

# federal register

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## LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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

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## Weekly List of Public Laws

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H.R. 3577..... Pub. L. 93-17  
Interest Equalization Tax Extension Act of 1973 (Apr. 10, 1973; 87 Stat. 12)

H.R. 5445..... Pub. L. 93-15  
Clean Air Act, extension (Apr. 9, 1973; 87 Stat. 11)

H.R. 5446..... Pub. L. 93-14  
Solid Waste Disposal Act, extension (Apr. 9, 1973; 87 Stat. 11)

H.J. Res. 5..... Pub. L. 93-16  
Nicholaus Copernicus Week, designation (Apr. 9, 1973; 87 Stat. 12)

H.J. Res. 437..... Pub. L. 93-18  
National Clean Water Week, designation (Apr. 14, 1973; 87 Stat. 22)

S.J. Res. 73..... Pub. L. 93-19  
Jim Thorpe Day, designation (Apr. 16, 1973; 87 Stat. 23)

The President vetoed H.R. 3298, Rural water-sewer grant program. Message dated April 5, 1973.

# Rules and Regulations

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

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

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

### Entire Executive Civil Service

Section 213.3102 is amended to show that not to exceed 25 positions are excepted under schedule A when filled by persons who are in programs administered by the Attorney General of the United States under Public Law 91-452 and related statutes.

Effective on April 25, 1973, § 213.3102 (ff) is added as set out below.

§ 213.3102 Entire executive civil service.

(ff) Not to exceed 25 positions when filled in accordance with an agreement between the Commission and the Department of Justice by persons in programs administered by the Attorney General of the United States under Public Law 91-452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.73-7951 Filed 4-24-73;8:45 am]

## Title 7—Agriculture

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

[Orange Reg. 71, Amdt. 10]

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

##### Limitation of Shipments

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

*Findings.*—(1) Pursuant to the marketing agreement, as amended, and order No. 905, as amended (7 CFR part 905), regulating the handling of oranges,

grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until May 25, 1973 (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple oranges grown in Florida.

*Order.*—The provisions of paragraph (a) (5) of § 905.545 (Orange Reg. 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565, 8169, 9075) are amended to read as follows:

#### § 905.545 Orange Regulation 71.

(a) \* \* \*

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

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

Dated April 19, 1973, to become effective April 20, 1973.

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

[FR Doc.73-7959 Filed 4-24-73;8:45 am]

[Grapefruit Reg. 73, Amdt. 3]

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

##### Limitation of Shipments

This amendment lowers the minimum size requirements on the handling of pink

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

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

(2) The recommendation by the Growers Administrative Committee for less restrictive size limitations on fresh shipments of pink seedless grapefruit is consistent with the available supply of and current and prospective demand for such smaller sizes of grapefruit by fresh market outlets.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until May 25, 1973 (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of pink seedless grapefruit grown in Florida.

*Order.* In § 905.546 (grapefruit regulation 73, 37 FR 21799, 24432, 27619) the provisions of paragraph (a) (5) are amended to read as follows:

#### § 905.546 Grapefruit Regulation 73.

(a) \* \* \*

(5) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which are smaller than  $3\frac{3}{16}$  inches in diameter, or any pink seedless grapefruit which are smaller than  $3\frac{3}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the

application of tolerances, specified in said U.S. standards for Florida grapefruit.

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

Dated April 19, 1973, to become effective April 20, 1973.

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

[FR Doc.73-7961 Filed 4-24-73;8:45 am]

[Tangelo Reg. 44, Amdt. 3]

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

##### Limitation of Shipments

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

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

(2) The recommendation by the Growers Administrative Committee for less restrictive grade and size limitations on fresh shipments of tangelos is consistent with the external appearance and remaining supply of smaller size fruit in the production area and the current and prospective demand for such fruit by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until May 25, 1973 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangelos grown in Florida.

*Order.* In § 905.548 (tangelo regulation 44; 37 FR 21799, 24432, 27619), the provi-

sions of paragraph (a) (1) and (a) (2) are amended to read as follows:

##### § 905.548 Tangelo Regulation 44.

(a) \* \* \*

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2; or

(2) Any tangelos, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. standards for Florida oranges and tangelos.

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

Dated April 19, 1973, to become effective April 20, 1973.

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

[FR Doc.73-7960 Filed 4-24-73;8:45 am]

[Grapefruit Reg. 13, Amdt. 1]

#### PART 944—FRUITS; IMPORT REGULATIONS

##### Size Restriction on Pink Seedless Grapefruit

This amendment lowers the size restriction on imports of pink seedless grapefruit on April 20, 1973, that are the same as those being made applicable to domestic shipments of grapefruit, pursuant to the amended marketing agreement and order No. 905 regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, which becomes effective April 20, 1973. Under section 608e-1 of the Agricultural Marketing Agreement Act of 1937, as amended, imports of certain commodities, including grapefruit, must meet the same or comparable restrictions as those imposed on domestic shipments of the particular commodity regulated under a Federal marketing order.

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of grapefruit regulation 13 (§ 944.109, 37 FR 21802) are hereby amended to read as follows:

##### § 944.109 Grapefruit regulation 13.

(a) On and after April 20, 1973, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than  $3\frac{1}{16}$  inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the ap-

plication of tolerances specified in the U.S. standards for Florida grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color;); and

(3) Seedless grapefruit other than pink seedless grapefruit shall be not smaller than  $3\frac{3}{16}$  inches in diameter, and pink seedless grapefruit shall be not smaller than  $3\frac{7}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. standards for Florida grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a), the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended grapefruit regulation 73 (§ 905.546); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated April 19, 1973, to become effective April 20, 1973.

