdays, Sundays, and Federal holidays from April 1 through October 31 the draws shall open on signal every 3 hours beginning at 3 a.m. if at least one-half hour advance notice is given to the Jones Beach State Park.

(3) Notice may be given from the telephones located at the moorings on each side of each bridge or by marine telephone.

(n) Bridges at Smith Point across Narrow Bay, Potunk Point across Quantuck Canal, Beach Lane across Quantuck Canal, Quoque across Quoque Canal and Ponquoque Point across Shinnecock Bay:

(1) The draws shall open on signal from 8 a.m. to 4 p.m. from October 1 through April 30 and from 6 a.m. to 10 p.m. from May 1 through September 30.

(2) At all other times during these periods the draws shall open as soon as possible but no longer than 1 hour after a request to open is received.

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

Dated: February 1, 1973.

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

[FR Doc.73-2704 Filed 2-9-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WE-5]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration and Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of Grand Canyon, Ariz. (Grand Canyon National Park Airport) transition area and establish a control zone for the airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before March 14, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

On or about May 17, 1973, the Federal Aviation Administration (FAA) will commission a temporary Air Traffic Control Tower at Grand Canyon National Park Airport, Ariz. Initially the tower will operate on a part-time basis, May through October.

The proposed control zone and extended 700-foot transition area will provide controlled airspace protection for aircraft executing the VOR Runway 3 instrument approach procedure in descent from 1,500 feet to the surface. In addition, the proposed control zone will provide controlled airspace for VFR and special VFR operations.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (38 FR 351) the following control zone is added:

GRAND CANYON, ARIZ. (GRAND CANYON NATIONAL PARK AIRPORT)

Within a 5-mile radius of Grand Canyon National Airport (latitude 35°57'16" N., longitude 112°08'37" W.) and within 3 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen.

The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435) the description of the Grand Canyon (Grand Canyon National Park Airport) transition area is amended as follows.

Delete all of the 700-foot portion of the transition area and substitute the following therefore:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Canyon National Park Airport (latitude 35°57'16"N., longitude 112°08'37"W.) and within 3.5 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius area to 8 miles southwest of the VOR; • • •

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

Issued in Los Angeles, Calif., on January 30, 1973.

Robert O. Blanchard,
Acting Director, Western Region.

[FR Doc.73-2690 Filed 2-9-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, and 178]

[Docket No. HM-57; Notice No. 73-1]

CLASSIFICATION AND PACKAGING OF CORROSIVE MATERIALS

Notice of Proposed Rule Making

On March 23, 1972, April 26, 1972, and September 16, 1972, the Hazardous Materials Regulations Board published Docket No. HM-57; Amendment Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21 (37 FR 5946, 8383, and 18918) prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. Compliance with these amendments has been authorized as of April 21, 1972. The mandatory effective date is specified as June 30, 1973.

The Hazardous Materials Regulations Board has received numerous petitions to provide additional packagings for shipment of corrosive materials. In accordance with its statement of intent, the Board has reviewed these petitions and this notice contains the Board's proposal for the packagings and transportation of such materials.

In addition, the Board is proposing to authorize bottom unloading of cargo tanks containing corrosive liquids. This is based on (1) satisfactory experience reported by a number of petitioners transporting corrosives not previously

considered to be covered by the corrosive liquid definition; (2) several special permits that authorize bottom discharge outlets for corrosive liquids; and (3) the absence of any unsatisfactory experience reported to the Board through the Department's incident reporting system, as applicable to the use of bottom outlets on cargo tanks transporting corrosive liquids. Also, the Board is proposing that § 178.343–5 be revised to incorporate protective safeguards in the design and construction of these outlets. This is consistent with the regulations applicable to other hazardous materials when such outlets are authorized.

The Board has not yet finalized its rule making on this same subject with regard to tank cars. The subject of bottom outlets on tank cars was introduced in Docket No. HM–90 (36 FR 16680, 18873, and 21343) and as stated in that docket on November 6, 1971 (36 FR 21343), it remains an issue for future rule making action. The Board intends, shortly, to present its proposal to the public in this matter. Meanwhile, the Board is proposing to provide temporary authorization to ship certain corrosive liquids in tank cars with bottom outlets to provide limited relief because of the numbers of these materials presently being so shipped.

As requested, the Board is proposing to list solid caustic soda and phosphoric acid by name in the regulations. In addition, it proposes to add a new packageing reference to crotonaldehyde, diethylamine, ethyl dichloride, and propylene oxide to adequately cover these materials under paragraph 173.119(m).

Disagreement in the industry with respect to classification has arisen regarding the following chemicals: maleic anhydride, phthalic anhydride, alpha-picoline, gamma-picoline, ethyl morpholine, nonyl phenol, phenol sulphonic acid, and sodium bisulfite. The Department is studying these products and based on the results of its findings will publish a notice later if it concludes that these materials meet the criteria of § 173.240.

The Board is proposing to revise § 173.240 to clarify the intent of the definition and scope. Also, it has included proposed changes to incorporate the proposed revision to 21 CFR 191.11 which was published by the Commissioner of Food and Drugs, Food and Drug Administration, in the FEDERAL REGISTER of December 19, 1972 (37 FR 27635). Based on the statement that he (the Commissioner) "does not expect the new test procedure, if adopted, to materially alter the classification of more severe dermal irritants and corrosives to the skin" and that rather "[i]t will aid in classifying corrosives by clarifying certain troublesome language, and will resolve situations where borderline irritation is an issue," the Board does not consider it necessary for transportation purposes to retest any materials previously tested according to the definition in the present amendment in Docket HM–57. The results obtained under the existing procedure may be considered acceptable by shippers. Final action on these definition changes would be taken on the basis of the final rule published by the Food and Drug Administration.

Some petitioners requested that the regulations be amended to authorize the use of Specification MC 300, MC 301, MC 302, MC 303, MC 305, and MC 306 cargo tanks for transporting corrosive liquids. The Board is concerned about the adequacy of these tanks because some of them may be very old (MC 301 cargo tanks have not been authorized for construction since June 11, 1961) and because they have not been designed in accordance with standard requirements for corrosive liquids. The Board finds that the specification requirements for MC 304 and MC 307 call for a higher design integrity. The Board does not find comparable factors concerning the cargo tanks listed above. The use of tanks as described above, except MC 304 and MC 307, has therefore not been proposed in this notice.

In view of the foregoing, 49 CFR Parts 172, 173, and 178 would be amended as follows:

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

In § 172.5 paragraph (a), the List of Hazardous Materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by railexpress
(change)				
Crotonaldehyde	F.L.	173.118, 173.119(m)	Red	10 gallons.
Diethylamine	F.L.	173.118, 173.119(m)	Red	10 gallons.
Ethylene dichloride	F.L.	173.118, 173.119(m)	Red	10 gallons.
Propylene oxide	F.L.	173.118, 173.119(m)	Red	10 gallons.
(add)				
Caustic soda, solid, flake, or granular	Cor.	173.244, 173.245b	Corrosive	100 pounds.
*Phosphoric acid or Phosphoric acid solution.	Cor.	173.244, 173.245	Corrosive	10 gallons.

* * * * * * *

PART 173—SHIPPERS

(A) In § 173.119, paragraph (m)(4) would be amended; paragraphs (m)(9), (10), (11), (12), (13), and (14) would be added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(4) Specification 5, 5A, 5B, 5C, 5P, 17C (single-trip), or 17E (single-trip) (§§ 178.80, 178.81, 178.82, 178.83, 178.92, 178.115, 178.116 of this subchapter). Metal barrels or drums. Removable head packagings over 16 gallons capacity are not authorized. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

* * * * *

(9) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301(g)(1), (2), or (3). See § 173.34(e)(16) of this subchapter.

(10) Specification MC 304 or MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicles which are in compliance with § 178.343–2(c) of this subchapter. Bottom outlets on each specification MC 304 cargo tank must be equipped with valves in compliance with § 178.342–5(a) of this subchapter. Authorized only for liquids not exceeding 10 pounds per gallon.

(11) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. Bottom outlets must be in compliance with §§ 178.342–5(a) and 178.343–5 of this subchapter.

(12) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply.

(13) Specification 105A100W or 112A-200W (§§ 179.200, 179.201, 179.100, 179.-101 of this subchapter). Tank cars. Authorized only for propylene oxide.

(14) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter). Tank cars. All special requirements for tank cars according to flashpoint, vapor pressure, and viscosity in paragraphs (a) through (L) of this section apply. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

* * * * *

(B) In § 173.240, paragraph (a)(1) would be amended to read as follows:

§ 173.240 Corrosive materials; definition.

(a) * * *

(1) A material is considered to be destructive or to cause irreversible alteration in human skin tissue if when tested on the intact skin of the albino rabbit by the technique described in Title 21, Code

of Federal Regulatons, § 191.11, the structure of the tissue at the site of contact is destroyed or changed irreversibly. For the purpose of these regulations the test is modified and described as follows:

(i) Corrosion to the human skin is evaluated by a patch-test technique on the intact skin of healthy albino rabbits, each weighing 2 to 3 kilograms. A minimum of six subjects must be used for this test. The back of each animal is clipped free of hair to provide at least two test sites, each being not less than 4 square inches in area.

(ii) Liquid test materials (0.5 milliliter) or solid or semisolid test materials (0.5 gram) are introduced under a 1.5 by 1.5 inch 12-ply gauze patch which is secured in place by two ½ x 4 inch strips of adhesive tape in the form of an X.

(iii) The animals are immobilized in stocks and the trunk of each animal is loosely wrapped with an impervious material, such as a rubberized cloth, for an exposure period of 4 hours. (The impervious wrap should be applied in such a manner that the palm of the analyst's hand can be easily placed between the wrap and the animal's back.)

(iv) After 4 hours of exposure, the patches are removed and the resulting reactions are evaluated.

(v) Following this initial reading, all test sites are washed with an appropriate solvent to prevent further exposure.

(vi) Readings are again made at 24 and 48 hours after the initial application.

* * * * *

(C) In § 173.245, paragraph (a)(16) would be amended; paragraph (b) and paragraph (a) (28) through (32) would be added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, or 2U (§§ 178.35, 178.35a, 178.24 of this subchapter) polyethylene packaging.

* * * * *

(28) Cylinders as prescribed for any compressed gas, except acetylene. All cylinder valves must be protected by one of the methods described in § 173.301 (g) (1), (2), or (3). See § 173.34(e)(16) of this subchapter.

(29) Specification MC 304 or MC 307 (§§ 178.340, 178.342 of this subchapter). Tank motor vehicles meeting § 178.343–2(c) of this subchapter. Bottom outlets must be in compliance with § 178.343–5. Authorized only for liquids not exceeding 10 pounds per gallon.

(30) Specification MC 310, MC 311, or MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. Bottom outlets must be in compliance with § 178.343–5 of this subchapter.

(31) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5 (§§ 179.200, 179.201, of this subchapter). Tank cars.

(32) Specification 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter). Tank cars. (See Note 1.)

NOTE 1: Authorized only on an interim basis pending the Department's decision on use of bottom outlets for tank cars containing hazardous materials.

(b) If a material classed as corrosive is corrosive to steel or aluminum according to § 173.240(a)(2) and is not corrosive to skin according to § 173.240(a)(1), it is not subject to any requirements of this subchapter for rail or highway when transported in a tank car tank or cargo tank constructed entirely of materials that will not react dangerously with or be decomposed by the commodity being transported.

(D) In § 173.245b, paragraph (a)(11) would be deleted and paragraphs (a)(2), (5), and (7) thru (10) would be amended to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) * * *

(2) Fiebrboard box with one inside paper bag of not over 50 pounds net weight capacity. Packaging must include a moisture barrier.

* * * * *

(5) Fiber drum not exceeding 550 pounds net weight and not over 55-gallon capacity. Packaging must include a moisture barrier.

* * * * *

(7) Bags which must have a moisture barrier. Each bag filled to weight with product and closed as for shipment must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture. Authorized net weight not to exceed 110 pounds.

(8) Metal portable tank or closed bin of not over 660-gallon capacity and 7,000 pounds gross weight.

(9) Fiberglass or rubber tank or closed bin of not over 74-cubic-foot capacity.

(10) Metal sift-proof cargo tank or tank car, or hopper-type or pneumatic bulk vehicle.

(11) [Deleted]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Section 178.343–5 is amended to read as follows:

§ 178.343 Specification MC 312; cargo tanks.

§ 178.343–5 Oulets.

(a) Each outlet at or near the top of a tank, used for discharge of lading, must be equipped with a shutoff valve located as close as practical to the point of outlet from the tank. Each such outlet having its discharge end below the top liquid level in the tank must be equipped with an additional shutoff valve, blank flange, or sealing cap at the discharge end of the outlet.

(b) Each bottom outlet must be equipped with a shutoff valve designed, installed, and protected as described in § 178.340–8(d)(1)(i) except as provided in paragraph (c) of this section. Each bottom outlet valve must be located inside the tank or immediately adjacent at the outlet point outside the tank. The valve seat must be located inside the tank or within the welded flange nozzle or coupling at the point of outlet from the tank. In addition, a blank flange, sealing cap, or shutoff valve is required at the discharge end of the outlet.

(1) In addition, each bottom discharge valve must be equipped with (i) an automatic heat actuated valve closure that will become operative at temperatures less than 250° F., and (ii) a remote means to activate a valve closure manually from a point no less than 10 feet away from the valve.

(c) A bottom opening for purposes other than lading discharge may be closed by a bolted blank flange at the tank shell. If any piping extends from such an opening, it must be fitted with a shutoff valve designed, installed, and protected as described in § 178.340–8(d)(1)(i). In addition a supplemental closure is required at the discharge end of this piping.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 10, 1973, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

(Secs. 831–835 of Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657, and Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on February 6, 1973.

W. K. BYRD,
Acting Secretary.
Office of Hazardous Materials.

[FR Doc.73–2624 Filed 2–9–73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Proposed Revision of License Fee Schedules

The Atomic Energy Commission is proposing to amend its regulations in 10 CFR Part 170 to revise its schedule of fees for facilities and materials licenses.

The Commission first adopted a requirement for license fees on October 1, 1968. This action was based on title V of the Independent Offices Appropriation

Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and was in accordance with Government policy with respect to user charges as set forth in Office of Management and Budget Circular A–25. The fee schedules in Part 170 were revised February 5, 1971, May 25, 1972, and October 19, 1972, to extend the coverage to additional licensees to take into account the costs of health and safety compliance and inspection activities; and to reflect increased costs.

Office of Management and Budget Circular A–25 requires the Commission to review its costs of providing services subject to fees annually and, if costs of such services change, make adjustments in the schedule of fees. The costs of the Commission's licensing and compliance services have changed substantially due to implementation of the National Environmental Policy Act of 1969. Additional costs are incurred in antitrust review of nuclear power reactor licensing actions pursuant to Public Law 91–560 (1970).

The Commission has under consideration the amendment of Part 170 to reflect the increased costs of licensing and costs of health and safety inspection and compliance activities. Proposed revised fee schedules have been developed to cover these costs. In addition, the exemption from payment of fees for certain categories of licenses would be removed from Part 170 and further refinement made in the fee categories to provide for a greater degree of equity in assessing fees.

The fees set forth in the proposed revised schedules in §§ 170.21 and 170.31 are designed to recover the Commission's licensing and health and safety and environmental inspection and compliance costs, except for those costs associated with certain categories of licenses which would continue to remain exempt from fees.

Costs related to rule making; development of standards, codes, criteria, and regulatory guides; safeguards activities and administration of the Agreement States program are not included in the proposed fee schedules.

Under the proposed amendment, the exemptions from payment of fees have been eliminated for licenses authorizing: (1) Possession but not operation of production or utilization facilities, (2) human use of byproduct, source, or special nuclear material, and (3) use of byproduct, source, or special nuclear material for civil defense activities only. In addition, certain fee categories have been refined to take into account with more precision licensing and inspection costs. Licenses for byproduct material for processing or manufacturing of quantities or items for commercial distribution have been separated into two categories, depending upon whether product evaluation is required. Licenses for byproduct material for industrial radiography have also been divided into two categories—one for licenses authorizing activities at a single location, and the other for licenses authorizing activities at multiple locations. Licenses for possession and use of byproduct material for irradiation of materials have been separated into two categories, depending upon the quantity of material. Licenses for waste disposal have been separated into two categories according to whether the license authorizes burial by the licenses. Licenses for distribution of exempt quantities and distribution of timepieces, hands or dials, to persons exempt from requirements for a license pursuant to § 30.15 of Part 30 have been placed in separate fee categories. Licenses for uranium mills and conversion plants and licenses for use of byproduct material for research and development have been placed in separate fee categories.

The presently prescribed fees would be reduced for licenses authorizing: (1) Possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials, (2) distribution of generally licensed items containing byproduct material, (3) distribution of exempt quantities of byproduct material, and (4) distribution of timepieces, hands and dials, containing byproduct material to persons exempt from the requirements for a license pursuant to § 30.15 of Part 30.

Footnote 5 in § 170.21, relating to maximum fees for power reactors, would be modified to change the maximum power level on which fees will be computed from 3000 Mw(t) to 3500 Mw(t).

Footnote 1 in § 170.31, relating to amendments and applications for amendments, would be modified to authorize a partial refund of an annual fee where an application to amend a license to reduce the scope of the license or cancel a license is accompanied by a request for refund. Any refund would be computed on a pro rata basis beginning with the date the fee was due as prescribed in § 170.12.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 170, is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by April 13, 1973. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given, except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

§ 170.11 [Amended]

1. Subparagraphs (6) and (7) of § 170.11(a) of 10 CFR Part 170 are deleted.

2. Section 170.21 of Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below.

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit	Construction [3] permit fee	Operating [4] license fee	Annual fee after issuance of operating license
(1) Power reactor [5]	$125,000	$250,000 +170/Mw(t)	$250,000 +185/Mw(t)	$65/Mw(t) [2] (20,000 minimum)
(2) Testing facility	3,900	10,500	15,200	13,000
(3) Research reactor	600	2,300	3,500	8,500
(4) Other production or utilization facility	100,000	160,000	250,000	215,000
(5) Possession but not operation of production or utilization facility				600

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity requiring a higher fee will not be accepted for filing unless accompanied by the prescribed fee, which shall be determined by multiplication of the change in power level, expressed in megawatts thermal, by $185.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $250,000 +$170/Mw(t) and $50,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $250,000+$185/Mw(t) for the first reactor and $150,000+$120/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3500 Mw(t), the fee will be computed on a maximum power level of 3500 Mw(t).