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

[FR Doc.73-8043 Filed 4-24-73;8:45 am]

#### Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

#### PART 78—BRUCELLOSIS

##### Change in List of Public Stockyards

These amendments delete the "Burlington Producers Livestock Marketing Association, Burlington, Colorado"; "Producers Livestock Marketing Association, Greeley, Colorado"; "Denver Union Stockyards, Denver, Colorado"; "Detroit Stockyards Company, Detroit, Michigan"; and "Ogden Union Stockyards, Ogden, Utah" from the list of

public stockyards set forth in 9 CFR 78.14(a), as such stockyards are no longer operating as public stockyards where Federal inspection is maintained.

Pursuant to the provisions of sections 4, 5, and 13 of the act of May 29, 1884, as amended, sections 1 and 2 of the act of February 2, 1903, as amended, and section 3 of the act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a, 120, 121, 125), part 78, title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 78.14(a), all references to "Colorado" and all references to "Michigan" and the reference to "Ogden Union Stockyards" in Ogden, Utah, are deleted.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 37 F.R. 28464, 28477; 9 CFR 78.16(b).)

**Effective date.** The foregoing amendments shall become effective May 1, 1973.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and they should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of April 1973.

J. M. HEJL,  
*Acting Deputy Administrator,  
Animal and Plant Health In-  
spection Service.*

[FR Doc.73-8044 Filed 4-24-73;8:45 am]

**Title 32—National Defense  
CHAPTER XVI—SELECTIVE SERVICE  
SYSTEM**

**IDENTIFICATION OF REGISTRANTS IN  
CERTAIN CLASSES**

**Miscellaneous Amendments to Chapter**

Whereas, on March 20, 1973, the Director of Selective Service published a notice of proposed amendments to Selective Service regulations, 38 FR 7347 of March 20, 1973; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision. The proposed amendments permit the Director of Selective Service to authorize the registration of persons without their appearing before local boards or other registration officials, provide for the identification of registrants in classes 1-A-O,

1-O, and 2-M, and prescribe the time for the ordering for induction of a medical specialist in class 1-A-O. The texts of the proposed sections have not been changed.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service regulations, constituting a portion of chapter XVI of title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on April 28, 1973, as follows:

**PART 1611—DUTY AND RESPONSIBILITY  
TO REGISTER**

Section 1611.1(d) is added to read as follows:

§ 1611.1 Persons required to be registered.

(d) The Director may authorize the registration of persons without their appearing before the officials specified in paragraph (b) of this section. Procedures authorized under this paragraph shall be uniform throughout the state(s) in which they apply.

**PART 1622—CLASSIFICATION RULES  
AND PRINCIPLES**

The material in § 1622.11 is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

§ 1622.11 Class 1-A-O—Conscientious objector available for noncombatant military service only.

(b) A registrant who would be classified in class 1-AM were he not classified in class 1-A-O shall be identified as follows: Class 1-A-OMM for doctor of medicine; class 1-A-OMD for dentist; class 1-A-OME for doctor of optometry; class 1-A-OMO for doctor of osteopathy; class 1-A-OMP for doctor of podiatry; class 1-A-OMV for veterinarian; and class 1-A-OMN for registered nurse.

The material in § 1622.14 is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 1622.14 Class 1-O: Conscientious objector available for alternate service.

(b) A registrant who would be classified class 1-AM were he not classified in class 1-O shall be identified as follows: Class 1-OMM for doctor of medicine; class 1-OMD for dentist; class 1-OME for doctor of optometry; class 1-OMO for doctor of osteopathy; class 1-OMP for doctor of podiatry; class 1-OMV for veterinarian; and class 1-OMN for registered nurse.

The material in § 1622.26 is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 1622.26 Class II-S: Registrant deferred because of activity in graduate study.

(b) A registrant who is classified in class 2-M shall be identified as follows:

Class 2-MM for student in medicine; class 2-MD for student in dentistry; class 2-ME for student in optometry; class 2-MO for student in osteopathy; class 2-MP for student in podiatry; class 2-MV for student in veterinary science; and class 2-MN for student in nursing.

**PART 1680—MEDICAL, DENTAL, OR AL-  
LIED SPECIALIST CATEGORIES (CLASS  
1-AM)**

Section 1680.11 is added to read as follows:

§ 1680.11 Noncombatant military service.

A registrant classified in class 1-A-O who would be eligible for class 1-AM were he not in class 1-A-O will be ordered for induction at the time that he would be ordered for induction if he were in class 1-AM.

BYRON V. PEPITONE,  
*Director.*

APRIL 20, 1973.

[FR Doc.73-8045 Filed 4-24-73;8:45 am]

**Title 38—Pensions, Bonuses, and  
Veterans' Relief**

**CHAPTER I—VETERANS'  
ADMINISTRATION**

**PART 21—VOCATIONAL REHABILITATION  
AND EDUCATION**

**Subpart D—Administration of Educational  
Benefits; 8 U.S.C. Chapters 34, 35, and  
36**

**PERIOD OF OPERATION OF COURSE**

On page 5267 of the FEDERAL REGISTER of February 27, 1973, there was published a notice of proposed regulatory development to amend § 21.4251 to provide additional guidelines under which the 2-year requirement for continuous operation of a course will be met. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

Pursuant to such notice, written comments were received from three interested parties. The suggested changes in these comments require changes in the law; therefore the proposed regulation is hereby adopted without change and is set forth below.

**Effective date.**—This VA regulation is effective April 19, 1973.

Approved April 19, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,  
*Deputy Administrator.*

In § 21.4251, paragraph (b) is amended to read as follows:

§ 21.4251 Period of operation of course.

(b) *Operation for 2 years.* A course is considered to have been in operation for 2 years when it has been given continuously for 24 calendar months inclusive of reasonable vacation and holiday periods.

(1) Where courses are only offered on an ordinary school-year basis (approximately 9 months), 2 ordinary school

years in the 24 calendar months will constitute a 2-year period.