3. Section 170.31 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materals licenses may pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses [1]	Application fee [2]	Annual fee [3]
1. Special nuclear material:		
A. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in §70.4(r) of this chapter, licenses for storage only, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$10,000 + $50 per kilogram (maximum fee $85,000).	$10,000 + $50 per kilogram (maximum fee $85,000).
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in §70.4(r) of this chapter.	$125,250	$125,250.
C. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources excluding fuel elements.	$2,440	$2,440.
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium 235, uranium 233, and plutonium except for licenses for storage only, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$3.50/gram (maximum fee $6,000).	$3.50/gram (maximum fee $6,000).
E. All other specific special nuclear material licenses	$200	$200.
2. Source material:		
A. Licenses for source material for use in milling operations and licenses for refining mill concentrates to uranium hexafluoride	$10,050	$10,050.
B. Licenses for source material in quantities greater than 50 kilograms except licenses for storage only and licenses for use only of source material in counterweights	$150	$150.
C. All other specific source material licenses	$80	$80.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material for commercial distribution that require product safety evaluation	$2,000	$2,000.
B. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material where no product safety evaluation is required or quantities of byproduct material for commercial distribution except exempt quantities as defined in § 30.15 of Part 30 of this chapter	$1,000	$1,000.
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at one location	$275	$275.
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at more than one location	$550	$550.
E. Licenses for possession and use of byproduct material in quantities of less than 10,000 curies in sealed sources for irradiation of materials.	$90	$90.
F. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$180	$180.
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	$335	$335.
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	$510	$510.
I. Licenses issued pursuant to § 32.18 of this chapter to redistribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	$165	$165.
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands and dials, containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	$50	$50.
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by Categories 3A or 3B.	$255	$255.
L. All other specific byproduct material licenses	$50	$50.
4. Waste disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$3,000	$3,000.
B. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by the waste disposal licensee by transfer to another person authorized to receive such material.	$415	$415.
5. Well logging and well surveys:		
A. Licenses for possession and use of special nuclear material and byproduct material for oil and gas well logging and well surveys.	$270	$270.
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, and special nuclear material.	$335	$335.
7. Human use:		
A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	$150	$150.
B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	$180	$180.
C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to physicians for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	$110	$110.
8. Civil defense:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	$35	$35.

[1] Amendments reducing the scope of a licensee's program or cancelling a license may entitle the licensee to a partial refund of an annual fee that has been paid by the licensee for the year in which such amendment or cancellation occurs; in such cases, the refund shall be computed on a pro rata basis beginning with the date the fee is due and the date the license is amended or cancelled. *Provided, however,* That no refund will be made for $35 or less, and no partial payment of less than $35 will be accepted. The licensee must apply for the refund or reduced payment. Applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

[3] Payment of the prescribed annual fee does not automatically renew the license for which the fee is paid. Renewal applications must be filed in accordance with the requirements of Parts 30, 40, or 70 of this chapter of the Commission's regulations. Applications for reissuance of licenses that have expired because a timely renewal application was not filed must be accompanied by the prescribed application fee.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 5th day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-2603 Filed 2-9-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

N-(MERCAPTOMETHYL)PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Louisiana, and North Carolina, submitted a petition (PP 3E1328) proposing establishment of *N* - (mercaptomethyl) phthalimide S-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity sweet-potatoes at 10 parts per million from postharvest application.

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

1. The insecticide is useful for the purpose for which the tolerance is proposed.

2. Residues of the insecticide and its oxygen analog in meat and fat will not exceed the established tolerances on these commodities.

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

4. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), 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 Pesticides Programs (36 FR 9038), it is proposed that § 180.261 be amended by revising the paragraph "10 parts per million * * *", as follows:

§ 180.261 ***N*-(Mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.**

* * * * *

10 parts per million in or on apples, cherries, grapes, peaches, pears, and sweetpotatoes (from postharvest application).

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before March 14, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Act.

Interested persons may, on or before March 14, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th and M Streets SW., Waterside Mall, Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: February 5, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-2655 Filed 2-9-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. R-463]

FILING OF ELECTRIC SERVICE TARIFF CHANGES

Notice Denying Extension of Time

FEBRUARY 6, 1973.

On January 26, 1973, counsel for the cities of Bedford, Va., et al. filed a motion for extension of time within which to file comments concerning the notice of proposed rule making in docket No. R-463, filing of electric service tariff changes issued on December 14, 1973. A notice was issued January 19, 1973, extending the time to and including February 28, 1973, within which any interested person may submit data, views, and comments in writing.

Upon consideration, a notice is hereby given that the request for a further extension of time in the above matter is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2725 Filed 2-9-73;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

Agency for International Development

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to sec. 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (AID) to be held in Room 1000, Foreign Service Institute Building, 1400 Key Boulevard, Arlington, VA 22209, on February 21, 1973, at 10 a.m. This meeting will be open to the public.

The purpose of the subject committee is to provide for a systematic, regularized dialog between officials of AID and representatives of the engineering, construction, and architectural industry in the interests of improved policy and procedures and improved industry performance relating to AID-financed activities.

The membership of the subject committee is as follows:

William Marshall, Jr., representing American Institute of Architects.
Franklyn C. Rogers, representing American Institute of Consulting Engineers.
Charles B. Molineaux, representing American Society of Civil Engineers.
L. B. Wilder, representing Associated General Contractors of America.
Allen M. Acheson, representing Consulting Engineers Council of the United States.
Jesse Taylor, representing National Constructors Association.
Robert L. Nichols, representing National Society of Professional Engineers.

The agenda for the February 21 meeting of the subject committee, to be held as aforesaid, shall be as follows:

1. Discussion of Federal Advisory Committee Act (Public Law 92-463).
2. AID's current Engineering organization.
3. Discussion of Brooks bill (Public Buildings—Selection of Architects and Engineers, Public Law 92-582).
4. Questionnaires and Qualifications Records—Consultants and Construction Contractors.
5. Proposed revision.
   (a) Capital Project Guidelines;
   (b) Cost Analysis Guidelines;
   (c) Cost Estimating Manual;
   (d) Preliminary Appraisal Manual;
   (e) Feasibility Study Manual.
6. Borrower/Grantee Selection of Consultants.
7. Suggestions of additional topics for future consideration.

LUCIUS M. HALE,
Director, Office of Engineering, Agency for International Development.

FEBRUARY 2, 1973.

[FR Doc.73-2681 Filed 2-9-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-48]

INFLATABLE RUBBER DUNNAGE BAGS

Designation as Instruments of International Trraffic

FEBRUARY 6, 1973.

It has been established to the satisfaction of the Bureau that inflatable rubber dunnage bags used as buffers in railroad cars to prevent damage to cargoes while in transit are substantial, suitable for and capable of repeated use, and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described dunnage bags as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.73-2751 Filed 2-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, CHAMIZAL NATIONAL MEMORIAL, EL PASO, TEX.

Delegation of Authority regarding Purchasing Authority

SECTION 1 *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2 *Revocation.* This order supersedes Order No. 1, Chamizal National Memorial, dated May 30, 1972, and published July 25, 1972 (37 FR, No. 143, 14821, July 25, 1972).

(National Park Service Order No. 66, 36 FR 21218, as amended 37 FR 4001, dated 2/25/72. Southwest Region, Order No. 5, 37 FR 7722)

Dated: January 9, 1973.

JOHN T. MULLADY,
Acting Superintendent, Chamizal National Memorial.

[FR Doc.73-2677 Filed 2-9-73;8:45 am]

[Order No. 2, Amdt.]

ADMINISTRATIVE ASSISTANT ET AL., GETTSYBURG NATIONAL MILITARY PARK, PA.

Delegation of Authority Regarding Purchase Orders for Supplies, Equipment, or Services

2. *Administrative Assistant.* The Administrative Assistant, Gettysburg National Military Park, may issue purchase orders not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Assistant in behalf of any area administered by the Superintendent of Gettysburg National Military Park.

Present paragraph 2 is renumbered as paragraph 3.

(National Park Service Order No. 66 (36 FR 21218), as amended; Northeast Region Order No. 7 (37 FR 6325), as amended; Gettysburg National Military Park Order No. 2 (37 FR 11735)).

Dated: January 18, 1973.

JERRY L. SCHOBER,
Superintendent, Gettysburg National Military Park.

[FR Doc.73-2678 Filed 2-9-73;8:45 am]

[Order 2]

ADMINISTRATIVE ASSISTANT, KINGS MOUNTAIN NATIONAL MILITARY PARK AND COWPENS NATIONAL BATTLEFIELD, N.C.

Delegation of Authority Regarding Certain Contracts

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Assistant in behalf of any area administered by the Superintendent, Kings Mountain National Military Park and Cowpens National Battlefield.

SEC. 2. *Redelegation.* The authority delegated in this order No. 2 may not be redelegated.

SEC. 3. *Revocation.* This order supersedes order No. 1 issued June 14, 1963, and published at 28 FR 6098.

(National Park Service Order No. 66 (36 FR 21218), as amended (37 FR 4001, 12854); Southeast Region Order No. 5, (37 FR 7721))

Dated: December 22, 1972.

BEN F. MOOMAW,
Superintendent.

[FR Doc.73-2679 Filed 2-9-73;8:45 am]

COLONIAL NATIONAL HISTORICAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on March 14, 1973, the Department of the Interior, through the Director of the National Park Service,

proposes to issue a concession permit to Frank P. Dickinson (Swan Tavern Antiques) authorizing him to provide concession facilities and services for the public at Colonial National Historical Park for a period of three (3) years from January 1, 1973, through December 31, 1975.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed permit.

Dated: February 1, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-2680 Filed 2-8-73;8:45 am]

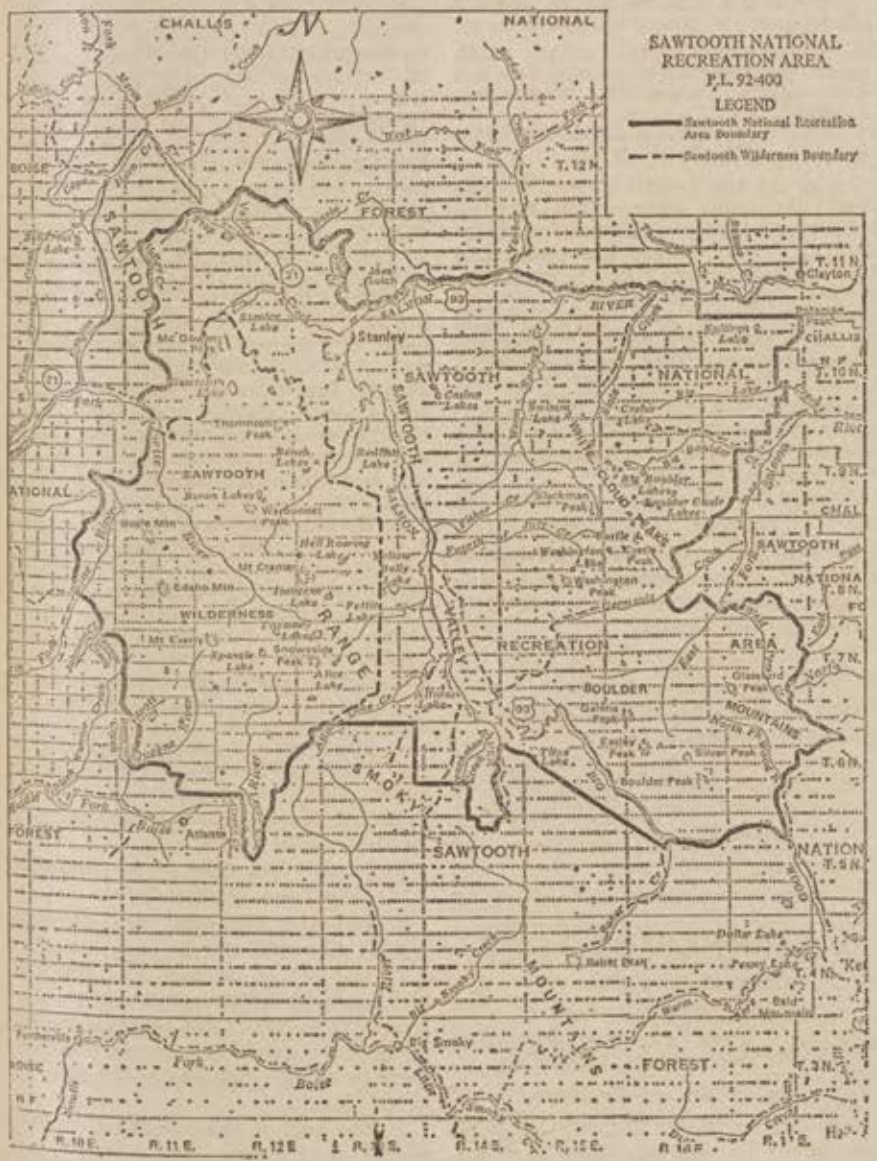
DEPARTMENT OF AGRICULTURE

Office of the Secretary

SAWTOOTH NATIONAL RECREATION AREA
Area Description

Correction

In FR Doc. 73-1685 appearing at page 2992 in the issue for Wednesday, January 31, 1973, the following map should be included at the end of the text:



Soil Conservation Service

BUFFALO RIVER WATERSHED PROJECT, VA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Department of Agriculture, Soil Conservation Service, has prepared a draft environmental statement for the Buffalo River Watershed Project, Amherst County, Va., USDA-SCS-ES-WS-(ADM)-73-27(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement include conservation land treatment measures, two single-purpose floodwater retarding structures, and two multiple-purpose structures for storage of floodwater and sediment and municipal water supply.

This draft environmental statement was transmitted to CEQ on February 5, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 12th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Federal Building, Room 7408, 400 North Eighth Street, Post Office Box 10026, Richmond, VA 23240.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from anyone having knowledge of or special expertise with respect to environmental impacts.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. D. N. Grimwood, Federal Building, Room 7408, 400 North Eighth Street, Post Office Box 10026, Richmond, VA 23240.

Comments must be received on or before April 6, 1973, in order to be considered in the preparation of the final environmental statement.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 6, 1973.

[FR Doc.73-2744 Filed 2-9-73;8:45 am]

KIOKEE CREEK WATERSHED PROJECT, GEORGIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Kiokee Creek Watershed Project, Columbia and McDuffie Counties, Ga., USDA-SCS-ES-WS-(ADM)-73-2-(D).

The environmental statement concerns a plan for watershed protection, flood prevention, recreation, fish and wildlife improvement, irrigation, and industrial water supply. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) two single-purpose floodwater retarding structures, (2) one multiple-purpose structure for flood prevention and public recreation and associated recreation facilities, (3) one multiple-purpose structure for flood prevention and industrial water supply, (4) one multiple-purpose structure for flood prevention and irrigation water supply, (5) 5.9 miles of channel modification for flood prevention, (6) a fish and wildlife improvement area for public recreation, and (7) 120 acres of critical area treatment.

This draft environmental statement was transmitted to CEQ on February 6, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Heritage Building, 468 North Milledge Avenue, Athens, GA 30601.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Charles W. Bartlett, State Conservationist, Soil Conservation Service, Post Office Box 832, Athens, GA 30601.

Comments must be received on or before April 9, 1973, in order to be considered in the preparation of the final environmental statement.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 6, 1973.

[FR Doc.73-2745 Filed 2-9-73;8:45 am]

POINSETT WATERSHED PROJECT, ARK.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Poinsett Watershed Project, Poinsett and Craighead Counties, Ark., USDA-SCS-ES-WS-(ADM)-73-28(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and treatment of critical erosion areas. The planned works of improvement include conservation land treatment, 47 floodwater retarding structures, 22 miles of resectioning a manmade ditch, and treatment of 638 acres of critical erosion areas.

This draft environmental statement was transmitted to CEQ on January 22, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, AR 72203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $4.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Einar L. Roget, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, AR 72203.

Comments must be received on or before March 23, 1973, in order to be considered in the preparation of the final environmental statement.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 6, 1973.

[FR Doc.73-2746 Filed 2-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Org. Order 10-3, Amdt. 1]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Functions

This order effective January 27, 1973, amends the material appearing at 37 FR 25555 of December 1, 1972.

Department Organization Order 10-3, dated November 17, 1972, is hereby amended as follows:

2. In Section 3. *Scope of authority*, subparagraphs .03b. through .03f. are revised to read:

b. The Deputy Assistant Secretary for Competitive Assessment and Business Policy.

c. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

d. The Deputy Assistant Secretary for Resources and Trade Assistance.

e. The Deputy Assistant Secretary for East-West Trade.

f. The Deputy Assistant Secretary for Administrative Management, DIBA.

3. In Section 5. *Delegation of authority*. a. Subparagraphs .01b., .01d., .01p., and .01q. are revised to read:

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

p. Headnote 6 (d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

q. The Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963;

b. In the last line of subparagraph .01v., delete the word "and."

c. Add the following new subparagraphs .01x. and .01y:

x. The Act of October 27, 1972 (P.L. 92-598; 84 Stat. 271) relating to the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974; and

y. The Acts of February 19, 1966 (P.L. 89-355) and October 27, 1966 (P.L. 89-697) regarding the participation of the

United States in the Inter-American Cultural and Trade Center in Dade County, Fla. (Interama).

Effective date: January 27, 1973.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.73-2654 Filed 2-9-73;8:45 am]

Social and Economic Statistics Administration

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a First Quarter 1973 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1973 report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of certain multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before March 14, 1973, will receive consideration.