(2) Where short courses of less than an ordinary school year are offered on a regular cycle, two cycles of such operation will constitute the 2-year period if each of the two cycles occurs in a separate calendar year.

(3) Where a course is started by a school with instructions provided to students in such courses, the period of continuous operation will not be considered broken during any 30-day period if at least one or more days of instruction is provided.

(4) Where a course is started by a school with instructions provided to students in such courses, any reasonable period of time in excess of 30 days, where the school has instructors and classrooms available but no students have enrolled during such period, will not break the continuity of operation of the course. In these cases, the 2-year period of operation will not be met until the period when no students were enrolled in the course is added to the initial 2-year period.

\* \* \* \* \*

[FR Doc.73-7981 Filed 4-24-73;8:45 am]

#### Title 40—Protection of Environment

##### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER H—OCEAN DUMPING

#### PART 222—ACTIONS ON APPLICATIONS

##### Transportation for Dumping, and Dumping of Material Into Ocean Waters

###### Correction

In FR Doc. 73-6591 appearing at page 8726 in the issue of Thursday, April 5, 1973, the first two lines of § 222.2a(a) should read "Early applications. Notwithstanding the time periods established by".

#### Title 49—Transportation

##### CHAPTER X—INTERSTATE COMMERCE COMMISSION

##### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

#### PART 1033—CAR SERVICE

##### Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices; Modification of Car Service Rule 7

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of March 1973.

It appearing that in the report herein, 335 I.C.C. 264, decided August 21, 1969, as modified in 335 I.C.C. 874, car service rules were prescribed for mandatory observance, including rule 7 (§ 1033.7) governing the interchange of cars:

It further appearing that by petition filed on May 10, 1972, the Association of American Railroads seeks modification of the said Car Service Rule 7 by the addition of penalty provisions against carriers for improper delivery of cars to

receiving lines; that the petition was served upon all parties to this proceeding; and that no replies thereto have been received;

And it further appearing that on the date hereof the Commission entered its report on further consideration finding that the proposed modification will be in the public interest; therefore,

It is ordered, That the said Car Service Rule 7, set forth in appendix G to the report, 335 I.C.C. 264, at pages 350-351, as modified in 335 I.C.C. 874, be, and it is hereby modified, effective June 1, 1973; by adding at the end thereof, the following:

(D) In event cars are placed on interchange tracks or delivered in run-through trains without necessary data for forwarding, receiving carrier will give written or telegraphic notice to delivering carrier of the lack of such forwarding data and:

(1) Upon request of carrier responsible for delivery of cars without proper forwarding data, receiving carrier will return such cars to delivering carrier's designated interchange track for which the responsible carrier will pay \$25 dollars per car to the carrier returning the car.

(2) When cars are held by receiving carrier awaiting disposition or necessary forwarding data from delivering carrier, a charge of \$5 dollars per car will be assessed by the receiving carrier against the delivery carrier for each day or fraction thereof car is held from the first 12:01 a.m. following written or telegraphic notification until disposition is furnished by the delivering carrier. This provision does not apply when the forwarding data are awaited from a shipper served by the delivering carrier, in which case the cars would be subject to demurrage charges under the provisions of rule 3, section F, of the published General Car Demurrage Rules and Charges.

(E) Any disputes arising under this rule shall be handled under the provisions of Car Hire, Rule 17.

###### CAR HIRE, RULE 17

(Listed for information only)

To interpret these rules and to settle disputes arising under them, the General Committee, Operating-Transportation Division [Association of American Railroads (the Association)], shall act as an arbitration committee. Nine members shall be a quorum.

In case any questions or dispute arises under these rules it may be submitted to the arbitration committee through the secretary of the Operating-Transportation Division in abstract. The abstracts shall briefly set forth the points at issue and each party's interpretation of the rules upon which its claim is based. The arbitration committee shall base its decisions upon the rules and the abstract submitted, and its decisions shall be final. Should one of the parties refuse to furnish the necessary information, the arbitration committee shall use its judgment as to whether it can properly decide. All decisions shall be reported to the Association through the general committee, Operating-Transportation Division.

In case a question shall arise not covered by the rules, the roads disagreeing may, by mutual consent, submit such questions to the arbitration committee.

The General Committee, Operating-Transportation Division, may appoint a secretary for the arbitration committee, who shall be paid by the Association. The other expenses of the arbitration committee shall be divided equally between each of the parties to the dispute and the Association. The expenses shall be first paid by the Association, and then billed to the parties concerned by the treasurer of the Association.

And it is further ordered, That a copy of this order shall be delivered to the Director of the Federal Register for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-8032 Filed 4-24-73;8:45 am]

[Ex Parte No. MC-19 Sub-No. 18]

#### PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

##### Practices of Motor Common Carriers of Household Goods; Released Rates

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of March 1973.

It appearing, That investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part thereof;

It is ordered, That part 1307.201 of chapter X of title 49 of the Code of Federal Regulations be, and it is hereby modified by amending subsection 1307.201(c).

It is further ordered, That this order shall become effective on June 1, 1973, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559.)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

Section 1307.201(c) shall be revised by adding the following language to the end thereof:

§ 1307.201 Released rates on household goods.

\* \* \* \* \*

(c) \* \* \*

Provided that, Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a

purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill or lading in lieu of the personal signature and handwritten statement relating to released rates.

[FR Doc.73-8031 Filed 4-24-73;8:45 am]

**Title 50—Wildlife and Fisheries**

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

**SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE**

**PART 32—HUNTING**

**Mingo National Wildlife Refuge, Mo.**

The following special regulation is issued and is effective on April 25, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

**MISSOURI**

**MINGO NATIONAL WILDLIFE REFUGE**

The public hunting of squirrels on the Mingo National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,500 acres, is delineated on maps available at refuge headquarters, 1 mile north of Puxico, Mo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accord-

ance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from opening date of State wide season through September 30, 1972, inclusive.