Dated: February 6, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-2695 Filed 2-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5378; Docket No. FDC-D-582; NDA No. 9-946 etc.]

CERTAIN COMBINATION ANORECTIC DRUGS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 5378) published in the FEDERAL REGISTER of August 8, 1970 (35 FR 12678), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications.

NDA No.	Drug	NDA Holder
9-946	Du-Oria tablets containing 10 milligrams methamphetamine hydrochloride, and 0.25 milligram reserpine per sustained release tablet.	Formerly marketed by B. F. Ascher & Co., Inc., Post Office Box 827, Kansas City, MO 64130.
10-207	Dexserpine "5" tablets containing 5 milligrams dextroamphetamine sulfate and 0.1 milligram reserpine per tablet.	Formerly marketed by Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, NY 11106.
11-280	Bamadex tablets containing 5 milligrams dextroamphetamine sulfate and 400 milligrams meprobamate per tablet.	Lederle Laboratories Division, American Cyanamid Co., Post Office Box 666, Pearl River, NY 10965.
11-522	Obetrol-10 and Obetrol-20 tablets, respectively, containing 2.5 milligrams each or 5 milligrams each of methamphetamine saccharate, methamphetamine hydrochloride, amphetamine sulfate, dextroamphetamine sulfate per tablet.	Obetrol Pharmaceuticals, Division of Rexar Pharmacal Corp., 382 Schenck Avenue, Brooklyn, NY 11207.
11-538	Biphetamine-T "12½" capsules and Biphetamine-T "20" capsules, respectively, containing 6.25 milligrams each of dextroamphetamine and amphetamine, and 40 milligrams methaqualone per capsule, and 10 milligrams each of dextroamphetamine and amphetamine and 40 milligrams methaqualone per capsule, all as cation exchange resin complexes of sulfonated polystyrene.	Strasenburgh Pharmaceutical, Division Pennwalt Corp., 755 Jefferson Road, Rochester NY 14623.
12-042	Eskatrol Spansules containing 15 milligrams dextroamphetamine sulfate and 7.5 milligrams prochlorperazine (as the maleate) per sustained release capsule.	Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101.
12-127	Appetrol tablets containing 5 milligrams dextroamphetamine sulfate and 400 milligramsmeprobamate per tablet.	Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, NJ 08512.
12-371	Preiu-Vite capsules containing 25 milligrams phenmetrazine hydrochloride, 2,000 USP units vitamin A, 200 USP units vitamin D, 2 milligrams thiamine mononitrate, 2 milligrams riboflavin, 20 milligrams niacinamide, 3 milligrams calcium pantothenate, 1 milligram pyridoxine hydrochloride, 0.5 microgram cobalamin concentrate, 37.5 milligrams ascorbic acid, 5 milligrams iron, 140 milligrams calcium, 108 milligrams phosphorus, 0.1 milligram iodine and 1 milligram copper per capsule.	Formerly marketed by Geigy Pharmaceuticals, Division of Ciba Geigy Co., Saw Mill River Road, Ardsley, N.Y. 10502.
12-415	Delfeta-sed Stedytabs containing 30 milligrams dl-methamphetamine hydrochloride and 120 milligrams amobarbital per sustained-release tablet.	Eastern Research Laboratories Inc., 302 South Central Avenue, Baltimore, MD 21202.
12-570	Bamadex Sequels containing 15 milligrams dextroamphetamine sulfate and 300 milligrams meprobamate per sustained-release capsule.	Lederle Laboratories Division, American Cyanamid.
12-634	Appetrol-S.R. capsules containing 15 milligrams dextroamphetamine sulfate and 300 milligrams meprobamate per sustained-released capsule.	Wallace Pharmaceuticals.

Data submitted pursuant to the notice have been reviewed and found not to provide substantial evidence that the drugs are effective as fixed combinations for their claimed uses.

In view of the lack of substantial evidence of effectiveness of the drugs as fixed combinations, the recognized potential for abuse of the amphetamine, dextroamphetamine, methamphetamine, and phenmetrazine components, and the availability of alternative therapeutic measures which are safer and effective, the combination products are also regarded as lacking proof of safety. Data submitted in response to the notice of August 8, 1970, do not support a contention that the combination products decrease the incidence or severity of side effects associated with the single ingredient or that the additional component(s) lessens the abuse potential as compared to that of the single entity anorectic drug. Also, the known adverse effects associated with phenothiazine drugs raises an additional question of safety of use of Eskatrol which contains dextroamphetamine sulfate in combination with prochlorperazine.

With further respect to Eskatrol, the Food and Drug Administration is aware of a study conducted by Dr. Carl Chambers relating to the abuse potential of the product, and for which no report has been submitted by the NDA holder pursuant to section 505(j) of the act and §§ 130.13 and 130.35 of the regulations (21 CFR 130.13 and 130.35).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows that: (1) There is a lack of substantial evidence that the drug(s) will have all the effects they purport or are represented to have; and (2) the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in the labeling; and (3) further, in the case of Eskatrol tablets, the applicant has deliberately failed to make required reports in accordance with section 505(j) of the act (21 U.S.C. 355(j)) and § 130.13 and § 130.35 of the new drug regulations (21 CFR 130.13 and 130.35).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the

Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

The applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, on or before March 14, 1973, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election by March 14, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 14, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) and evidence that the drug(s) is (are) safe for use for the labeling claims involved (and, in the case of NDA 12-042, that there has been no violation of section 505(j) of the act), the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 14, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2716 Filed 2-9-73;8:45 am]

[DESI 11673]

CERTAIN ORAL ANORECTIC PREPARATIONS: PHENTERMINE HYDROCHLORIDE; PHENDIMETRAZINE TARTRATE; BENZPHETAMINE HYDROCHLORIDE; DIETHYLPROPION HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anorectic drugs:

1. Wilpo tablets, containing 8 mg. phentermine hydrochloride per tablet; Dorsey Laboratories, Division of Sandoz-Wander Inc., Northeast, U.S. 6 and Interstate 80, Lincoln, Nebr. 68501 (NDA 12-737).

2. Didrex tablets, containing 25 mg. and 50 mg. benzphetamine hydrochloride per tablet; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49001 (NDA 12-427).

3. Plegine tablets, containing 35 mg. phendimetrazine tartrate per tablet; Ayerst Laboratories, Rouses Point, N.Y. 12979 (NDA 12-248).

4. Tepanil tablets, containing 25 mg. diethylpropion hydrochloride per tablet; The Merrell-National Drug Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, OH 45215 (NDA 11-673).

5. Tenuate tablets, containing 25 mg. diethylpropion hydrochloride per tablet; The Merrell-National Drug Co., Division of Richardson-Merrell, Inc. (NDA 11-722).

6. Preludin Endurets (prolonged-action tablets), containing phenmetrazine hydrochloride; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502 (NDA 11-752).

Although not specifically referred to the Academy for review, Preludin tablets, a conventional oral dosage form containing phenmetrazine hydrochloride (NDA 10-460, Geigy Pharmaceuticals) was approved on the basis of safety prior to 1962, was evaluated by the Academy, and is appropriately included herein.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

I. SUSTAINED-ACTION, TIMED-RELEASE, OR OTHER DELAYED OR PROLONGED-EFFECT FORMS OF PHENMETRAZINE HYDROCHLORIDE

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that phenmetrazine hydrochloride in prolonged-action tablet form is less than effective (possibly effective) with respect to any special claim for prolonged action when offered for the management of exogenous obesity as a short-term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction.

Any data submitted in response to this notice to support claims for which the drug is classified as other than effective must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 FR 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

II. CONVENTIONAL TABLET FORMS OF PHENMETRAZINE HYDROCHLORIDE; PHENTERMINE HYDROCHLORIDE; BENZPHETAMINE HYDROCHLORIDE; PHENDIMETRAZINE TARTRATE; OR DIETHYLPROPION HYDROCHLORIDE

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs, administered in conventional oral dosage form, are effective in the management of exogenous obesity as a short-term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Such preparations are in tablet dosage form suitable for oral administration.

2. *Labeling conditions.* The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The "Indications" section is as follows:

INDICATIONS

(*Name of drug*) is indicated in the management of exogenous obesity as a short term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction. The limited usefulness of agents of this class (see ACTIONS) should be measured against possible risk factors inherent in their use such as those described below.

In addition, the labeling contains the following "Actions" section and drug dependence warning the "Warnings" section:

ACTIONS

(*Name of drug*) is a sympathomimetic amine with pharmacologic activity similar to the prototype drugs of this class used in obesity, the amphetamines. Actions include central nervous system stimulation and elevation of blood pressure. Tachyphylaxis and tolerance have been demonstrated with all drugs of this class in which these phenomena have been looked for.

Drugs of this class used in obesity are commonly known as "anorectics" or "anorexigenics". It has not been established, however, that the action of such drugs in treating obesity is primarily one of appetite suppression. Other central nervous system actions, or metabolic effects, may be involved, for example.

Adult obese subjects instructed in dietary management and treated with "anorectic" drugs, lose more weight on the average than those treated with placebo and diet, as determined in relatively short-term clinical trials.

The magnitude of increased weight loss of drug-treated patients over placebo-treated patients is only a fraction of a pound a week. The rate of weight loss is greatest in the first weeks of therapy for both drug and placebo subjects and tends to decrease in succeeding weeks. The possible origins of the increased weight loss due to the various drug effects are not established. The amount of weight loss associated with the use of an "anorectic" drug varies from trial to trial, and the increased weight loss appears to be related in part to variables other than the drug prescribed, such as the physician-investigator, the population treated, and the diet prescribed. Studies do not permit conclusions as to the relative importance of the drug and non-drug factors on weight loss.

The natural history of obesity is measured in years, whereas the studies cited are restricted to a few weeeks duration; thus, the total impact of drug-induced weight loss over that of diet alone must be considered clinically limited.

WARNINGS

DRUG DEPENDENCE: (*Name of drug*) is related chemically and pharmacologically to the amphetamines. Amphetamines and related stimulant drugs have been extensively abused, and the possibility of abuse of (*name of drug*) should be kept in mind when evaluating the desirability of including a drug as part of a weight reduction program. Abuse of amphetamines and related drugs may be associated with intense psychological dependence and severe social dysfunction. There are reports of patients who have increased the dosage to many times that recommended. Abrupt cessation following prolonged high dosage administration results in extreme fatigue and mental depression; changes are also noted on the sleep EEG. Manifestations of chronic intoxication with anorectic drugs include severe dermatoses, marked insomnia, irritability, hyperactivity, and personality changes. The most severe manifestation of chronic intoxications is psychosis, often clinically indistinguishable from schizophrenia.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information, including full manufacturing information with respect to items 7 and 8 of Form FD-356H (§ 130.4(c)), as described in paragraph (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice, except that full manufacturing information with respect to items 7 and 8 of Form FD-356H (§ 130.4 (c)) is required.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

Each of the above-named holders of the new drug applications for these drugs has been mailed a copy of the Academy's report. Communications forwarded in response to this announcement should be identified with the reference number DESI 11673, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Implementation Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2718 Filed 2-9-73;8:45 am]

[DESI 12101]

COMBINATION DRUG CONTAINING SYROSINGOPINE AND HYDROCHLOROTHIAZIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drug:

Singoserp-Esidrix Tablets (2 strengths) containing syrosingopine and hydrochlorothiazide; Ciba Pharmaceutical Company, Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 12-101).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification is described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that the drug is less than effective (possibly effective) for its labeled indications.

B. *Submission of data.* Any data submitted in response to this notice to support indications for which the drug is classified as less than effective must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 FR 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12101, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2714 Filed 2-9-73;8:45 am]

[DESI 5504; Docket No. FDC-D-587; NDAs 5-674; 5-757]

METHAMPHETAMINE HYDROCHLORIDE (PARENTERAL)

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

The Food and Drug Administration published a notice (DESI 5504) in the FEDERAL REGISTER of February 23, 1971 (36 FR 3387), regarding the efficacy of the following drugs containing methamphetamine hydrochloride for parenteral use and classifying them as effective, probably effective, or lacking substantial evidence of effectiveness for certain indications.

NDA 5-674 (incorrectly listed as 5-504); Methedrine Injection; formerly marketed by Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, NC 27709.

NDA 5-757; Drinalfa Injection; E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08903.

Subsequent to that notice, a publication in the FEDERAL REGISTER of August 8, 1972 (37 F.R. 15946), further ruled on those indications that had initially been classified as probably effective.

The Food and Drug Administration has recently reviewed the entire class of drugs offered for use as anorectic agents and the available evidence pertaining to their safe and effective use, including their potential for misuse and abuse. On the basis of this recent survey, the Commissioner of Food and Drugs concludes that the well-documented history of abuse of parenteral methamphetamine, together with the severe risk of dependence and the presence of effective alternative drugs, creates an unfavorable balance of risk to benefit.

Therefore, notice is hereby given to the holders of the new drug applications listed above and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the above new drug applications and all amendments and supplements thereto. It is proposed to withdraw approval of these applications on the grounds that new evidence, not contained in the new drug applications or not available to the Commissioner until after the applications were approved, evaluated together with the evidence available to him when the applications were approved, show that methamphetamine hydrochloride for parenteral administration is not shown to be safe for use under the conditions of use upon the basis of which the application was approved.

All identical, related, or similar products, not the subject of an approved new drug applications, are covered by the new drug applications reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related or similar product is an interested person who may in response to this notice submit data and information, request that the new drug applications not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

The applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, on or before March 14, 1973, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election before March 14, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 14, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by the applicant or any other interested person warrants the conclusion that the drug is safe for use under the conditions of use prescribed, recommended, or suggested in its labeling, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 14, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2715 Filed 2-9-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-217]

SUPERVISORY CONTRACT SPECIALIST, CONTRACTS AND AGREEMENTS DIVISION, OFFICE OF GENERAL SERVICES

Redesignation as Contracting Officer and Delegation of Authority

Correction

In FR Doc. 73-2084 appearing on page 3212 in the issue for February 2, 1973, in the fifth line of the first paragraph, the word "Office" should read "Officer."

ATOMIC ENERGY COMMISSION

[Docket No. 50-348A, etc.]

ALABAMA POWER CO. AND GEORGIA POWER CO.

Notice of Change of Joint Prehearing Conference Location

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant Units 1 and 2), Dockets Nos. 50-348A, 50-364A; in the matter of Georgia Power Co. (Hatch Nuclear Plant—Unit No. 2), Docket No. 50-366A.

A joint prehearing conference in the above entitled cases will be held at the Federal Trade Commission Building, Room 420, Sixth and Pennsylvania Avenue NW., Washington, DC 20580, commencing at 9:30 a.m. March 20, 1973, and continuing on March 21, 1973, instead of as stated in notice dated February 6, 1973.

The prehearing conference now scheduled for February 14, 1973, in the Alabama Power matter is canceled.

It is so ordered.

Issued at Washington, D.C., this 7th day of February 1973.

The Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-2784 Filed 2-9-73;8:45 am]

APPEAL BOARD DECISIONS

Notice of Format for Citation

Decisions and other significant issuances of the Atomic Safety and Licensing Appeal Board are currently being published and distributed by the USAEC Technical Information Center, Oak Ridge, Tenn. They may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. The following volumes are currently available:

WASH-1218: Issuances through June, 1972 (ALAB-1—ALAB-58).

WASH-1218 (Suppl. 1): Issuances from July, 1972 through December, 1972 (ALAB-59—ALAB-88).

In ALAB-99 and later decisions, citations to Appeal Board issuances published in WASH-1218 or WASH-1218 (Suppl. 1) or later similar volumes of this series will recite the page in the publication in which the issuance appears—i.e., Consumers Power Co. (Midland plant, Units 1 and 2), ALAB-60, WASH-1218 (Suppl. 1) 459 (July 19, 1972).

Page citations to slip opinions of the Appeal Board where required, will be explicitly so denominated.

Parties are urged to conform the citations in documents hereafter filed with the Appeal Board to this format.

Dated: February 6, 1973.

ATOMIC SAFETY AND LICENSING,
APPEAL PANEL,
WILLIAM L. WOODARD,
Executive Secretary.

[FR Doc.73-2712 Filed 2-9-73;8:45 am]

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969, and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement related to the Construction of the La Salle County Nuclear Power Station Units 1 and 2," is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20545, and in the Reddicks Public Library, 100 West Lafayette Street, Ottawa, IL 61350. The report is also being made available at the Office of Planning and Analysis, Executive Office of the Governor, State Office Building, Springfield, Ill. 62706, and at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, IL 60607.

The notice of availability of the draft detailed statement for the La Salle County nuclear power station and request for comments from interested persons was published in the FEDERAL REGISTER on August 1, 1972 (37 FR 15392). The comments received from Federal, State, local officials and interested members of the public have been included as appendices to the final statement.

Single copies of the statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 6th day of February 1973.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.73-2676 Filed 2-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17245]

ABC AIR FREIGHT, INC. ET AL.

Notice of Hearing

ABC Air Freight, Inc. v. Flying Tiger Line, Shulman, Inc. and WTC Air Freight; enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on March 13, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Dated at Washington, D.C., February 6, 1973.

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

[FR Doc.73-2708 Filed 2-9-73;8:45 am]

[Docket No. 24812]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

American Airlines, Inc., deletion of Douglas, Ariz., from certificate.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 15, 1973, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 27, 1973, and the other parties on or before March 9, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 6, 1973.

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

[FR Doc.73-2706 Filed 2-9-73;8:45 am]

[Docket No. 23333; Order 73-2-23]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, February 6, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 26, 1973.

Specific commodity Item No.	*Description and rate*
7440 --------	Rubber gloves, 65 cents per kg., minimum weight 500 kgs.; 60 cents per kg., minimum weight 1000 kgs. From New York to Madrid.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23504 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on or after March 8, 1973.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Divisions, Bureau of Economics.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc. 73-2709 Filed 2-9-73; 8:45 am]

[Docket No. 24488; Order 73-2-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of February 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote for February 15, 1973 effectiveness, has been designated CAB agreement 23493.