(2) Hunters must register when entering the refuge and record kill when leaving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through September 30, 1973.

**GERALD L. CLAWSON,**  
*Refuge Manager,*  
*Mingo National Wildlife Refuge,*  
*Puxico, Mo.*

APRIL 12, 1973.

[FR Doc.73-7930 Filed 4-24-73;8:45 am]

**CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE**

**SUBCHAPTER F—AID TO FISHERIES**

**PART 250—FISHERIES LOAN FUND PROCEDURES**

**Change of Interest Rate**

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing, among other things, that fisheries loans shall "Bear an interest rate of not less than (a) a rate determined by

the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose."

The average market yield of such outstanding obligations has trended upward since August 1972. The rate determined by the Secretary of the Treasury for the month of April, in accordance with the provisions of the act quoted above, is 6¾%. Consequently, the interest rate charged on fisheries loans shall be changed from 7 percent to 7½ percent in order to be consistent with the determinations of the Secretary of the Treasury and with the act, as amended.

Section 250.10, part 250, Fisheries Loan Fund Procedure is revised to read as follows:

**§ 250.10 Interest.**

The rate of interest on all loans which may be granted is fixed at 7½ percent per annum.

*Effective date.*—This revision shall be effective April 25, 1973.

Dated April 17, 1973.

By order of the Administrator, National Oceanic and Atmospheric Administration.

**ROBERT M. WHITE,**  
*Administrator.*

[FR Doc.73-7940 Filed 4-24-73;8:45 am]

# Proposed Rules

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

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4110, 4120, 4130]

### CONSERVATION OR PROTECTION OF NATURAL RESOURCES OR THE ENVIRONMENT

#### Proposed License, Permit, and Leasing Procedures; Requirements and Conditions

The purpose of this notice is to establish a final date for submission of comments on certain proposed rulemaking as outlined below.

On pages 4262 and 4263 of the FEDERAL REGISTER of March 1, 1972, three documents were published which proposed amendments to parts 1720, 4110, 4120, and 4130 of the Code of Federal Regulations. The proposed amendments would: (1) Restrict the use on public lands of chemical toxicants for the purpose of killing predatory mammals or birds and restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles, (2) make grazing privileges subject to cancellation or reduction where a grazer has under certain conditions violated or failed to comply with any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment, and (3) authorize the cancellation or reduction of grazing privileges on public lands for the unauthorized use of chemicals toxic to predatory mammals or birds, or toxic to other mammals, birds, and reptiles if such chemical toxicants may cause secondary poisoning effects.

On page 10733 of the FEDERAL REGISTER dated May 27, 1972, the period for submitting written comments, suggestions, or objections was extended to 45 days after an environmental impact statement regarding the use of chemical toxicants was filed with the Council of Environmental Quality in accordance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335).

The environmental impact statement being prepared relates only to the proposed amendments to 43 CFR 1720, 4110, 4120, and 4130 dealing with the use of chemical toxicants [(1) and 3 above]. Thus, further extension of time for comments on the proposed amendments to 43 CFR 4110, 4120, and 4130 [(2) above], pertaining to cancellation of grazing privileges for violation of conservation and protection laws or regulations, is unnecessary.

Accordingly, the period for comment on that proposed amendment to 43 CFR

4110, 4120, and 4130 will close on June 12, 1973.

Comments, suggestions or objections may be submitted to the Director (210), Bureau of Land Management, Washington, D.C. 20240.

Copies of comments, suggestions, or objections will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

JOHN C. WHITAKER,  
*Acting Secretary of the Interior.*

APRIL 18, 1973.

[FR Doc.73-7939 Filed 4-24-73;8:45 am]

Bureau of Mines

[ 30 CFR Part 57 ]

### METAL AND NONMETALLIC UNDERGROUND MINES

#### Notice of Public Hearing

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. sec. 725 (1970)) there was published in part II of the FEDERAL REGISTER for December 9, 1972 (37 FR 26379-26380), a notice of proposed rulemaking setting forth proposals to amend Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, relating to certain health and safety standards applicable to underground mines.

The notice of proposed rulemaking provided that subject to the provisions of subsection (e) of section 6 (30 U.S.C. sec. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard and which has not been recommended as a mandatory standard by the Metal and Nonmetal Mine Safety Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objections and request a public hearing (subject to the provisions of the Administrative Procedures Act) on such objections.

Interested persons were afforded a period of 30 days following publication of this notice in the FEDERAL REGISTER within which to submit to the Director, Bureau of Mines, written data, views, arguments or objections to the proposals. Such period was subsequently extended

to January 31, 1973, by a notice published in the FEDERAL REGISTER for January 23, 1973 (38 FR 2219).

Comments, objections and a request for a public hearing have been made with respect to proposed mandatory standards 57.11-53, 57.15-30, 57.15-31, and 57.18-28, which have been designated as mandatory standards and which have not been recommended as a mandatory standard by the Metal and Nonmetallic Mine Safety Advisory Committee.

The objections which have been filed and upon which a hearing has been requested are as follows:

### PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

#### 1. Proposed mandatory standard 57.11-53:

In revoking Standard 57.4-50, the requirement that "escape routes shall be marked plainly", is now omitted. This is a useful requirement and should be retained.

The details of the escape and evacuation plan required in subsections (a) through (f) are details that can vary from mine to mine. These should not be specific requirements but should be guidelines to the operator in the preparation of a satisfactory plan. For example: The posting of mine maps, portions of maps or plans, may or may not be in the best interests of an effective escape program. Multilevel mine maps may be difficult to interpret by those not trained in map-reading. In addition, the locations for posting of maps and plans are too specific and too all-inclusive. For example: All shaft stations may not be active ones or the most effective location for distribution of information. These and other details should be decided for each mine.

By having these detailed requirements as guidelines, the mine operator can develop a more flexible and effective plan, through consultation with the Secretary or his authorized representative, for informing and training the employees in all procedures to be followed in the event of an emergency.

#### 2. Proposed mandatory standard 57.15-30:

The maintenance of self-rescue devices depends to a great extent on the care exercised by the employees, and they should bear a share of the responsibility for the care of the devices. It is recommended that this standard be revised as follows:

*Mandatory.*—A 1-hour self-rescue device approved by the Bureau of Mines shall be made available by the operator to all personnel underground. Self-rescue devices shall be maintained in good condition. The operator shall instruct underground personnel in the detection and reporting of opened, leaking, or otherwise defective self-rescue devices which shall be promptly replaced.

**3. Proposed mandatory standard 57-15-31:**

The wearing of self-rescue devices by persons in certain jobs or work areas, in addition to those working on or around mobile equipment can be hazardous to the person or damaging to the device.

It is recommended that this standard be revised as follows:

**Mandatory.**—Self-rescue devices \* \* \* shall be carried by all persons underground, except:

(a) Where a person works on or around mobile equipment self-rescue devices may be placed in a readily accessible location on such equipment, or

(b) Where the wearing or carrying of such self-rescue device is hazardous to the miner or to the device, such self-rescue device shall be located at a distance no greater than 25 feet from such person.

"The addition in subsection (b) is consistent with the requirements for underground coal mines 30 CFR 75.1714-2(b)."

**4. Proposed mandatory standard 57-18-28:**

The requirements of this standard are somewhat confusing because of its interrelationship with proposed standard 57.4-74, which also pertains to instruction to underground employees, including new employees, on emergency procedures. The requirement for instruction in Bureau of Mines' approved courses on "mine emergency training" is confusing because it is not very specific. Other standards set forth the requirements for training in first-aid, or self-contained breathing and firefighting apparatus, and in mine rescue procedures. If the reference concerns the program set forth in Bureau of Mines' Instruction Guide No. 19, the training should be designed around each particular mining operation.

"The records of the training of employees should be kept at the nearest mine office. The requirements that copies of the record are to be submitted to the nearest bureau of mines training center places an unnecessary burden on the mine operator in that it would presumably include the training record of each new employee resulting in a constant flow of records to the Bureau and would serve no useful purpose. If kept at the mine office, the records would be available for review by mine inspectors during regular inspections.

"Also, the paragraphs in the standard should be lettered (a), (b), and (c)."

"It is recommended that this standard be further clarified and that the requirements for training in the use of self-rescue devices be separated from the general mine emergency training, or that these requirements be incorporated clearly in Standard 57.4-74."

Interested persons may examine or obtain copies of all comments, suggestions and objections which have been filed from the Deputy Director—Health and Safety, Bureau of Mines, Room 4512, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4041.

Notice is hereby given that a hearing will be conducted by an administrative law judge, Office of Hearings and Appeals, Department of the Interior, to receive evidence relevant and material to the issues raised by the objections which

have been filed, commencing on Monday, May 21, 1973, at 9 a.m., m.d.t., at the Airport Holiday Inn, 4040 Quebec, Denver, Colo. 80216, telephone 303-321-6666. The administrative law judge will consider all objections and based upon the record will submit a recommended decision to the Secretary who will review the same and issue the final decision.

Persons who desire to testify at the hearing should notify the Director, Office of Hearings and Appeals, 4015 Arlington Boulevard, Arlington, Va. 22203, by Thursday, May 17, 1973. At the hearing any interested person may be heard.

JOHN C. WHITAKER,  
*Acting Secretary of the Interior.*

APRIL 23, 1973.

[FR Doc. 73-8088 Filed 4-24-73; 8:45 am]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Social and Rehabilitation Service

[ 42 CFR Parts 205, 206, 233 ]

**METHODS OF DETERMINING ELIGIBILITY FOR FINANCIAL AND MEDICAL ASSISTANCE; NEED AND AMOUNT**

Notice of Proposed Rulemaking

*Correction*

FR Doc. 73-7623, appearing at page 9819 in the issue for Friday, April 20, 1973, inadvertently appeared in the rules and regulations section of the FEDERAL REGISTER. It should have appeared in the proposed rules sections with the headings reading as set forth above.

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 103]

[Docket No. 10270; Notice No. 73-13]

**MEDICINAL AND TOILET ARTICLES**

Proposed Applicability

The Federal Aviation Administration is considering amending part 103 of the Federal Aviation Regulations to clarify and expand the amounts of medicinal and toilet articles in small quantities that can be carried in passenger baggage pursuant to the express exclusion in § 103.1(c) (5).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 25, 1973, will be considered by the Administrator before taking action on the proposed

rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

By amendment (Amdt. 103-12; 37 FR 12062; June 17, 1972), the FAA expressly excluded the carriage of medicinal and toilet articles in small quantities in crew-member and passenger baggage from the applicability of part 103, which applies to the carriage of dangerous articles aboard an aircraft. In order to clearly specify what was intended by the term "a small quantity", the FAA set certain limits in the amendment. The container size was limited to 16 ounces or less and the total quantity of those articles that could be carried by any passenger or crewmember was set at a maximum of 32 ounces.

Subsequently, the Task Force Committee for the Safe Transportation of Hazardous Materials (TFC), representing the Chemical Specialties Manufacturing Association (CSMA), the Grocery Manufacturers of America, Inc. (GMA), the National Small Shipments Traffic Conference, and the Drug and Toilet Preparation Conference, petitioned for reconsideration of the new amendment stating that the amounts set forth in the amendment were too limiting and that certain container manufacturers as well as drug and toilet preparation concerns were being sharply curtailed in their decisionmaking concerning container size.