The agreement adopts a new resolution which would establish 5-day group inclusive tour (GIT) fares from San Juan to four Colombian points; the San Juan-Bogota fare would be $125 round trip. The fares would be available year-round, be subject to a minimum/maximum stay requirement of 3 to 5 days, and no stopovers would be permitted except within Colombia. The proposal is similar to another agreement previously approved by the Board which established 5-day GIT fares from San Juan to Caracas.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolution, incorporated in Agreement CAB 23493, to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered:

Agreement C.A.B. 23493, 100 (Mail 915) 084m.

Accordingly, it is ordered, That:

Agreement CAB 23493 be and hereby is approved, provided that:

(1) Provisions which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added costs;

(2) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(3) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

(4) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-2710 Filed 2-9-73;8:45 am]

[1] Order 73-1-48 of January 15, 1973.

[Docket No. 24412]

SERVICE TO RICHMOND CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on March 20, 1973, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., February 6, 1973.

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

[FR Doc.73-2707 Filed 2-9-73;8:45 am]

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

PROCUREMENT LIST

Notice of Proposed Deletion From Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed deletion of the following commodities from the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

CLASS 6530

Wrapper, Sterilization
6530-850-8611

CLASS 6532

Cap, Operated Surgical
6532-715-8330
6532-715-8325
6532-715-8320

CLASS 7210

Berth Mattress
7210-263-8578
7210-205-3538
7210-263-8579
7210-205-3890
Pillowcase
7210-292-2326
7210-205-3101A

CLASS 7510

Pressboard Binders
7510-582-4197
7510-582-4198
7510-582-4203
7510-582-4204
7510-582-4205
7510-582-4206
7510-582-4207
7510-619-7952

CLASS 7530

Card, Guide, File
7530-082-2646

CLASS 7920

Brush, Sanitary
7920-240-7178
Brush, Wire Scratch
7920-282-9245
Handle, Mop
7920-320-2020
7920-320-2021

Mophead, Dusting, Cottoo
7920-205-0486
Mophead, Wet
7920-141-5545

CLASS 8105

Bag, Cotton, Mailing
8105-281-3925

NO FSN

Tag, Aluminum

On or before March 14, 1973, comments and views regarding the proposed deletions may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, VA 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-2530 Filed 2-9-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the council from January 29 through February 2, 1973.

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

DEPARTMENT OF AGRICULTURE

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

SOIL CONSERVATION SERVICE

Draft, January 24

Little Running Water Ditch, Ark. County: Randolph. The statement refers to a project which is intended to provide watershed protection, flood prevention, and land protection. Land treatment measures will be applied; 41 miles of existing ditch will be enlarged; 245 water control structures, 6 grade control structures, and 7 weirs will be constructed. Forty-seven acres of agricultural land will be committed to the project. (28 pages) (ELR Order No. 00134) (NTIS Order No. EIS 73 0134-D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391. For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202—973-7373, Washington, D.C. 20545.

Draft, January 19

Nine Mile Point Station, Unit 2, N.Y. County: Oswego. The statement refers to the proposed issuance of a construction permit to the Niagara Mohawk Power Corp. Unit 2 will employ a boiling water reactor with a rating of 3,223 MWT (and a "stretch" rating of 3,489 MWT) to produce 1,100 MWE. Cooling will be by a once-through flow of water from Lake Ontario. Units 1 and 2 combined will have a total discharge rate of 803,000 g.p.m. The aquatic kill rate at Unit 2, taken in conjunction with the kill rates at Unit 1 and the FitzPatrick Plant, may be unacceptably high in relation to the fish population in the region of Nine Mile Point. An existing 9-mile long transmission corridor will be widened to accommodate 765-kv. line, displacing 4 homes. (194 pages) (ELR Order No. 00091) (NTIS Order No. EIS 73 0091-D)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, January 23

New Melones Lake, Supplement, Calif. The document is a supplement to the final environmental impact statement (NTIS Order EIS 72 4903-F) on the New Melones Lake Project, which was filed with the Council on July 17, 1972. The supplement, prepared by the Bureau of Reclamation of the Department of the Interior for the Army Corps of Engineers, provides data on use of the conservation yield of the project. (199 pages) (ELR Order No. 00122) (NTIS Order No. EIS 73 0122-D)

Final, January 26

Treasure Island Pumping Plant, Mo. County: Dunklin. The statement refers to the proposed construction of a 150-cfs pumping plant to augment a 25-cfs pumping plant now serving the leveed area known as Treasure Island. The plant will be electrically operated and located 50 to 75 yards north of the existing plant. Flooding will be reduced to the degree that clearing of scarce timberland will be encouraged. Fish and wildlife food and habitat will be reduced. (27 pages) Comments made by: USDA, EPA, DOI, State and agencies (ELR Order No. 00135) (NTIS Order No. EIS 73 0135-F)

DEPARTMENT OF COMMERCE

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

Final, January 24

Marine Resource Facility (2), N.C. County: New Hanover. The proposed project is the construction of new facilities, including a 32,000 sq. ft. building, a secondary sewage treatment system, and parking areas, on a 25-acre site. Educational and research resources will be provided. Eutrophic conditions of the lower Cape Fear River will increase (28 pages) Comments made by: COE, HUD, State and agencies (ELR Order No. 00133) (NTIS Order No. EIS 73 0133-F)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202—755-6186.

Draft, January 29

Anaheim Hills Development, Calif. County: Orange. The statement considers a proposal for HUD to provide FHA mortgage insurance for the new community of Anaheim Hills. The development is to be a "total community" of low to medium density residential neighborhoods encompassing facilities for shopping, recreation, schools, and municipal services. The total Anaheim Hills new community will contain 4,200 acres with an ultimate density of 15,000 living units. Initial development of approximately 650 acres of land will contain 3,500 dwelling units. (70 pages) (ELR Order No. 00151) (NTIS Order No. EIS 73 0151-D)

Draft, January 16

Coldspring New Town, Md. County: Baltimore. The statement refers to the proposed creation of a new town on a 535-acre site in northwest Baltimore. The site, which is predominantly vacant land, will be acquired, prepared, and sold for private development, using the Neighborhood Development Program. The plan calls for 3,780 dwelling units to house 12,000 people. The average income of residents is expected to be $12,900. (74 pages) (ELR Order No. 00072) (NTIS Order No. EIS 73 0072-D)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755-2002.

Draft, February 1

Vector Control Program. The statement considers a continuing annual program which involves the control of mosquitoes and other arthropods of public health significance on TVA lands and waters. Among the methods used are water level management, control of plant growth, and the use of larvicides and insecticides. The program is carried out in the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia. (31 pages) (ELR Order No. 00171) (NTIS Order No. EIS 73 0171-D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL AVIATION ADMINISTRATION

Draft, January 22

Seldovia Airport, Alaska. The statement refers to the proposed development of a Stage II basic utility airport with a 150' x 2,600' runway embankment, a 600' x 200' parking apron, and a 75' x 150' taxiway. Of the 105 acres of land to be acquired for clear zones, 25 acres may be cleared. (14 pages) (ELR Order No. 00096) (NTIS Order No. EIS 73 0096—D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 1

F.A.S. Rt. 62-08, Ala. The proposed project is the improvement of FAS Rt. 62-08 and the replacement of a bridge. The project is 4 miles in length. The project will require the clearing of wooded areas. (27 pages) (ELR Order No. 00161) (NTIS Order No. EIS 73 0161-D)

Draft, February 2

SR 149, Colo. The proposed project is the reconstruction of 20.5 miles of Colorado SR 1499 in the Rio Grande National Forest. The project will displace one seasonal dwelling. The project will create significant adverse impacts on area recreational facilities, by creating an influx of people. Other adverse impacts include an increase in noise and air pollution and stream siltation. (23 pages) (ELR Order No. 00175) (NTIS Order No. EIS 73 0175-D)

Draft, February 1

Illinois U.S. 50-Rest Area, Ill. County: Lawrence. The proposed project is the construction of a rest area/welcoming station at Robeson Hills on the north side of U.S. 50. The area will consist of parking spaces for cars (20) and trucks (14), a building housing information boards, rest rooms and museum, and 15 picnic tables. Total land needed will be 8.90 acres. A section 4(f) statement will be filed to obtain land owned by Vincennes University. There will be increased air and noise pollution. (34

pages) (ELR Order No. 00167) (NTIS Order No. EIS 73 0167–D)

Draft, February 2

Iowa Freeway 561, Iowa. Counties: Scott and Clinton. The proposed project is the construction of 14.6 miles of Freeway 561. The project will displace an unspecified number of families, businesses, and amount of land acreage, primarily agricultural and timber. Major adverse effects will include loss and disruption of wildlife habitats, and increases in noise, air and water pollution. (72 pages) (ELR Order No. 00174) (NTIS Order No. EIS 73 0174–D)

Draft, January 26

East Blvd. Extension, Pontiac, Mich. The proposed project is the development of a 3,000-foot extension and railroad pass to connect South Boulevard to Woodward Avenue. Length of the project, appropriation of acreage, and the number of businesses and residences to be displaced are unspecified. Adverse impact include increased noise and air pollution. (47 pages) (ELR Order No. 00136) (NTIS Order No. EIS 73 0136–D)

Draft, February 2

U.S. 61, Minn. County: Winona. The proposed project is the construction of 1.8 miles of SR 61 on new location. The project will displace 22 families, one business, one farmstead, and one roadside park. An unspecified amount of agricultural and timber acreage will be acquired for right of way. The project will require a channel change for a pair of bridges to span the Chicago Northwestern Railroad and Garvein Brook. (36 pages) (ELR Order No. 00173) (NTIS Order No. EIS 73 0173–D)

Final, February 1

River Des Peres Bridge, Mo. County: St. Louis. The proposed project consists of replacing an existing bridge on Route 66 over the River Des Peres. The 0.1 mile structure will provide for three lanes of traffic in each direction, separated by a 4-foot median. Approximately 2,050 square feet of section 4(f) parkland will be acquired from the River Des Peres Park for additional right of way. (37 pages) (ELR Order No. 00160) (NTIS Order No. EIS 73 0160–F)

Draft, January 31

FAS Route 236—Bridge, Mont. Counties: Fergus, Chowteau, and Blaine. The proposed project is the construction of a bridge site and spur road connecting FAS 236 and the Blaine County Road System. Length of the project is unspecified. The bridge will span the Missouri River. A section 4(f) statement will be filed to obtain a parcel of land leased to the State of Montana for a recreation area. (93 pages) (ELR Order No. 00157) (NTIS Order No. EIS 73 0157–D)

Draft, January 24

Tennessee Route 63, Tenn. County: Campbell. The proposed project is the improvement of SR 63 between Huntsville and Pioneer. Project length will vary from 12.7 to 13.0 miles. Depending upon the alternate chosen, the amount of land acquired will vary from 400 to 420 acres; the number of families displaced will vary from 28 to 50, and the number of businesses from 8 to 11. One church may also be displaced. The project will traverse six streams; the Paint Rock Creek being most adversely affected. Major adverse effects will include loss of wildlife and aquatic habitat, loss of agricultural land, and increased siltation, erosion, and noise pollution. (23 pages) (ELR Order No. 00129) (NTIS Order No. EIS 73 0129–D)

Final, February 1

Illinois FA Rt. 401, Ill. County: Stephenson. The proposed project consists of the construction of 18 miles of FA Route 401. The project will acquire 1,006 acres of agricultural land for right of way, causing severance of farm properties. The project will traverse the Pecatonica River. Major adverse effects will include soil erosion, siltation, sedimentation, and water pollution to the Pecatonica River and increased noise and air pollution. (107 pages) Comments made by: USDA, EPA, HEW, and HUD (ELR Order No. 00168) (NTIS Order No. EIS 73 0168–F)

Sunshine Bridge-Gramercy Highway, La. Parish: St. James. The proposed project is the construction of the Sunshine Bridge-Gramercy Highway on new location. The project is 14 miles in length, and will acquire 180 acres of agricultural and timber land and displace 5 families. Adverse effects will include increased soil erosion, air and noise pollution. (50 pages) (ELR Order No. 00165) (NTIS Order No. EIS 73 0165–F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, January 26

East 63rd Street Line, New York, N.Y. The proposed project is the construction and equipping of a part of an underground rapid transit railroad in the boroughs of Manhattan and Queens. Length of the project is 1.7 miles. One business will be displaced. There will be an increase in noise pollution. (160 pages) (ELR Order No. 00142) (NTIS Order No. EIS 73 0142–D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-2749 Filed 2-9-73;8:45 am]

FEDERAL MARITIME COMMISSION

CHINESE MARITIME TRUST, LTD. AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Gerald A. Malia, Esq., Ragan and Mason, 900 17th Street NW., Washington, DC 20006

Agreement No. T–2716, between Chinese Maritime Trust, Ltd. (CMT), acting both for itself and as agent for Orient Overseas Line, Inc., and Orient Overseas Line, Ltd. (Orient), and Sea-Land Service, Inc. (Sea-Land), is a 5-year joint use arrangement (with renewal options) providing for the coequal sharing of Number 66 Wharf, Kaohsiung, Taiwan, by both parties. Under the terms of the agreement, both parties will be entitled to the joint use of the facility, which is to be physically divided into two equal halves except for the wharf and berth areas, which are to be used in common. Each party is to have exclusive use of its half, and priority arrangements for the undivided wharf and berth areas are to be as agreed to by both parties, provided that Sea-Land is guaranteed priority for a minimum of 15 days per month. Terminal and stevedoring services at the facility will be performed for Sea-Land by the China Container Terminal Corp. (CCTC) on CMT's behalf. As compensation, CMT is to receive NT $10,610,123 as annual rental for the portion of the facility used by Sea-Land. Compensation to CCTC for terminal and stevedoring services performed for Sea-Land are to be in accordance with a detailed schedule contained in the agreement.

By order of the Federal Maritime Commission.

Dated: February 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2732 Filed 2-9-73;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the mat-

ters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Charles P. Warren, Esq., New York Freight Bureau (Hong Kong), 1100 Connecticut Ave. NW., Washington, DC 20036

Agreement No. 5700-16, entered into by the member lines of the New York Freight Bureau (Hong Kong), amends Article 5 of the approved conference agreement by: (1) Providing that decisions under the agreement, other than changes in the agreement itself, are to be determined by a two-thirds majority of the votes actually cast instead of by the affirmative vote of not less than two-thirds of the parties entitled to vote; and (2) incorporating new language in the third paragraph of said Article 5 governing abstentions under the conference voting procedure.

By order of the Federal Maritime Commission.

Dated: February 6, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-2731 Filed 2-9-73;8:45 am]

UNITED STATES ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washinton, D.C. 20573, on or before March 4, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

C. D. Marshall, Chairman, United States Atlantic & Gulf-Santo Domingo Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6080-22 modifies the basic agreement of the U.S. Atlantic & Gulf-Santo Domingo Conference to make absolutely clear that the Conference's "* * * member lines shall pay a commission as may be agreed, but not less than 1¼ percent of the freight charges specified in the applicable tariff regulations, to bona fide freight forwarders, provided such payments are made strictly in accordance with the existing United States Government regulations."

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: February 6, 1973.

[FR Doc.73-2730 Filed 2-9-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-FINANCE

Order Designating a Federal Power Commission Representative

FEBRUARY 6, 1973.

The Federal Power Commission by Order issued May 25, 1972 established the Distribution-Technical Advisory Task Force-Finance of the National Gas Survey.

1. *FPC Representative.* A new FPC Representative to the Distribution-Technical Advisory Task Force-Finance, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Georgia Y. LeDakis, Acting Chief, Division of Finance & Statistics; Office of Accounting and Finance, Federal Power Commission.

Miss LeDakis is to fill the position vacated by the resignation of Mr. John J. McGrath, Federal Power Commission, from this Task Force.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2662 Filed 2-9-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating a Member

FEBRUARY 6, 1973.

The Federal Power Commission by Order issued April 6, 1971 established the Executive Advisory Committee of the National Gas Survey.

1. *Membership.* The Hon. Arthur L. Padrutt, president of the National Association of Regulatory Utility Commissioners and a Member of the Wisconsin Public Service Commission, was nominated by the Chairman of the Commission with the approval of the Commission to serve as a member of the Executive Advisory Committee of the National Gas Survey during the term of his office as president, succeeding Francis J. Riordan as the official representative of the National Association of Regulatory Utility Commissioners on the Executive Advisory Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2661 Filed 2-9-73;8:45 am]

NATIONAL POWER SURVEY

Technical Advisory Committee on Conservation of Energy, Task Force on Practices and Standards, Meeting and Agenda

To be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, 9:30 a.m., February 16, 1973, Room 785.

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of the meeting.
   A. Introductory remarks by Chairman Charles A. Berg.
   B. Progress Reports on Task Force assignments.
   C. Development of outline for Task Force report.
   D. Other business.
   E. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-2663 Filed 2-9-73;8:45 am]

[Docket No. E-7918]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Settlement Agreement

FEBRUARY 6, 1973.

Take notice that on February 2, 1973, Carolina Power & Light Co., filed with the Commission in Docket No. E-7918 a settlement agreement with Electricities of North Carolina (the only petitioner for intervention in the above-docketed proceeding) and a revised rate schedule to apply to the municipal wholesale customers.

Under the proposed settlement, the increased charges to the municipal customers and two private utility systems are reduced from $2,889,000 to $2,243,629, based on a volume of sales for the 12-month period ending December 31, 1971.

Copies of the settlement agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon the offer of settlement should file such comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before February 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2726 Filed 2-9-73;8:45 am]

[Docket No. RP73-70]

CAROLINA PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Motion to Dismiss, Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

FEBRUARY 7, 1973.

On December 15, 1972, Carolina Pipeline Co. (Carolina) filed in Docket No. RP73-70 a complaint against Transcontinental Gas Pipe Line Corp. (Transco) seeking a Commission order directing Transco to deliver Carolina's present Annual Contract Quantity (ACQ) entitlement of gas under Transco's Contract Demand (CD-2) Rate Schedule commencing January 1, 1973. Notice of Carolina's complaint was issued by the Commission on December 27, 1972 (38 FR 817).