The purpose of amendment 103-12 was to insure that an unsafe quantity of these articles is not carried aboard an aircraft by passengers and crewmembers. The FAA believes this objective can best be achieved by a regulation, such as the current regulation, which prescribes in clear and enforceable terms a maximum quantity limitation. For these reasons, we are unable to concur in petitioner's recommendation that the current regulation be amended to specify a quantity limitation in terms of the amount carried by a crewmember or passenger for his personal use.

However, upon further consideration of this matter, the FAA believes that certain changes can be made in the current regulation, as proposed herein, which will be reasonable and provide adequately for safety in air commerce.

Two maximum limitations were established by the FAA in amendment 103-12: the first, a limitation on the quantity carried per container, and the second, a limitation on total quantity carried. We will treat each limitation separately in the discussion that follows:

First, with respect to container size, the TFC expresses concern that the 16-ounce limitation severely curtails certain manufacturers of aerosol cans and certain manufacturers of toilet articles

that are packaged in aerosol cans in their decisionmaking concerning container size. Upon further consideration of amendment 103-12, the FAA believes that the standards set forth in § 173.306 of the regulations of the Hazardous Materials Regulations Board (HMRB) (49 CFR 173.306) for the shipment of nonrefillable metal containers charged with a solution of materials and compressed gas or gases provide for the safe transportation of these articles and any aerosol container that could reach the consumer is subject to those regulations. Accordingly, this proposal would remove from § 103.1(c)(5) of the Federal Aviation Regulations the 16-ounce limitation on container size, as it affects aerosol containers. However, insofar as other containers are concerned, for example, bottles in which perfume, nail polish remover, or other flammable substance are carried, a 16-ounce capacity limitation would apply, since for such containers the regulations of the HMRB do not prescribe limitations on container size.

As to the second limitation, this proposal would limit each crewmember and passenger to the carriage of a total of not more than 75 ounces (net weight and fluid ounces) of medicinal and toilet articles, based upon the total capacity of the containers in which it is carried.

We believe the limitations proposed herein on the carriage of these articles will not adversely affect safety and at the same time will not unduly restrict passengers and crewmembers in carrying in baggage aboard aircraft medicinal and toilet articles.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend part 103 of the Federal Aviation Regulations by amending paragraph (c) (5) in § 103.1 to read as follows:

#### § 103.1 Applicability.

\* \* \* \* \*

(c) Medicinal and toilet articles carried by a crewmember or passenger in his baggage (including carry-on baggage) when—

(i) The total capacity of all the containers used by a crewmember or passenger for the carriage of those articles does not exceed 75 ounces (net weight ounces and fluid ounces); and

(ii) The capacity of each container other than an aerosol container does not exceed 16 fluid ounces or 1 pound of material.

Issued in Washington, D.C., on April 18, 1973.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc. 73-7928 Filed 4-24-73; 8:45 am]

#### [14 CFR Part 121]

[Docket No. 12762; Notice 73-14]

#### GROUND PROXIMITY WARNING DEVICES

##### Advance Notice of Proposed Rulemaking

The Federal Aviation Administration is considering the need to amend part 121 of the Federal Aviation Regulations to require installation of a terrain proximity warning system or device on each airplane used in operations conducted under Part 121.

This advance notice of proposed rulemaking is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rulemaking. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 24, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

The National Transportation Safety Board (NTSB) has recommended on several occasions that the Administrator evaluate the need for the installation and use of ground proximity warning devices on aircraft operated under part 121. On November 15, 1971, the NTSB recommended that the Administrator develop a ground proximity warning system for use in the approach and landing phases of operation which will warn flightcrews of excessive rates of descent, unwanted or inadvertent descent below minimum descent altitudes, or descent through decision height, and that it would be desirable if the equipment now installed could meet this demand. It has also been suggested by the NTSB and others that radio altimeters now in use, or a modified radio altimeter, might perform this function.

The FAA has taken the position that present instrumentation and procedures provide for safe and adequate terrain clearance, as long as proper flightcrew discipline is maintained and appropriate flight operations procedures are followed. However, the FAA has indicated its intention to monitor technological developments regarding ground proximity warning indicators and to evaluate their usefulness.

The FAA has not yet determined that such a warning system or device is needed or, if it is needed, how it should be designed. In this connection, this advance notice of proposed rulemaking is issued to elicit comments from operators, manufacturers, and other interested persons regarding the need for the installation of ground proximity warning devices on aircraft used in operations conducted under part 121, and appropriate design characteristics for that equipment. In particular comments are requested on the following questions:

(1) Should the FAA require that each airplane operated under part 121 be equipped with a terrain proximity warning system or device? Should such a requirement be limited either to large airplanes or to turbojet powered airplanes?

(2) Could present instrumentation and equipment that cannot provide information on terrain forward of the aircraft, such as radio altimeters now in use, be used together with appropriate cockpit procedures to accomplish terrain proximity warning functions?

(3) Could present instrumentation and equipment be modified to warn of terrain forward of the airplane or would it be necessary to design and install entirely new equipment?

(4) What characteristics and capabilities should be included in any system or device designed to provide timely and meaningful terrain proximity warning to the pilot during low altitude operations such as traffic patterns and approaches to landings?

(5) How should this information be presented to the pilot to preclude errors in setting, distraction, confusion, or misinterpretation?

(6) What special flight crewmember procedures should be required for the use of the warning system or device?

This advance notice of proposed rulemaking is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 18, 1973.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc. 73-7929 Filed 4-24-73; 8:45 am]

#### ATOMIC ENERGY COMMISSION

[ 10 CFR Parts 2, 50, and 170 ]

#### RULES OF PRACTICE; LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Standardization of Design; Licenses To Manufacture Nuclear Power Reactors

The Atomic Energy Act of 1954, as amended, requires a license issued by the Commission for the transfer or receipt

in interstate commerce, manufacture, production, transfer, acquisition, possession, use, import or export of a production or utilization facility such as a nuclear power reactor. At present, the Commission's regulations in 10 CFR part 50, Licensing of Production and Utilization Facilities, and its rules of practice in 10 CFR part 2 are directed primarily at situations in which an application is submitted for a permit to construct a facility at an identified site, followed by an application for a license to operate the facility after construction is completed. The construction permit application contains, among other things, information relating to both the preliminary design of the facility and the site on which it is to be constructed for operation. The applicant is usually a utility, although construction permits have, on occasion, been issued to a facility manufacturer.

On May 1, 1972, the Commission issued a policy statement, which pointed out the contributions that standardization could make to higher operating reliability, maintenance and improvement of protection to public health and safety and environmental values, concentration of safety-related research and development efforts into fewer areas, and greater efficiency in AEC reviews of plant design. Industry was encouraged to explore possible means of achieving greater standardization. A subsequent statement on the subject of standardization was issued by the Commission on March 5, 1973. One promising approach to standardization appears to be the manufacture of several nuclear power reactors of standard design at an industrial location. The reactors thus manufactured would eventually be located and operated at utility sites. Some of these sites may be ocean sites, created by the construction of breakwaters, at which previously manufactured platform-mounted reactors could be installed and operated. The manufacture of these reactors will require the issuance of a Commission license to the manufacturer, after review of the application by the Commission's regulatory staff and the Advisory Committee on Reactor Safeguards and the holding of a public hearing. A construction permit from the Commission will be required of the utility prior to the commencement of necessary construction at the utility site to accommodate the reactor and prior to the transport of the reactor to, and its installation at, that site. A Commission license will, of course, also be required for the operation of the reactor.

The proposed amendments to parts 2, 50, and 170 which follow would amend the Commission's existing regulations to accommodate this approach to standardization. Further amendments can be expected as other approaches are developed.

Under the proposed amendments, which relate to matters of radiological health and safety, environmental protection, and the common defense and security, an applicant for a license to manufacture nuclear power reactors pur-

suant to a new appendix M of part 50 would be required to include in his application, in addition to design information, the postulated site parameters. Such an applicant would also be required to submit an environmental report discussing the environmental effects of the manufacture of the reactors and, in general terms, the environmental effects of their installation and operation at a hypothesized site or sites having characteristics that fall within the postulated site parameters.

Once the final standardized design had been developed by the holder of a license to manufacture, the holder would request approval of the final standardized design by submitting an application for amendment of the license to manufacture.

In the construction permit proceeding, the focus would be on the specific site chosen by the utility applicant, including whether that site fell within the postulated site parameters specified at the manufacturing license stage. In cases where a manufacturing license is sought, no construction permit would be issued to the utility until the manufacturing license had been first issued to the manufacturer. The environmental report required of the utility applicant would not be expected to duplicate matters covered in the environmental report submitted in connection with the application for a manufacturing license.

One of the major purposes of the proposed amendments is the elimination of unnecessary duplication in the review process. Accordingly, the proposed amendments would provide that matters resolved at any stage of the licensing process would, in general, not have to be reconsidered again at subsequent stages of that process. The Commission could, however, reopen matters previously resolved in the licensing process on the basis of significant new information that substantially affects the conclusion(s) reached at the earlier stage.

Since 10 CFR Part 170, Fees for Facilities and Materials Licenses Under the Atomic Energy Act of 1954, as amended, does not contain a manufacturing license fee category in the schedule of fees applicable to facility licenses, such a category with specified fees would be added.

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 amendments of 10 CFR parts 2, 50, and 170 is contemplated. All interested comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by June 11, 1973.

Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW Washington, D.C.

1. A new appendix M is added to 10 CFR part 50 to read as follows:

**APPENDIX M—STANDARDIZATION OF DESIGN; MANUFACTURE OF NUCLEAR POWER REACTORS; CONSTRUCTION AND OPERATION OF NUCLEAR POWER REACTORS MANUFACTURED PURSUANT TO COMMISSION LICENSE**

Section 101 of the Atomic Energy Act of 1954, as amended, and § 50.10 of this part require a Commission license to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any production or utilization facility. The regulations in this part require the issuance of a construction permit by the Commission before commencement of construction of a production or utilization facility, and the issuance of an operating license before operation of the facility. The provisions of this part relating to the facility licensing process are, in general, predicated on the assumption that the facility will be assembled and constructed on the site at which it is to be operated. In those circumstances, both facility design and site-related issues can be considered in the initial, construction permit stage of the licensing process.

However, under the Atomic Energy Act, a license may be sought and issued authorizing the manufacture of facilities but not their construction and installation at the sites on which the facilities are to be operated. Prior to the "commencement of construction", as defined in § 50.10(c), of a facility (manufactured pursuant to such a Commission license) on the site at which it is to operate—that is, preparation of the site and installation of the facility—a construction permit that, among other things, reflects approval of the site on which the facility is to be operated, must be issued by the Commission. This appendix sets out the particular requirements and provisions applicable to such situations where nuclear power reactors to be manufactured pursuant to a Commission license and subsequently installed at the site pursuant to a Commission construction permit, are of the type described in § 50.22. It thus codifies one approach to the standardization of nuclear power reactors.

1. Except as otherwise specified in this appendix or as the context otherwise indicates, the provisions in this part applicable to construction permits, including the requirement in § 50.58 for review of the application by the Advisory Committee on Reactor Safeguards and the holding of a public hearing, apply in context, with respect to matters of radiological health and safety, environmental protection, and the common defense and security, to licenses pursuant to this appendix M to manufacture nuclear power reactors (manufacturing licenses) to be operated at sites not identified in the license application.

2. An application for a manufacturing license pursuant to this appendix M shall meet all the requirements of §§ 50.34(a)(1)-(9) and 50.34a (a) and (b), except that the preliminary safety analysis report shall be designated as a "design report" and any required information or analyses relating to site matters shall be predicated on postulated site parameters which shall be specified in the application.