Carolina is a resale customer of Transco that also obtains part of its gas supply from Southern Natural Gas Co. Carolina provides service both directly and for resale for domestic, commercial and industial customers.

Timely petitions requesting leave to intervene in this proceeding have been filed by Atlanta Gas Light Co., Philadelphia Gas Works, Columbia Gas Transmission Corp., Piedmont Natural Gas Co., Brooklyn Union Gas Co., and South Jersey Gas Co. A notice of intervention has been filed by the South Carolina Public Service Commission.

Untimely petitions requesting leave to intervene in this proceeding have been filed by Peoples Natural Gas Co. of South Carolina, Public Service Electric and Gas Co., Philadelphia Electric Co., Commonwealth Natural Gas Corp., Transcontinental Gas Pipe Line Corp., and the Commissioners of Public Works of the City of Greenwood, S.C.

Respondent Transcontinental is currently experiencing a severe diminution in its available gas supplies and has been forced to adopt a curtailment program. Transcontinental's curtailment reached 11 percent of firm deliveries as of December 1, 1972, and curtailments of firm service in the amount of approximately 12 percent have been forecast for the upcoming year.

In this proceeding Carolina seeks to convert its entitlement of ACQ gas to a daily contract demand service under Transco's Rate Schedule CD-2. As we noted in our order approving the interim settlement agreement relating to Transco's curtailment plan in docket No. RP72-99 issued November 15, 1972, Transco's "ACQ sales are basically different than the CD sales, for the ACQ sales are made only in the summer while the CD sales must meet winter peaks." We determined in that proceeding that Transco's sales of ACQ gas should be curtailed the same annual percentage as CD sales were curtailed.

Carolina states that it seeks this change from ACQ service to CD service in order that it may provide service either directly or indirectly, for preferred interruptible customers. Transco's curtailment plan provides for the curtailment of all interruptible service on its customers systems prior to the curtailment of any firm service. In our Opinion No. 643, issued January 8, 1973, in docket No. RP71-122, and in our Order No. 467, issued January 8, 1973, in docket No. R-469, we stated that:

> We have determined that interruptible sales are for the most part, predicated on end-use considerations; those customers, be they direct sales or indirect sales, who require gas for human needs service or nonsubstitutable industrial service do not contract on an interruptible basis. Interruptible service, at the lower rates charged for such service, envisions interruption. And accordingly, interruptible customers can most reasonably be expected to have alternate fuel facilities already operational. We conclude, therefore, that curtailment should first fall on those who have not historically borne the full fixed costs of providing gas service, particularly since these customers are best prepared to accept interruptions in service and clearly do not require uninterrupted service for protection of life or property.

However, we provided in Opinion No. 643 that in any situation where irreparable injury to life or property will occur because of unusual or special circumstances, the affected customer should assume the burden of establishing its need for an exception from curtailment or its classification to insure that high priority end uses presently served on an interruptible basis are properly protected. Here, Carolina's request that its summertime entitlement of ACQ gas be delivered on a daily contract demand basis beginning January 1, 1973, effectively seeks a partial exception from winter curtailment. Therefore, consistent with our Opinion No. 643, Carolina shall assume the burden of establishing its need for an exception from curtailment, i.e. where irreparable injury to life or property will occur because of unusual or special circumstances and of establishing the volume of gas needed for service. In addition Carolina should as a minimum provide the following information as part of its evidence in this proceeding:

1. An updating of its appendix A to include all "preferred interruptible" customers, whether direct or indirect, as of January 1, 1973. In addition, include a separate list of all direct and indirect interruptible customers as of January 1, 1973. Indicate those customers that have been completely curtailed since November 15, 1972.

2. A system map of Carolina Pipeline Co. indicating the location of each customer shown in the updated appendix A and indicating the location of the delivery points by Transco and Southern Natural Gas Co.

3. For all nonresidential customers obtaining gas either directly or indirectly from Carolina:

(a) Indicate the monthly sales for the 12-month period ended January 1, 1973.

(b) Provide a description and explanation of the end use of the gas purchased directly or indirectly from Carolina.

(c) Indicate the type of alternate fuel utilized.

4. Indicate the monthly requirements of Carolina for both direct and indirect customers for the 12-month period ended January 1, 1973, according to the following classes of service: (a) residential; (b) firm commercial; (c) firm industrial; (d) interruptible commercial; (e) interruptible industrial; (f) storage nominations for injections and withdrawal; (g) all other company use and unaccounted for.

5. Indicate the monthly purchases, by rate schedule, for the 12 months ended January 1, 1973 from Transco and Southern.

6. Provide the names and locations of the customers listed in (3) above that have ceased operations altogether since November 15, 1972, due to a lack of gas supplied either directly or indirectly by Carolina.

Carolina's complaint, is not "but a reiteration of Carolina's desire for preferential treatment of its ACQ service as reflected in the recent Transco curtailment proceeding in docket No. RP72-99" as alleged by Philadelphia Gas Works (PGW). The issues raised in this proceeding were not previously decided in docket No. RP72-99. In docket No. RP72-99 we rejected the proposition that ACQ sales should be exempt from curtailment. Here, Carolina seeks to relocate its ACQ entitlement which is subject to Transco's annual average curtailment and is not available during the winter to contract demand service which is also subject to curtailment but is made available throughout the year. Effectively then, Carolina's requested increased contract demand entitlement would result in a net increase of winter deliveries of gas but would result in no overall annual increase of gas supply from Transco. Accordingly, PGW's motion to dismiss is denied without prejudice.

The Commission finds:

(1) It is necessary and proper in the public interest that this proceeding be scheduled for hearing and expedited in accordance with the procedures set forth below.

(2) The participation of the above named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 5, 15, and 16 thereof, the Commission rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing March 7, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning Carolina's complaint.

(B) On or before February 22, 1973, Carolina shall file with the Secretary of the Commission and serve on the Commission's staff and all parties to this proceeding its direct testimony and exhibits as hereinbefore described.

(C) Respondent, any parties, or the Commission's staff may file answering testimony on or before March 1, 1973.

(D) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

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

[FR Doc.73-2721 Filed 2-9-73;8:45 am]

[Docket No. CP73-94]

CITIES SERVICE GAS CO.

Notice of Amendment to Application

FEBRUARY 6, 1973.

Take notice that on January 22, 1973, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-94 an amendment to its application filed in said docket pursuant to sections 7(b) and 7(c) of the Natural Gas Act as implemented by §§ 157.7(c) and 157(e) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1973, and operation of gas sales and transportation facilities and for permission and approval to abandon, during the calendar year 1973, certain direct natural gas services and facilities. The amendment to the application is on file with the Commission and open to public inspection.

In the original application, Applicant proposed to install and operate up to 30 new direct sales delivery points and expressly stated that the gas to be delivered through such facilities was not to be used for boiler fuel. In its amendment to the application, Applicant proposes to limit the construction and operation of new delivery points to 12 such points to satisfy right-of-way obligations and to 10 such points to deliver natural gas for lease operations. Deliveries will be on an interruptible basis to customers located in areas outside of any local distributor's franchise area and maximum deliveries to any one customer not to exceed 36,000 Mcf of gas annually.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene in this proceding need not file again.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2723 Filed 2-9-73;8:45 am]

[Docket No. CP73-164]

CITY OF HUNTINGBURG, IND., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

FEBRUARY 7, 1973.

Take notice that on December 20, 1972, the City of Huntingburg, Ind. (Applicant), Huntingburg, Ind. 47542, filed in Docket No. CP73-164 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection with Applicant's facilities and to sell and deliver natural gas to Applicant for resale and distribution from capacity to be made available by Respondent's proposal in Docket No. CP73-114, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently rendering gas service in the City of Huntingburg and the surrounding areas with volumes of natural gas purchased entirely from the Texas Eastern Transmission Corp. (Texas Eastern). Applicant proposes to establish an additional gas system with which to serve its customers and to secure from Respondent up to 2,000 Mcf of gas per day for resale and distribution from said system. Applicant's other system would continue to be supplied by Texas Eastern. It is stated that the proposed system and the other system would be connected only for emergency purposes.

Applicant states that it has 1,577 existing customers and that it expects to have 1,843 customers in 1976. Applicant also states that it has a contract demand of 2,666 Mcf of gas per day pursuant to its agreement with Texas Eastern. Applicant requests herein an additional peak day allocation of 2,000 Mcf to be purchased from Respondent.

Applicant states that its proposed facilities will cost an estimated $190,000 to be financed with a supplemental $190,000 bond issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2722 Filed 2-9-73;8:45 am]

[Docket No. E-7998]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 6, 1973.

Take notice that on January 24, 1973, Columbus & Southern Ohio Electric Co. tendered for filing proposed changes in its FPC Rate Schedule No. 18. The filing consists of a new wholesale contract between the company and the city of Columbus (Columbus). The Company requests waiver of the notice requirements of § 35.13(b)(5) of the regulations, and suggests an effective date of January 1, 1973.

The company states that, pursuant to the new rate schedule, it will furnish and Columbus will buy electric energy at demands of not less than 5,000 kw. and not more than 15,000 kw. The Company also states that the basic charge and the excess energy charge have been increased to include the presently applicable fuel adjustment in the basic rate, together with an additional increase to provide additional revenue to the Company.

Copies of this filing have been sent to the Director of Public Service of Columbus, Ohio, and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-2724 Filed 2-9-73;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

City of Mesa, Ariz.; Petition for Extraordinary Relief

FEBRUARY 7, 1973.

Take notice that on January 10, 1973, the city of Mesa, Ariz., filed its petition with the Commission seeking extraordinary relief from the effects of the interim curtailment plan heretofore approved by the Commission [1] and currently in effect on the Southern Division System of El Paso Natural Gas Co. (El Paso).

Mesa alleges that while El Paso is contractually obligated to deliver only 13,000 Mcf/d, that Mesa's daily requirements are in excess of 23,000 Mcf/d. Mesa states that the interim plan as clarified by Opinion 634-A measures curtailments from requirements up to maximum daily delivery obligations and therefore allocates to Mesa far less natural gas than is necessary to meet Mesa's existing residential and small commercial load which allegedly exceeds 22,000 Mcf/d.

The Commission in Opinion 634-A while finding its basis for curtailment to be sound, indicated that Mesa and similarly situated parties should seek extraordinary relief. Pursuant to that indication Mesa requests that its deliveries be increased to its current peak requirements of approximately 23,000 Mcf/d or alternatively to its 1971 peak day requirement of approximately 21,708 Mcf/d.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein or if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2720 Filed 2-9-73;8:45 am]

[1] Opinion 634, issued Oct. 31, 1972—Opinion and order prescribing interim emergency curtailment plan; Opinion 634-A, issued Dec. 15, 1972—Opinion and order clarifying opinion, denying motions for stay, and denying rehearing.

[Propect No. 346]

MINNESOTA POWER & LIGHT CO.

Notice of Application for New License

FEBRUARY 6, 1973.

Public notice is hereby given that application was filed on August 13, 1970 (Supplemented November 27 and December 29, 1970, April 23, 1971, and June 26, 1972), under section 15 of the Federal Power Act, 16 U.S.C. 791a-825r, by Minnesota Power & Light Co. (Correspondence to: Mr. Leslie P. Modeen, Vice President-Financial, Minnesota Power Light Co., 30 West Superior Street, Duluth, MN 55802) for a new license for constructed Project No. 346, known as the Blanchard Project, located on the Mississippi River in Morrison County, Minn. The Blanchard Project No. 346 affects the navigable waters and public lands of the United States.

Installed capacity is 12,000 kw. The project consists of: (1) A concrete gravity dam about 750 feet long and 45 feet high with an integral powerhouse 124 feet long, a non-overflow section 190 feet long, and a gated spillway section 437 feet long; (2) earth dikes totaling 3,540 feet long extending from both sides of the concrete dam; (3) a 1,152-acre reservoir at normal pond elevation of 1,081.7 feet (m.s.l.); (4) a powerhouse containing two generating units, each rated at 6,000 kw.; (5) a substation with three 5,000 kv.-a. 6.6/33 kv. transformers and two 7,500 kv.-a. 6.6/110 kv. transformers; and (6) all other facilities and interests appurtenant to the operation of the project.

Applicant estimates that the original cost of the project, less accrued depreciation will be $1,875,000 which is less than the estimated fair value as of August 24, 1973, the expiration date of the present license. Applicant listed basic premises for determining severence damages in the event of a takeover, but did not provide the Commission with an estimate.

Applicant reports that the property tax paid to State and local governments for the project in 1969 was $225,190.

Existing recreational features at the project include a privately owned inn (with boat rental and launching facilities) and a free public boat launching ramp. Applicant, with assistance from the Minnesota Department of Natural Resources, plans to construct a picnic area and a boat launching ramp including parking and sanitary facilities, a fisherman's parking lot, and a canoe portage. Applicant also plans to preserve and enhance watershed protection and wildlife cover. Future recreational developments would include a campground with 40 parking spaces and another campground for "river users" utilizing 120 acres of project land.

Applicant's market for project power is its service areas in the northern and eastern parts of Minnesota. The project output is integrated with Applicant's interconnected power system and regional power pools such as MAPP (Mid-Continent Area Power Pool) and UMVPP (Upper Mississippi Valley Power Pool).

Any person desiring to be heard or to make protest with reference to said application should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2665 Filed 2-9-73;8:45 am]

[Docket No. ID-1473 etc.]

LELAN F. SILLIN, JR., ET AL.

Notice of Applications for Authority to Hold Interlocking Positions

FEBRUARY 5, 1973.

Take notice that each of the Applicants listed herein has filed on the stated date an application pursuant to section 305(b) of the Federal Power Act and Part 45 of the regulations issued thereunder, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

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

ID-1473	Lelan F. Sillin, Jr.	1-22-73	Vermont Yankee Nuclear Power Corp.
ID-1574	George J. Pinto.	10-11-72	Delmarva Power & Light Co.
ID-1619	Donald C. Switzer.	1-19-73	Maine Yankee Atomic Power Co.
ID-1683	Lawrence E. Minnick.	12-26-72	Maine Yankee Atomic Power Co. Vermont Yankee Nuclear Power Co. Yankee Atomic Electric Co.
ID-1684	Donald E. Vandenburgh.	1-12-73	Vermont Yankee Nuclear Power Corp. Yankee Atomic Electric Co.
ID-1687	D. W. Vaughn.	1-17-73	Ohio Valley Electric Corp. Indiana-Kentucky Electric Corp.
ID-1688	Donald G. Raymer.	1-17-73	Central Illinois Public Service Co. Electric Energy, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2664 Filed 2-9-73;8:45 am]

[Docket No. CI73-478]

NI-GAS SUPPLY, INC.

Notice of Application

FEBRUARY 6, 1973.

Take notice that on January 11, 1973, NI-Gas Supply, Inc. (Applicant), Post Office Box 190, Aurora, IL 60507, filed in Docket No. CI73-478 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Northern Illinois Gas Company (Northern Illinois), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell in Illinois natural gas purchased from Mobil Oil Corp. (Mobil) from production in the Block 81 Field, East Cameron Area, offshore Louisiana, and transported to Illinois for Applicant by Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), and Midwestern Gas Transmission Co. The estimated initial rate is 57.92 cents per Mcf at 15.025 p.s.i.a.

In an application filed concurrently in Docket No. CI73-509 Applicant proposes to sell Tennessee up to one-third of the gas received from Mobil.

Applicant requests that the Commission find that because the sale to Northern Illinois involves the sale for resale by a small producer of gas purchased from a large producer, said sale is not a sale under Applicant's small producer certificate issued in Docket No. CS69-29 and said sale shall not be credited against the 10,000,000 Mcf of gas per year permitted to be sold by a small producer.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2667 Filed 2-9-73;8:45 am]

[Docket No. CI73-509]

NI-GAS SUPPLY, INC.

Notice of Application

FEBRUARY 6, 1973.

Take notice that on January 11, 1973, NI-Gas Supply, Inc. (Applicant), Post Office Box 190, Aurora, IL 60507, filed in Docket No. CI73-509 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), from the Block 81 Field, East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Tennessee at 28 cents per Mcf at 15.025 p.s.i.a., subject to B.t.u. adjustment, up to one-third of the gas purchased from Mobil Oil Corp. (Mobil) from production in the Block 81 Field.

In an application filed concurrently in Docket No. CI73-478 Applicant proposes to sell in Illinois natural gas purchased from Mobil from production in the Block 81 Field and transported to Illinois for Applicant by Tennessee and Midwestern Gas Transmission Co.

Applicant requests that the Commission find that because the sale to Tennessee involves the sale for resale by a small producer of gas purchased from a large producer, said sale is not a sale under Applicant's small producer certificate issued in Docket No. CS69-29 and said sale shall not be credited against the 10,000,000 Mcf of gas per year permitted to be sold by a small producer.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2668 Filed 2-9-73;8:45 am]

[Docket No. CP73-202]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 5, 1973.

Take notice that on January 30, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-202 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to H. L. Hunt, et al., from the North Lansing Field, Harrison County, Tex., at the rate of 16.7835 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G-14681 to be made pursuant to Placid Oil Co. FPC Gas Rate Schedule No. 30, all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2669 Filed 2-9-73;8:45 am]

[Docket No. CP73-203]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 5, 1973.

Take notice that on January 30, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-203 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the North Lansing Field, Harrison County, Tex., at the rate of 13.4924 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G-4579 to be made pursuant to Cities Service Oil Co. FPC Gas Rate Schedule No. 44, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2670 Filed 2-9-73;8:45 am]

[Docket No. CP73-201]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

(FEBRUARY 5, 1973.)

Take notice that on January 30, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-201 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the North Lansing Field, Harrison County, Tex., at the rate of 19.1 cents per Mcf at 14.65 p.s.i.a. heretofore authorized in Docket No. G-3731 to be made pursuant to Getty Oil Company FPC Gas Rate Schedule No. 8, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2666 Filed 2-9-73;8:45 am]

[Docket No. RP73-22]

NORTHERN NATURAL GAS CO.

Notice of Filing of Petition for Declaratory Order

FEBRUARY 5, 1973.

Take notice that Northern Natural Gas Co. (Northern) on August 25, 1972, filed a Petition for a Declaratory Order to terminate a controversy between Northern and Michigan Power Co. regarding the proper application of the gas overrun penalty provisions of Northern's FPC Gas Tariff and the proper interpretation of an earlier Commission Order issued December 19, 1969, purporting to authorize Northern to waive the imposition of a $22,598 penalty for Michigan Power Company's unauthorized takes of overrun gas.

Any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1973. Protests will be considered by the Commission in determining

the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2671 Filed 2-9-73;8:45 am]

[Docket No. E-7915]

PACIFIC GAS & ELECTRIC CO.

Notice of Filing of Rate Schedules

FEBRUARY 5, 1973.

Take notice that on June 19, 1972, Pacific Gas & Electric Co. (Pacific) filed a sales exchange agreement between Pacific and Arizona Public Service Co. (Arizona) dated May 16, 1972. The transmittal letter states that the agreement provides for the one time sale by Pacific to Arizona of 50 megawatts of firm capacity during the period May 16, 1972, through September 30, 1972, inclusive. Associated energy supplied by Pacific shall be replenished by Arizona. If this associated energy is not replenished within 30 days, Pacific may require that Arizona pay for such action or replace it at a later date.

The charge for capacity to be supplied by Pacific under this agreement is $450,000. This amount is the total estimated revenue due to Pacific under this agreement. Because of the pending need for this service the company has requested that an effective date of May 16, 1972, be designated.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2672 Filed 2-9-73;8:45 am]

[Docket No. E-7985]

RUMFORD FALLS POWER CO.

Notice of Filing of Sale Agreement

FEBRUARY 5, 1973.

Take notice that on August 25, 1972, Rumford Falls Power Co. (Rumford) filed as a rate schedule an agreement between Rumford and Central Maine Power Co. (Central Maine) dated December 16, 1969, covering the sale of surplus hydroelectric energy from Rumford to Central Maine.

The company states that the sale price for this energy is based upon Central Maine's average fuel replacement costs for the kilowatt hours furnished by Rumford under the agreement and is currently 3.51 mills per kw.-hr. on weekdays and 3.12 mills per kw.-hr. on weekends and Monday holidays.

The company states that the amount of sales under this agreement for any particular period of time cannot be estimated as the amount of sales depends on the generation available from the Rumford generating plant.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2673 Filed 2-9-73;8:45 am]

[Project No. 342]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Annual License

FEBRUARY 5, 1973.

The Licensee for Balcony Falls Project No. 342, located on Balcony Falls on James River in Rockbridge County, Va., is Virginia Electric & Power Co.

The license for Project No. 342 was issued effective February 26, 1923, for a period ending February 25, 1973. In order to authorize the continued operation of the project, it is appropriate and in the public interest to issue an annual license to Virginia Electric & Power Co. for the continued operation and maintenance of Project No. 342.

Take notice that an annual license is issued to Virginia Electric & Power Co. (Licensee) for the period of February 26, 1973, to February 25, 1974, or until the issuance of a new license for the project whichever comes first, for the continued operation and maintenance of project No. 342, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2674 Filed 2-9-73;8:45 am]

[Docket No. E-7969]

WISCONSIN POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 5, 1973.

Take notice that Wisconsin Power & Light Co. (WP&L) tendered for filing on January 8, 1973, proposed changes in its Rate Schedule W-2. The filing consists of a wholesale power contract with the Central Wisconsin Electric Cooperative, a rural electric cooperative association.

The contract states that separate bills will be calculated and rendered for the power and energy at each of five separate points of delivery. The demand charge will be $1.25 net per month per kw. of billed demand. The measured demand from which the billed demand is computed shall be 50 kw.

The energy change will be 1 cent net per kw.-hr. on the first 100 hours use of billed demand (with a minimum of 25,000 kw.-hrs.), 0.78 cent on the next 400 hours, and 0.60 cent on over 500 hours' use (which is in excess of 25,000 kw.-hrs. minimum).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2675 Filed 2-9-73;8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Petition for Order To Show Cause

FEBRUARY 8, 1973.

Richmond Power and Light of the City of Richmond, Ind., (Richmond) petitioned the Commission on January 30, 1973, to issue an order to show cause against Indiana and Michigan Electric Co. (I&M). Richmond requests that I&M be directed to show cause why its Rate Schedule FPC No. 58 and Supplement No. 5 thereto which includes a proposed tariff WS should not be modified in such a way as to permit Richmond to place in operation a new 60 megawatt plant scheduled to begin operations by the end of February, 1973. Richmond requests that answers to this petition be required by the Commission to be filed within 15 days from the filing of its petition.

In support of its petition, Richmond states that a failure to grant its requested relief could force it to carry approximately 200 percent of unusable reserves, and to shut down a substantial portion of its generating facilities throughout the year.

Any party to this proceeding desiring to answer or object to the petition should file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with § 1.9 of the Commission's rules of practice and

procedure (18 CFR 1.9). All such answers or objections should be filed on or before February 27, 1973. Copies of this petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2870 Filed 2-9-73;10:29 am]

FEDERAL RESERVE SYSTEM

LAKE SHORE FINANCIAL CORP.

Formation of One-Bank Holding Company

Correction

In FR Doc. 73-1505 appearing on page 2498 in the issue for Friday, January 26, 1973, in the sixth line of the first paragraph the figure "10" should read "100."

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings open to the public at the offices of the National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, DC, at 10 a.m., e.s.t., February 13-14, 1973 and First Southwest Co., 927 Mercantile Bank Building, Dallas, TX at 10 a.m., c.s.t., March 1-2, 1973.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after any meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

RONALD F. HUNT,
Secretary.

FEBRUARY 8, 1973.

[FR Doc.73-2815 Filed 2-9-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1-A, Rev. 4]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS, ET AL.

Delegation of Authority Regarding Line of Succession

Delegation of Authority No. 1-A (Revision 3) (36 FR 16961) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, authority is hereby delegated to the following officials in the following order:

1. Associate Administrator for Oprations.
2. Assistant Administrator for Administration.
3. Associate Administrator for Finance and Investment.

to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator, any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

II. This delegation is not in derogation of any authority residing in the above listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

Effective date: February 2, 1973.
Dated: January 18, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-2728 Filed 2-9-73;8:45 am]

ASSOCIATE ADMINISTRATORS FOR OPERATIONS AND INVESTMENT AND FINANCIAL ASSISTANCE

Transfer of Functions and Title Changes

Notice is hereby given that the title of "Associate Administrator for Operations and Investment" is changed to "Associate Administrator for Operations" and the title of "Associate Administrator for Financial Assistance" is changed to "Associate Administrator for Finance and Investment." This is to provide for a transfer of responsibilities with respect to the ivestment operations of the Small Business Administration.

Effective date: February 2, 1973.

Dated: January 18, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-2729 Filed 2-9-73;8:45 am]

TARIFF COMMISSION

[AA1921-112]

COLLAPSIBLE BABY STROLLERS

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-112, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on February 13, 1973, has been rescheduled for 10 a.m., e.s.t., on February 22, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Friday, February 16, 1973.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on March 1, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of collapsible baby strollers from Japan which the Assistant Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of December 20, 1973 (38 FR 28096).

Issued: February 6, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-2691 Filed 2-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 177]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective as-

signments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 123613 Sub 9, Claremont Motor Lines, Inc., now being assigned continued hearing March 12, 1973 (1 week), at Charlotte, N.C., in a hearing room to be later designated.

MC-C-7876, Manhattan Transit Co.-V-Ski-O-Rama Tours, Inc., now being assigned hearing April 2, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

AB-5 Sub 85, George P. Baker, Richard C. Bond, Jervise Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Harlem Branch between Millerton and Ghent Dutchess and Columbia Counties, N.Y., now being assigned hearing April 4, 1973 (3 days), at Millerton, N.Y., in a hearing room to be later designated.

AB-6 Sub 2, Burlington Northern, Inc., abandonment between Chariton and Humeston, Lucas, and Wayne Counties, Iowa, now being assigned March 19, 1973 (2 days), at Chariton, Iowa, in a hearing room to be later designated.

MC-F-10339, Hennis Freight Lines, Inc.—Control—Red Ball Express Co., now being assigned hearing March 22, 1973, (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-12411 Sub 209, Hilt Truck Line, Inc., now being assigned hearing March 26, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 130173, Caravan Tours, Inc., now being assigned hearing April 2, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-11607, Long Island Motor Haulage Corp.—Control—C&L Transportation, Inc., and MC 98785 Sub 2, C&L Transportation, Inc., now being assigned hearing April 4, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 115869, Hendrie & Co., Ltd., now being assigned hearing April 9, 1973 (2 days), at Buffalo, N.Y., in a hearing room to be later designated.

AB-5 Sub 90, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Ontario secondary track between Hamlin and River View, Monroe, Orleans, and Niagara Counties, N.Y., now being assigned hearing April 11, 1973 (3 days, at Buffalo, N.Y., in a hearing room to be later designated.

MC-134781 Sub 2, Fast Freight Transfer, Inc., Now being assigned hearing March 20, 1973 (3 days), at Miami, Fla., in a hearing room to be later designated.

MC 124947 Sub 17, Machinery Transports, Inc., now being assigned hearing March 12, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

I&S No. 8808, Sand, Yuma, Mich. to Cleveland, Ohio, now assigned February 21, 1973, at Washington, D.C., is postponed to March 26, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7878, Transcon Lines—Investigation and revocation of certificates, now being assigned hearing April 3, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2739 Filed 2-9-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 19]

BANGOR AND AROOSTOOK RAILROAD CO. ET AL.

Exemption from Mandatory Car Service

It appearing, that there has been a substantial increase in the movement of grain and grain products originating at stations on the railroads listed herein; that major harvests of corn, milo, and soybeans are commencing in the areas served by these railroads; that boxcar supplies available to these railroads are inadequate to meet all of the needs of the shippers served by them; that surpluses of plain boxcars exist on certain railroads; and that these railroads have consented to the use of their cars by the railroads listed herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof as having mechanical designation XM, with inside length 44 ft. 6 in. or less and regardless of door width, owned by the following railroads:

Bangor and Aroostook Railroad Co.
Delaware and Hudson Railway Co.
The Denver and Rio Grande Western Railroad Co.

are exempt from the provisions of Car Service Rules 1 and 2 when located empty on, or loaded by, any of the lines named below:

The Atchison, Topeka and Santa Fe Railway Co.
Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.
Chicago & Eastern Illinois Railroad Co.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

The Baltimore and Ohio Railroad Co., eliminated.

The Chesapeake and Ohio Railway Co., eliminated.

Chicago, Rock Island and Pacific Railroad Co.
Illinois Central Gulf Railroad Co.
The Kansas City Southern Railway Co.
Missouri-Kansas-Texas Railroad Co.
Missouri Pacific Railroad Co.
Norfolk and Western Railway Co. (lines Connersville, Ind., and Montpelier, Ohio, and west, including stations on line between Connersville and Montpelier via New Castle, Muncie, Bluffton, Kingsland, Fort Wayne, and Butler, Ind.).
St. Louis-San Francisco Railway Co.
St. Louis Southwestern Railway Co.
Soo Line Railroad Co.
Union Pacific Railroad Co.

Effective, January 31, 1973.

Expires, February 28, 1973.

Issued at Washington, D.C., January 31, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-2733 Filed 2-9-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 32]

NORFOLK AND WESTERN RAILWAY CO.

Exemption from Mandatory Car Service

It appearing, That there is a substantial short-time movement of grain traffic in intra-terminal switching service within the Toledo, Ohio, switching district of the Norfolk and Western Railway Co. (N&W); that the N&W is unable to supply sufficient plain boxcars of its system ownership to fully meet the car supply needs of this traffic; that there is a regular movement of empty foreign boxcars of eastern railroad ownership, en route to owners via the Toledo, Ohio terminals of the N&W; that use of such cars for a single trip in intra-terminal grain traffic within the Toledo, Ohio, terminals of the N&W will enable that line to protect fully the freight car requirements of the shippers originating this traffic; and that such limited use of eastern line boxcars by the N&W would have no significant effect on the boxcar supplies of the car owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 49 ft. 8 in., equipped with doors 8 ft. wide or less, and bearing reporting marks assigned to railroads not serving Toledo, Ohio, which are classified by the Car Service Division, Association of American Railroads, Supplement No. 113 to Circular CCS-1, as being in the Eastern District, may be loaded for one trip only with grain originating and terminating on the N&W within the switching district of Toledo, Ohio.

When so loaded, such cars shall be exempt from the provisions of Car Service Rule 2; and

It is further ordered, That after being unloaded at Toledo, Ohio, after a single

trip in the aforementioned intra-terminal movements of grain, such cars shall be subject to all of the provisions of Car Service Rule 2.

Effective: February 1, 1973.

Expires: April 30, 1973.

Issued at Washington, D.C., February 1, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2735 Filed 2-9-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 31]

WESTERN MARYLAND RAILWAY CO.

Exemption from Mandatory Car Service

It appearing, that there is an emergency movement of military impedimenta from Culbertson, Pa., to Bayonne, N.J.; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Co., the railroads designated by the Car Service Division are authorized to move to, and the Western Maryland Railway Company is authorized to accept, assemble, and load not to exceed 50 empty cars with military impedimenta from Culbertson, Pennsylvania, to Bayonne, N.J., regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective, January 31, 1973.

Expires, February 28, 1973.

Issued at Washington, D.C., January 31, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2734 Filed 2-9-73;8:45 am]

[Notice 14]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 27, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 63 TA), filed January 18, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in the manufacture of wearing apparel, between Richmond, Va., on the one hand, and, on the other, Lyndhurst, N.J., and New York, N.Y., commercial zone, for 180 days. NOTE: Applicant states it will tack with the authority in MC 44639 at New York, N.Y. Supporting shipper: Cute Mates, Inc., 132 West 36 Street, New York, NY. Send protests to: District Supervisor Thomas W. Hopp, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 82079 (Sub-No. 30 TA), filed January 19, 1973. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900—One Vanderberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and frozen bakery goods*, from Cleveland, Ohio to points in the lower peninsula of Michigan, for 180 days. Supporting shipper: Lawrence P. Gould, distribution manager, stouffer Frozen Foods, 5750 Harper Road, Solon, OH 44139. Send protests to: District Supervisor C. R. Flemming, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 103993 (Sub-No. 747 TA), filed January 15, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, on undercarriages, from points in Charlotte, N.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC-103993 (Sub-No. 243), buildings in sections when transported on wheeled undercarriages, other than from origins which are points of manufacture, between points in the United States. Supporting shipper: Modular Corporation of America, Charlotte, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106674 (Sub-No. 103 TA), filed January 15, 1973. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46932. Applicant's representative: Fleetwood Northrop (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Trafalgar, Ind., to points in Illinois, Ohio, West Virginia, Michigan, Kentucky, Tennessee, and Missouri, for 180 days. Supporting shipper: Penny Products, Inc., Red Gold Drive, Trafalgar, Ind. 46181. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106674 (Sub-No. 104 TA), filed January 15, 1973. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Fleetwood Northrop (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products and materials and supplies* (except liquid commodities in bulk) used in the installation or distribution of such commodities, from the plantsite of the facilities of United States Gypsum Co. located about 5 miles east of Shoals (Martin County), Ind., to points in Illinois, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, for 180 days. Supporting shipper United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60606. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107496 (Sub-No. 875 TA), filed January 18, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from Cameron, Ill., to points in Missouri, for 150 days. Supporting shipper: Pro-Flo, Inc.,

[1] 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.

Rural Route 2, Cameron, Ill. 61423. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 831 TA), filed December 13, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Watkins and Daniell, Suite 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, and foodstuffs; and meats, meat products, meat by-product, and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank vehicles) in vehicles equipped with mechanical refrigeration, from points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, and Virginia to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Kentucky, Tennessee, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma, for 180 days. NOTE: Applicant requests the right to interchange the involved traffic at points in Tennessee, Texas, Alabama, Atlanta, Ga.; and points in Kentucky. Supported by: There are approximately 225 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: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, Atlanta, GA 30309.

No. MC 109637 (Sub-No. 390 TA), filed January 16, 1973. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Louisville, Ky., to Oklahoma City, Okla., for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., Food Service Group, Industrial Foods Group, 1303 South Shelby Street, Louisville, KY 40201. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 371 TA), filed January 17, 1973. Applicant: AMERICAN COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). 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, and advertising material moving therewith*, between Lima, Ohio and Chicago, Ill., for 180 days. Supporting shipper: Scot Lad Foods, Ohio Process Division, Lima Grocery Division, 1100 Prosperity Road, Drawer K, Lima, Ohio. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 113434 (Sub-No. 53 TA), filed January 17, 1973. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Roger Van Wyk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank trucks, from Benton Harbor, Mich., to Bowling Green, and Fremont, Ohio; Muscatine, Iowa, and Pittsburgh, Pa., for 180 days. Supporting shipper: Carl J. Axelson, Transportation Pricing Specialist, Heinz U.S.A. Division, H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 116273 (Sub-No. 161 TA), filed January 17, 1973. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: Robert G. Paluch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Romulus, Mich., to Livonia, Mich. (restricted to traffic having a prior movement by rail), for 180 days. Supporting shipper: J. R. Hendricks, Manager-Traffic, Clinton Corn Processing Co., Clinton, Iowa 52732. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 118989 (Sub-No. 85 TA), filed January 17, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Ohio, Detroit, Mich., Louisville and Lexington, Ky., to Chicago, Ill., for 180 days. Supporting shipper: Container Corporation of America, 500 East North Avenue, Carol Stream, IL (James R. Raudenbush, Central Traffic Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 118989 (Sub-No. 86 TA), filed January 17, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and parts related thereto and plastic articles*, from Addison, Ill., to points in Indiana, Kentucky, Michigan, and Ohio, for 180 days. Supporting shipper: Container Corporation of America, 500 East North Avenue, Carol Stream, IL (James R. Raudenbush, Central Traffic Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119315 (Sub-No. 18 TA), filed January 12, 1973. Applicant: FREIGHTWAY CORP., 131 Matzinger Road, Toledo, OH 43612. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pallets*, from Portland, Ind., to Joliet, Ill., for 90 days. Supporting shipper: Johns-Manville Corp., Greenwood Plaza, Denver, Colo. 80217. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 119752 (Sub-No. 7 TA), filed January 17, 1973. Applicant: G & G HAULAGE CO., INC., 215 Henderson Street, Jersey City, NJ 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs*, from Cranbury, N.J., to Oxon Hill, Md., for 180 days. Supporting shipper: United Filigree Corp., Post Office Box 455, Cranbury, NJ 08512. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 119934 (Sub-No. 190 TA), filed January 16, 1973. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Jerry F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Ponchatoula, La., to Grand Bay and Robertsdale, Ala., for 180 days. Supporting shipper: Penick & Ford, Ltd., Post Office Box 428, Cedar Rapids, IA 52406. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 129719 (Sub-No. 3 TA), filed January 18, 1973. Applicant: BURRELL TRUCKING, INC., 1 Fifth Street, New Kensington, PA 15068. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Author-

ity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Salt, in bags, from the warehouse of Standard Terminals, Inc., in New Kensington (Westmoreland County), Pa., to points in Delaware and New Jersey, for 180 days. Supporting shipper: Standard Terminals, Inc., 1 Fifth Street, New Kensington, PA 15068. Send protests to: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 1000 Liberty Avenue, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 138343 TA, filed January 15, 1973. Applicant: CONEJO ENTERPRISES, INC., 2115 Glen, South Bend, IN 46613. Applicant's representative: Robert Friedline, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Ferrysburg, Mich., to points in Indiana, for 180 days. Supporting shipper: Domtar Chemicals, Inc., Sifto Salt Division, 9950 West Lawrence Avenue, Schiller Park, IL 60176. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

By the Commission.

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

[FR Doc.73-2740 Filed 2-9-73;8:45 am]

[Notice 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 27, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] 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.

MOTOR CARRIERS OF PROPERTY

No. MC 8973 (Sub-No. 26 TA), filed January 24, 1973. Applicant: METROPOLITAN TRUCKING, INC., Office: 2424-95th Street, North Bergen, NJ 07047, Mail; Post Office Box 93, Ridgefield, NJ 07057. Applicant's representative: G. A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick*, from Gordonsville, Somerset, and Roanoke, Va., to points in New Jersey; Rockland, Orange, Westchester, Putnam, Sullivan, Suffolk, Ulster, Nassau, Dutchess Counties, N.Y., and New York, N.Y.; Pennsylvania points on and east of the Susquehanna River; Fairfield County, Conn.; and (2) *lime* (except in bulk), from Devault, Pa., to points in New Jersey; Orange, Rockland, Westchester, Putnam, Sullivan, Suffolk, Ulster, Nassau, Dutchess Counties, N.Y., and New York, N.Y., Fairfield County, Conn., for 180 days. Supporting shippers: Concrete Block Co., 499 Chancellor Avenue, Irvington, NJ; Robert E. Moore, 45 Houston Road, Little Falls, NJ 07424; Reuther Material Co., 5303 Tonelle Avenue, North Bergen, NJ 07047. Send protests to: District Supervisor R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 54444 (Sub-No. 2 TA), filed January 23, 1973. Applicant: MAIN EXPRESS & STORAGE CO., 5938 South 13th Street, Milwaukee, WI 53221. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. 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 terminals of WTC Air Freight at O'Hare Field, Cook County, Ill., on the one hand, and, on the other, terminal facilities of Main Express & Storage Co., and WTC Air Freight, Inc., in Milwaukee County, Wis., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting Shipper: WTC Air Freight, 5959 West Century Boulevard, Los Angeles, CA 90045 (Kevin M. Doherty, district manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 66129 (Sub-No. 7 TA), filed January 24, 1973. Applicant: HUGHES BROS. TRANSPORTATION CO., 113 Metropolitan Avenue, Brooklyn, NY 11211. Applicant's representative: Arthur J. Piken. Suite 1515, One Lefrak City Plaza. Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Chicago, Ill., and Louisville, Ky., to Philadelphia, Pa., New York, N.Y., Glen Burnie, Md., Lodi, N.Y., Providence, R.I., Hoboken, N.J., and Atglen, Pa., returned *refused or rejected shipments* on return, for 180 days. Supporting shipper: Inmont Corp., L-5 Factory Lane, Bound Brook, NJ 08805. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza Room 1807, New York, NY 10007.

No. MC 97310 (Sub-No. 13 TA), filed January 29, 1973. Applicant: BELL TRANSFER CO., INC., 1600 B Street, Post Office Box 5636, Meridian, Miss. Applicant's representative: Paul O. Miller III, Post Office Box 2366, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* in interstate or foreign commerce (except classes A and B explosives, commodities in bulk or of unusual value or requiring special equipment and household goods as defined by the Commission), (1) from Birmingham, Ala., to Cuba, Ala., over U.S. Highway 11 and Interstate Highway 59 and return over the same route, serving the intermediate point of Eutaw, Ala., and its commercial zone only. Service between Birmingham, Ala., and Cuba, Ala., over U.S. Highway 11 and and Interstate Highway 59 was granted in docket No. MC-97310 (sub 6) serving no intermediate points; (2) from Eutaw, Ala., over Alabama State Highway 12 to the intersection of Alabama State Highway 12 and Alabama State Highway 19; thence over Alabama State Highway 19 to the intersection of Alabama State Highway 19 and Alabama State Highway 39; thence over Alabama State Highway 39 to the intersection of Alabama State Highway 39 and U.S. Highway 11, and return over the same route, serving only the intermediate points of Gainesville, Ala., and the off-route point of the Gainsville Lock and Canal construction project site; (3) from Eutaw, Ala., to Greensboro, Ala., over Alabama State Highway 14 and return over the same route, for purposes of joinder only; and (4) from Eutaw, Ala., to Demopolis, Ala., over U.S. Highway 43 and return over the same route, for purposes of joinder only, for 180 days. NOTE: Applicant intends to tack and join at all points presently authorized in MC-97310 and all subs issued thereunder. Supporting shippers: Winchester Carton Corp., 105 Tote-M Avenue, Eutaw, AL 35462; Banks & Co., Eutaw, Ala. 35462; W. S. Newell, Inc., Post Office Box 9157, Montgomery, AL 36108; Binion Furniture & Appliance Co., 263 Prairie Avenue, Eutaw, AL 35462; Guy H. James Construction Co., Post Office Box 18575, Oklahoma City, OK 73118. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MI 39201.

No. MC 107496 (Sub-No. 877 TA), filed January 24, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, Post Office Box 855, Des

Moines, IA 50304; 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients*, in bulk, in tank vehicles, from Crete, Nebr., to points in Illinois, Missouri, and Iowa (Except Iowa points east of U.S. Highway 169 and north U.S. 30); Hutchinson, Kans., and points in Kansas on and east of U.S. Highway 81; points in South Dakota on and east of the Missouri River; and points in Wisconsin south of Wisconsin Highway 33 (except LaCrosse) and east of U.S. Highway 51, for 150 days. Supporting shipper: Talbot-Carlson, Inc., 207 Scott Street, Audubuon, IA 50025. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

No. MC 109649 (Sub-No. 19 TA), filed January 26, 1973. Applicant: L. P. TRANSPORTATION, INC., Cross & Main Streets, Chester, NY 10918. Applicant's representative: Werner & Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Everette, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Suburban Propane, Box 206, Whippany, NJ 07981. Send protests to: Joseph M. Barnini, district superivsor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, NY 12207.

No. MC 111729 (Sub-No. 372 TA), filed January 24, 1973. Applicant: AMERICAN COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Westwood Mass., on the one hand, and, on the other, Derry and Nashua, N.H., and points in Connecticut, Maine, New Jersey, and New York; (2) *external and implantable cardiac pacemakers and related accessories and business papers; records, audit and accounting media of all kinds and advertising material moving therewith*, between Detroit, Mich., on the one hand, and, on the other, points in Indiana and Ohio; and (3) *automotive parts and supplies* restricted against the transportation of packages weighing in the aggregate more than 100 pounds from one consignor to one consignee, on any one day; *business papers, records, audit and accounting material moving therewith*, between Detroit and Plymouth, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 90 days. Supporting shippers: McDonald's System, 420 Providence Highway, Westwood, MA 02090; Medtronic Sales, Inc., 18911 West Ten Mile Road, Southfield, MI 48075; American Motor Corp., 3280 South Clement Avenue, Milwaukee, WI 53201. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 116459 (Sub-No. 48 TA), filed January 29, 1973. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga, TN 37405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from Savannah, Ga., to Calhoun, Tenn., for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

No. MC 116698 (Sub-No. 9 TA), filed January 29, 1973. Applicant: BILL G. CARR AND PHYILLIS R. CARR, doing business as ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, MT 59102. Applicant's representative: Bill G. Carr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Billings, Mont., and Laurel, Mont., over I–90 and U.S. Highway 10 with no service being rendered at Laurel, Mont., for 180 days. NOTE: Applicant states it will tack with the authority in MC 116698 sub 8, and will interline with other carrier at Billings, Mont. Supporting shippers: Rexall Drug, Bridger, Mont. 59014; Marchello Hardware, Red Lodge, Mont. 59068; Natali Cafe, Red Lodge, Mont. 59068; Paul E. Travis, Belfry, Mont. 59008. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 125544 (Sub-No. 4 TA), filed January 22, 1973. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, IL 62626. Applicant's representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty milk cartons*, from Sikeston, Mo., to Des Moines, Iowa; (2) *empty milk cartons*, from Clinton, Iowa, to Carlinville, Carbondale, Granite City, Olney, Peoria, Pana, and Quincy, Ill.; and (3) *empty milk cartons*, from Ft. Wayne, Ind., to Des Moines, and Keokuk, Iowa; Carlinville, Carbondale, Granite City, Olney, Peoria, Pana, and Quincy, Ill., for the account of Prairie Farms Daily, Inc., for 180 days. Supporting shipper: John A. Campbell, Plant Manager, Carlinville Plant, Prairie Farm Dairy, Inc., Post Office Box 499, Carlinville, IL 62626. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 125674 (Sub-No. 10 TA), filed January 29, 1973. Applicant: THE SENTINEL STAR EXPRESS COMPANY, doing business as JACK RABBIT EXPRESS, Post Office Box 1299, 64 East Concord Street, Orlando, FL 32802. Applicant's representative: Gregory A. Presnell, Post Office Box 231, Orlando, FL 32802. 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 Miami International Airport located in Dade County, Fla., on the one hand, and, on the other, points in that portion of Florida bounded on the east by the Atlantic Ocean, on the west by the Gulf of Mexico, on the south by a line commencing at the Atlantic Ocean at Ft. Pierce, Fla., thence along State Road 70 westward to Arcadia, Fla., thence along U.S. Highway 17 to point of intersection with U.S. Highway 41, and thence along U.S. Highway 41 to the Gulf of Mexico at Venice, Fla., and on the north by a line commencing at Suwannee, Fla., on the Gulf of Mexico, thence along State Road 349 to Oldtown, Fla., thence along U.S. Highway Alternate 129 to Branford, Fla., thence along State Road 247 to Lake City, Fla., thence along U.S. Highway 441 to the Florida-Georgia State line, and thence along the Florida-Georgia State line to the Atlantic Ocean, including points on the specified highways, subject to the following restrictions: (A) The aforesaid authority is restricted to the transportation of shipments having an immediately prior or an immediately subsequent movement by air; and (B) The aforesaid authority does not encompass and may not be used to provide any transportation service between the Miami International Airport, on the one hand, and, on the other, points in Sarasota, Manatee, Hardee, Polk, Pasco, Osceola, Hernando, Highlands, De Soto, Charlotte, Lee, Pinellas, and Hillsborough Counties, Fla., but to include the right to provide transportation service between the Tampa International Airport and the Miami International Airport, for 180 days. Supporting shipper: Eastern Airlines, Orlando Jetport, 5400 McCoy Road, Orlando, FL. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 125760 (Sub-No. 8 TA), filed January 23, 1973. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Venango County, PA 16323. Applicant's representative: Frederick L. Kiger, 7823 Mt. Carmel Road, Verona, PA 15147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Dairy products and fruit juices*, in vehicle equipped with mechanical refrigeration, from Farmdale, Ohio, to points in that part of Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line thence southward along U.S. Highway 219 to junction Pennsylvania Highway 56, thence eastward along Pennsylvania Highway 56 to junction U.S. Highway 220, thence southward along U.S. Highway 220 to the Pennsylvania-Maryland State line, for 180 days. NOTE: Applicant states that it does intend to tack with the authority in MC 125760 (Sub-No. 6). Supporting shipper: Sealtest Foods, Division of Kraftco Corporation, 3740 Carnegie Avenue, Cleveland, OH 44115. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 127238 (Sub-No. 7 TA), filed January 22, 1973. Applicant: DOROTHY R. ZUMMO, doing business as AIR DELIVERY SERVICE, Post Office Box 1102, Remington Avenue and Lucust Streets, Scranton, PA 18505. Applicant's representative: S. J. Zummo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between points in Allentown-Bethlehem-Easton Airport, Hanover Township and Lehigh County, Pa., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Warren and Hunterdon Counties, except Flemington, Frenchtown, and Lambertville, N.J., for 180 days. Restriction: Restricted to shipments having a prior or subsequent movement by air. Supporting shippers: The Asbury Graphite Mills, Inc., Asbury, Warren County, N.J. 08802; J. T. Baker Chemical Co., 222 Red School Lane, Phillipsburg, NJ 08865; Custom Alloy Corp., Route 513, Califon, NJ 07830; Kuhl Egg Equipment Corp., Kuhl Road, Post Office Box 26, Flemington, NJ 08822. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 127692 (Sub-No. 3 TA), filed January 29, 1973. Applicant: FIDELITY STORAGE CORPORATION, 6308 Gravel Road, Franconia, VA 22310. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* subject to the usual "Kingpak" restrictions, as set forth in applicant's present certificate, between points in Charles and Prince Georges Counties, Md., for 180 days. NOTE: Applicant intends to tack with its Sub-No. 2 Certificate (copy attached) to serve points in Charles County, Md., applicant is presently authorized to serve points in the Prince Georges County, Md. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attention: Curtis L. Wagner, Jr., Special Assistant to the Judge Advocate General. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 129291 (Sub-No. 6 TA), filed January 23, 1973. Applicant: McDANIEL MOTOR EXPRESS, INC., Post Office Box 64, 40501, 1115 Winchester Road, Lexington, KY 40505. Applicant's representative: George M. Catlett, Suite 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Paris, and Maysville, Ky., from Paris, Ky., over U.S. Highway 68 to Maysville, Ky., and return over the same route, serving all intermediate points between Maysville, Ky., and the southernmost junction of Kentucky Highway 32 and 36 and U.S. Highway 68, restricted against service at Carlisle, Ky., and points within its commercial zone and at points in Ohio within the Maysville, Ky., commercial zone, for 180 days. NOTE: Applicant proposes tacking at Paris, Ky., with its Certificate MC–129291 Sub. No. 4. Interline proposed at Lexington, Ky. Supporting shippers: John Adkins, District Manager, Bestway Express, Inc., Nashville, Tenn.; Paul A. Kenney, District Manager, Eagle Express Co., Somerset, Ky. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 129609 (Sub-No. 2 TA), filed January 22, 1973. Applicant: KENWOOD'S MOVING & STORAGE, INC., Post Office Box 429, Sharron Avenue, Plattsburgh, NY 12901. Applicant's representative: Brodsky, Linett & Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, 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. Restriction: The service herein is restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing and crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 129876 (Sub-No. 4 TA), filed January 26, 1973. Applicant: DuBOIS TRUCKING, INC., Box 502, Montpelier, VT 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Ticonderoga (Montcalm Landing), N.Y., and South Portland, Maine to Barre, Berlin, Northfield, Montpelier, Williamstown, Vt., for the account of Couillard Heating Oils, Inc., Barre, Vt., for 90 days. Supporting shipper: Northeastern Region of Exxon Co., U.S.A., Hutchinson River Parkway, Pelham, N.Y., 10803. Send protests to: District Supervisor, Martin P. Monahan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 134718 (Sub-No. 3 TA), filed January 19, 1973. Applicant: EDWARD P. HOWELL, INC., Rural Delivery No. 6, Box 17, Elkton, MD 21921. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden flooring blocks or squares*, from the facilities of Sullivan Flooring Co., Pikesville, Md., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, restricted to the transportation of shipments having a prior movement by rail and moving under a continuing contract with Sullivan Flooring Co., for 180 days. Supporting shipper: Kenneth J. Hornberger, Sullivan Flooring Co., 1501 Greenwood Road, Pikesville, MD 21208. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, MD 21201.

No. MC 135152 (Sub-No. 7 TA), filed January 19, 1973. Applicant: CASKET DISTRIBUTORS, INC., Mailing: Rural Route 2, Office: West Harrison, Ind. 45030, Harrison, Ohio 45030. Applicant's representative: Edgar Bischoff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies and crated caskets in mixed loads with uncrated caskets*, (1) from Modoc and Richmond, Ind., to Palm Beach and Jacksonville, Fla., Los Angeles, Calif., Wichita, Kans., Kansas City, Mo., Greenville, S.C., and Memphis and Jackson, Tenn.; (2) from Springfield, Ohio, to points in Indiana, Iowa, and Missouri; and (3) from Zeeland, Mich., to Sioux City, Iowa; Sioux Falls, S. Dak., St. Joseph, Mo., Chicago, Ill., St. Cloud, Minn., and Los Angeles, Calif., *return of rejected shipments and returned shipments*, from above destinations to above origins, for 180 days. Sup-

porting shippers: Elder Wilbert Corp., Broadview, Ill.; The Springfield Metallic Casket Co., 74 West Columbia Street, Springfield, OH; Royal Casket Co., Zeeland, Mich. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN.

No. MC 135537 (Sub-No. 6 TA), filed January 23, 1973. Applicant: METRO HEAVY HAULING, INC., 20848 77th Avenue South, Kent, WA 98031. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, materials and supplies*, between construction sites of the Ceco Corp., and points in Idaho, Montana, and Washington, for 180 days. Supporting shipper: The Ceco Corp., 5601 West 26th Street, Chicago, IL 60650. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 135871 (Sub-No. 13 TA), filed January 24, 1973. Applicant: H.G.M. TRANSPORT CO., 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 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 Ames Department Stores, Inc., between points in the New York, N.Y., and Jersey City, N.J., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Delaware, Maryland, and Pennsylvania, under continuing contract with Ames Department Stores, Inc., for 180 days. Supporting shipper: Ames Department Stores, Inc., 3580 Main Street, Post Office Box 3580, Blue Hills Station, Hartford, CT 06112. Send protests to: District Supervisor Robert E. Johnson, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138116 (Sub-No. 2 TA), filed January 24, 1973. Applicant: SUPERIOR MOLASSES SERVICE, INC., 12638 Orr and Day Road, Norwalk, CA 90650. Applicant's representative: Donald Murchison, Suite 400 9454 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps or meat meal*, from Tolleson, Ariz., to Yucaipa, Calif., for 180 days. Supporting shipper: Jack Perisits Egg Enterprises, 35594 County Line Road, Yucaipa, CA. Send protests to: John E. Nance, Officer in Charge, Bureau of Operations, Interstate Commerce, Room 7708, Federal Building, 300 North Angeles Street, Los Angeles, CA 90012.

No. MC 138355 (Sub-No. 1 TA), filed January 26, 1973. Applicant: WILLIE F. THORNE, doing business as THORNE, Route No. 3, Medicine Lodge, Kans. 67104. Applicant's representative: Jandera & Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock watering tanks*, from Grinnell, Iowa to Kiowa, Kans.; (2) *fencing materials*, from Kansas City, Kans., to Kiowa, Kans; (3) *fence post*, from Tulsa, Okla., and Kansas City, Mo., to Kiowa, Kans; (4) *baler wire*, from Pueblo, Colo., and Kansas City, Mo., to Kiowa, Kans.; (5) *high lift bumper jacks*, from Bloomfield, Ind., to Kiowa, Kans.; (6) *steel wire mesh*, from Kansas City, Mo., to Kiowa, Kans.; (7) *steel gates*, from Shenandoah, Iowa to Kiowa, Kans.; (8) *tires*, from Oklahoma City, Okla., Cincinnati, Ohio, and Dayton, Ohio to Kiowa, Kans.; (9) *tractor duals*, from Goodfield, Ill., to Kiowa, Kans.; (10) *tractor rims and wheels*, from Oklahoma City, Okla., to Kiowa, Kans.; (11) *electric fence posts and accessories*, from Chicago, Ill., and Nebraska City, Nebr., to Kiowa, Kans.; (12) *antifreeze*, from Kansas City, Mo., Omaha, Nebr., and Oklahoma City, Okla., to Kiowa, Kans.; (13) *livestock watering tanks, fencing materials, fence posts, baler wire, high lift bumper jacks, steel wire mesh, steel gates, tires, tractor duals, tractor rims and wheels, electric fence posts and accessories and antifreeze*, from Kiowa, Kans., to points in Oklahoma, Colorado, Texas, Arkansas, Missouri, Nebraska, and New Mexico; (14) *steel plates and bars*, from Longview, Tex., to Kiowa, Kans.; (15) *road grader blades*, in stock lengths, from Pueblo, Colo., to Kiowa, Kans., for 150 days. Supporting shipper: Tucker Co., 409 Main, Kiowa KN 67070. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138360 TA, filed January 24, 1973. Applicant: PRESTON DOBBS, doing business as PRESTON DOBBS TRUCKING SERVICE, Post Office Box 11, Hamilton, MS 39746. Applicant's representative: Butler, Snow, O-Mara, Stevens & Cannada, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and commodities in bulk), and empty trailers, between Aberdeen and Tupelo, Miss., on the one hand, and, on the other, points in Clay, Lee and Monroe Counties, Miss., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, for 180 days. Supporting shippers: Burris Manufacturing Co., Inc., Post Office Box 153, Prairie, MS 39756; The Leisure Group, Inc., 100 Tubb Avenue, West Point, MS 39773; Volclay, American Colloid Co., 5100 Suffield Court, Skokie, IL 60076; Piggy Back Shippers Association of Florida, Inc., Post Office Box 1390, Hialeah, FL 33011; Southern Duo-Fast Co., Inc., Post Office Box 2792, Montgomery, AL 36105. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 138361 TA, filed January 26, 1973. Applicant: BAKER DUNCAN VAN & STORAGE CO., 911 Ohio Street, Wichita Falls, TX 76301. Applicant's representative: M. L. Duncan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Wichita County, Tex., and Jefferson, Tillman, Cotton, and Love Counties, Okla., for 180 days. Supporting shipper: Glenn A. Ladd, Contracting Officer, Headquarters Sheppard Technical Training Center (ATC), Attention: LGPV, Sheppard AFB, Tex. 76311. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 138359 TA, filed January 23, 1973. Applicant: LENNEMAN TRANSPORT, INC., 116 Erie Street, South Hutchinson, MN 55350. Applicant's representative: Thomas H. Lenneman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Hutchinson, Minn., for 180 days. Supporting shipper: Lenneman Beverage Distributors, Inc., Hutchinson, Minn. 55350. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-2741 Filed 2-9-73;8:45 am]

[Notice 13]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 27, 1973. One

[1] 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.

copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 282 TA), filed January 16, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroflousilicic acid*, in bulk, in tank vehicles, from Uncle Sam, La., to Austin and Houston, Tex., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 2202 (Sub-No. 431 TA), filed January 19, 1973. Applicant: ROADWAY EXPRESS, INC., Post Office Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: James W. Conner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Gambrills, Gaithersburg, and Annapolis, Md., as off-route points, for 180 days. NOTE: Applicant states it will tack with Lead Certificate MC–2202 and subs thereto, and will affect interchange at all points served. Supporting shippers: Bob Long Kennel Systems, Gambrills, Md. 21054; Airflow Co., Montgomery County Airpark, Gaithersburg, Md. 20760; Engine Distributors, Inc., Wilson Boulevard, at 17th Street, Camden, N.J. 08105; Freezer Box Division of Annapolis, Yacht Yard, Inc., 1700 West Street, Extended, Annapolis, MD 21404. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 43685 (Sub-No. 16 TA), filed January 16, 1973. Applicant: MERCER TRUCKING COMPANY, INC., Box 475, Greenacres, WA 99016. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut buildings*, complete, knocked down or in parts, and *materials and supplies* incidental or necessary to their erection, from points in Spokane County, Wash., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Capp Homes, Spokane Industrial Park, Spokane, Wash. 99216. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 109689 (Sub-No. 244 TA), filed January 18, 1973. Applicant: W. S. HATCH CO., Office: 643 South 800 West, Woods Cross, UT 84087. Mailing: Post Office Box 1825, Salt Lake City, UT 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur trioxide*, in bulk, from Dominguez, Calif., to Seattle, Wash., for 180 days. Supporting shipper: Stauffer Chemical Co., 636 California Street, San Francisco, CA 94108 (E. A. Guldaman, Western Transportation Manager). Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 125 South State Street, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 110589 (Sub-No. 20 TA), filed January 18, 1973. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE. 68801. Applicant's representative: Stephen R. Gartner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and cheese byproducts*, from Superior, Nebr., to Marathon and Oostburg, Wis., and Manlius, Peoria, and Champaign, Ill., for 180 days. Supporting shipper: Richard J. Whipple, Leprino Cheese Co., 1830 West 38th Avenue, Denver, CO. 80211. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 113545 (Sub-No. 8 TA), filed January 16, 1973. Applicant: CORMETT FORWARDING CO., INC., 19th Street, and Park Avenue, Weehawken, N.J. 07087. 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: *Radiopharmaceuticals, radioactive drugs, and isotopes*, from South Plainfield, N.J., to Newark Airport, Newark, N.J., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties, N.Y.; Fairfield County and New Haven County, Conn., and Philadelphia, Bucks, Montgomery, and Delaware Counties, Pa., Silver Spring, Md., and Wilmington, Del., for 180 days. Supporting shipper: Medi-Physics, Inc., 900 Durham Avenue, South Plainfield, NJ 07080. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 125168 (Sub-No. 27 TA), filed January 15, 1973. Applicant: OIL TANK LINES, INC., Hook Road, and Darby Creek, Post Office Box 190, Darby, PA 19023. Applicant's representative: R. H. Davis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (excluding petrochemicals), in bulk, in tank vehicles, between Reno and Rouseville, Pa., and points in New Jersey, for 180 days. Supporting shipper: Pennzoil Co., Drake Building, Oil City, Pa. 16301. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 158 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 134783 (Sub-No. 2 TA), filed January 15, 1973. Applicant: DIRECT SERVICE, INC., Post Office Box 786, Dimmett Highway West, Plainview, TX 79072. Applicant's representative: Ronald V. Dreckman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Prairieland Packing Corp. at or near Morton, Tex., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, Virginia, West Virginia, Maryland, Washington, District of Columbia, Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting shipper: Prairieland Packing Corp., Morton, Tex. 79346. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 136249 (Sub-No. 3 TA), filed January 17, 1973. Applicant: JAMES R. GALBRAITH, JR., Route 1, Box 123, Camanche, IA 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Omaha, Nebr., to Clinton, Iowa, for 180 days. Supporting shipper: McMahon Beverage Co., 241 Main Avenue, Clinton, IA 52732. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 136829 (Sub-No. 1 TA), filed January 18, 1973. Applicant: C. JAMES, doing business as C. JAMES TRUCKING, 415 N. Jarrett, Portland, OR 97217. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 619 Southwest Alder Street, Portland, OR 97205. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and other commodities*, described under the generic name iron and steel in the governing National Motor Freight Classification A–11, between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Alameda, Contra Costa, San Francisco, Santa Clara, Marin, San Mateo, and Sacramento Counties, Calif., and King County, Wash. Supporting shippers: Schnitzer Steel Products Co., 3300 Northwest Yeon Avenue, Portland, OR 97210; Exco Corp., 2141 Northwest 25th Avenue, Portland, OR 97210. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 319 Southwest Pine Street, 450 Multnomah Building, Portland, OR 97204.

No. MC 138281 (Sub-No. 1 TA), filed December 29, 1972. Applicant: MILL TRUCKING CORPORATION, 941 Meeting House Road, Rydal, PA 19046. Applicant's representative: Rodman Kober, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard*, from Philadelphia, Pa., to East Hampton, Hartford, and Norwich, Conn.; Clayton, Del.; Ashland, Boston, Braintree, Cambridge, Charlestown, Danvers, East Long Meadow, Fall River, Holyoke, Lawrence, Marlboro, Middleboro, North Attleboro, Norwood, Peabody, Pittsfield, Roxbury, Salem, Somerville, Webster, Westfield, and Woburn, Mass.; Nashua, N.H.; Albany and Rochester, N.Y.; Cranston, Johnson, Pawtucket, and Providence, R.I.; and Ranson, W. Va.; and (2) *Scrap paper and skids*, from East Hampton, Hartford, and Norwich, Conn.; Clayton, Del.; Ashland, Boston, Braintree, Cambridge, Charlestown, Danvers, East Long Meadow, Fall River, Holyoke, Lawrence, Marlboro, Middleboro, North Attleboro, Norwood, Peabody, Pittsfield, Roxbury, Salem, Somerville, Webster, Westfield, and Woburn, Mass.; Nashua, N.H.; Albany and Providence, R.I.; and Ranson, W. Va. to Philadephia, Pa., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Newman & Co., Inc., of Philadelphia, Pa. Supporting shippers: Newman & Co., Inc., 6101 Tacony Street, Philadephia, PA 19135; the Kahn Paper Co., 73 Tremont Street, Boston, MA 02108. Send protests to: Ross A. Davis, district supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadephia, PA 19102.

No. MC 138320 (Sub-No. 1 TA), filed January 16, 1973. Applicant: WALDRIP BROS. TRUCKING CO., Route 3, Box 33, Yuma, AZ 85364. Applicant's representative: A. Michael Berstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus fruit cartons*, from Compton, Calif., to Yuma, Ariz.; (2) *empty steel drums*, from Los Angeles, Calif., to Yuma, Ariz.; (3) *cartons*, for packing orange and grapefruit drinks, from Los Angeles, Calif., to Yuma, Ariz.; and (4) *frozen citrus juice concentrates*, from Yuma, Ariz., to San Diego, Fullerton and Anaheim, Calif., for 180 days. Supporting shippers: Western Kraft Corp., 19615 South Susana Road, Compton, Calif. 90221; Golden Y Growers, Inc., Post Office Box 4188, Kofa Station, Yuma, Ariz. 85364. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 138331 (Sub-No. 1 TA), filed January 16, 1973. Applicant: ELLA BIGELOW, Box 25, Cobalt, ON, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grinding mill liners*, from the international boundary between the United States and Canada at the Detroit, St. Clair, and Sault Ste. Marie, and Niagara River crossings to points in Michigan and New York, for 180 days. Supporting shipper The Wabi Iron Works Ltd., New Liskeard, Ontario, Canada. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 138344 TA, filed January 16, 1973. Applicant: ARCTIC CONTAINER SERVICE, INC., 6705 East Marginal Way South, Seattle, WA 98108. Applicant's representative: James T. Johnston, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo vans and containers only, between points in Kings, and Pierce Counties, Wash., limited to traffic having an immediate prior or subsequent movement by water; and (2) *empty cargo vans, containers, and chassis*, between points in Kings, and Pierce Counties, Wash., for 180 days. Supporting shippers: Alaska Fish & Farm Products, Inc., Post Office Box 74, Anchorage, AK 99501; Granny Goose Foods, Inc., 300 Warehouse Avenue, Anchorage, AK 99501; Northland Hub Grocery Co., Box 408, Fairbanks, AK 99707; the Ken Jernstrom Co., Post Office Box 1348, Fairbanks, AK 99707; Matanuska Maid, Inc., 814 Northern Lights Boulevard, Anchorage, AK 99503; McDonald's Restaurant, 5716 DeBarr Road, Anchorage, AK 99504; Stayfresh Food Products, Inc., 4111 Ingra Street, Anchorage, AK 99500. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138345 TA, filed January 16, 1973. Applicant: BASIL B. GORDON AND CLAY M. POPE, co-partners, doing business as VALLEY SPREADER COMPANY, 260 North Ninth Street, Brawley, CA 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment, used irrigation systems and irrigation pipe*, between points in Imperial County, Calif., on the one hand, and points in Mohave and Yuma Counties, Ariz., on the other, restricted to the transportation of traffic both originating at and destined to points in the above-described territory, for 180 days. Supported by: There are approximately 13 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: John E. Nance, Officer-in-Charge, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138346 TA, filed January 16, 1973. Applicant: L. V. GOFF, Route 5, Paris, TX 75460. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, cottonseed hulls, soybean meal, rice byproducts and hemicellulose extracts*, in bulk and bags, from points in Arkansas, Louisiana, and Mississippi to the facility of Valley Feed Mill, Inc., at Paris, Tex., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Valley Feed Mills, Inc., 315 West Center Street, Paris, TX 75460. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 138347 TA, filed January 16, 1973. Applicant: SUNSHINE MOVERS INC., 2633 Anderson Avenue, Fort Myers, FL 33902. Applicant's representative: Russell F. Beazell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, to, from and between points in Lee, Hendry, Collier, and Charlotte Counties, Fla., for 180 days. Supporting shipper: Department of Defense, Washington, D.C. 20310. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136422 (Sub-No. 1 TA), filed January 18, 1973. Applicant: H. A. SANCOMB TRUCKING CO., INC., 930 Worcester Street, Wellesley, MA 02181. Applicant's representative: George C.

O'Brien, 15 Court Square, Boston, MA 02106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass waste products* for recycling or reuse in recognized control programs, loose, from Canton, Hingham, Lincoln, Needham, Norwood, and Scituate, Mass., to Dayville, Conn., for 180 days. Supporting shipper: Public Works Department, Town of Canton, Canton, Mass. 02027; Department of Highways, Town of Hingham, Hingham, Mass.; Town of Lincoln, Lincoln, Mass.; Public Works Department, Town of Needham, Needham, Mass.; Town of Norwood, Norwood, Mass.; Scituate Environment Effort, Scituate, Mass. Send protests to: James F. Martin, Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

By the Commission.

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

[FR Doc.73-2742 Filed 2-9-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 82]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO. AND KANSAS CITY SOUTHERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Kansas City Southern Railway Co., is unable to receive and transport traffic offered for interchange by the Chicago and North Western Transportation Co. at Kansas City, Mo., because of a derailment.

It is ordered, That:

(a) The Kansas City Southern Railway Co., being unable to receive and transport traffic offered for interchange by the Chicago and North Western Transportation Co. (C&NW) at Kansas City, Mo., because of a derailment, the C&NW is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4 p.m., January 30, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 3, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2738 Filed 2-9-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 82, Amdt. 1]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO. AND KANSAS CITY SOUTHERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 82 (Chicago and North Western Transportation Co., The Kansas City Southern Railway Co.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 82 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 5, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. February 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2737 Filed 2-9-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 77, Amdt. 1]

ERIE LACKAWANNA RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 77 (the Erie Lackawanna Railway Co., Thomas F. Patton and Ralph S. Tyler, Jr., Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 77 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 31, 1973.

INTERSTATE COMMERCE COMMISSION.
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-2736 Filed 2-9-73;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
3031–3179	Feb. 1
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