3. An applicant for a manufacturing license pursuant to this appendix M shall submit with his application an environmental report as required of applicants for construction permits in accordance with appendix D. *Provided, however,* That such report shall be directed at the manufacture of the reactor(s) at the manufacturing site; and, in general terms, at the construction and operation of the reactor(s) at an hypothetical site or sites having characteristics that fall within the postulated site parameters. The related draft and final detailed

statements of environmental considerations prepared by the Commission's regulatory staff will be similarly directed.

4. (a) §§ 50.10 (b) and (c), 50.12(b), 50.23, 50.30(d), 50.34(a) (10), 50.34a(c), 50.35 (a) and (c), 50.40(a), 50.45, 50.55(d), 50.56, and appendixes E and J do not apply to manufacturing licenses.

(b) The financial information submitted pursuant to § 50.33(f) and appendix C shall be directed at a demonstration of the financial qualifications of the applicant for the manufacturing license to carry out the manufacturing activity for which the license is sought.

5. The Commission may issue a license to manufacture one or more nuclear power reactors to be operated at sites not identified in the license application if the Commission finds that:

(a) The applicant has described the proposed design of and the site parameters postulated for the reactor(s), including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the design report and which can reasonably be left for later consideration, will be supplied in a supplement to the design report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of manufacture of the proposed nuclear power reactor(s), and (ii) taking into consideration the site criteria contained in part 100 of this chapter, the proposed reactor(s) can be constructed and operated at sites having characteristics that fall within the site parameters postulated for the design of the reactor(s) without undue risk to the health and safety of the public.

(e) The applicant is technically and financially qualified to design and manufacture the proposed nuclear power reactor(s).

(f) The issuance of a license to the applicant will not be inimical to the common defense and security or to the health and safety of the public.

(g) On the basis of the evaluations and analyses of the environmental effects of the proposed action required by appendix D and paragraph 3 of this appendix, the action called for is the issuance of the license.

NOTE.—When an applicant has supplied initially all of the technical information required to complete the application, including the final design of the reactor(s), the findings required for the issuance of the license will be appropriately modified to reflect that fact.

6. Each manufacturing license issued pursuant to this appendix will specify the number of nuclear power reactors authorized to be manufactured and the latest date for the completion of the manufacture of all such reactors. Upon good cause shown, the Commission will extend such completion date for a reasonable period of time.

7. The holder of a manufacturing license issued pursuant to this appendix M shall submit to the Commission the final design of the nuclear power reactor(s) covered by

the license as soon as such design has been completed. Such submittal shall be in the form of an application for amendment of the manufacturing license.

8. The prohibition in § 50.10(c) against commencement of construction of a production or utilization facility prior to issuance of a construction permit applies to the transport of a nuclear power reactor(s) manufactured pursuant to a license issued pursuant to this appendix from the manufacturing facility to the site at which the reactor(s) will be installed and operated. In addition, such nuclear power reactor(s) shall not be removed from the manufacturing site until the final design of the reactor(s) has been approved by the Commission in accordance with paragraph 7.

9. An application for a permit to construct a nuclear power reactor(s) which is the subject of an application for a manufacturing license pursuant to this appendix M need not contain such information or analyses as have previously been submitted to the Commission in connection with the application for a manufacturing license, but shall contain, in addition to the information and analyses otherwise required by §§ 50.34(a) and 50.34a, sufficient information to demonstrate that the site on which the reactor(s) is to be operated falls within the postulated site parameters specified in the relevant manufacturing license application.

10. The Commission may issue a permit to construct a nuclear power reactor(s) which is the subject of an application for a manufacturing license pursuant to this appendix M if the Commission (a) finds that the site on which the reactor is to be operated falls within the postulated site parameters specified in the relevant application for a manufacturing license and (b) makes the findings otherwise required by this part. In making the findings required by this part, the Commission will treat as resolved those matters which have been resolved in the proceeding on the relevant application for a manufacturing license, unless there exists significant new information that substantially affects the conclusion(s) reached at the earlier stage. In no event will a construction permit be issued until the relevant manufacturing license has been issued.

11. An operating license for a nuclear power reactor(s) that has been manufactured under a Commission license issued pursuant to this appendix M may be issued by the Commission pursuant to § 50.57 and appendix D except that the Commission shall find, pursuant to § 50.57(a) (1), that construction of the reactor(s) has been substantially completed in conformity with both the manufacturing license and the construction permit and the applications therefor, as amended, and the provisions of the Act, and the rules and regulations of the Commission. In making the required findings, the Commission will treat as resolved those matters which have been resolved in the proceeding on the relevant applications for a manufacturing license and a construction permit, unless there exists significant new information that substantially affects the conclusion(s) reached at the earlier stage(s). Notwithstanding the other provisions of this paragraph, no application for an operating license for a nuclear power reactor(s) that has been manufactured under a Commission license issued pursuant to this appendix M will be docketed until the application for an amendment to the relevant manufacturing license required by paragraph 7 has been docketed.

2. A new subpart E is added to 10 CFR part 2 to read as follows:

#### Subpart E—Additional Procedures Applicable to Proceedings for the Issuance of Licenses To Manufacture Nuclear Power Reactors To Be Operated at Sites Not Identified in the License Application and Related Licensing Proceedings

##### § 2.500 Scope of subpart.

This subpart prescribes procedures, in addition to those set out in subparts A and G, applicable to licensing proceedings which involve the consideration in separate hearings of an application for a license to manufacture nuclear power reactors pursuant to appendix M of part 50 of this chapter, and applications for construction permits and operating licenses for nuclear power reactors which have been the subject of such an application for a license to manufacture such facilities (manufacturing license).

##### § 2.501 Notice of hearing on application pursuant to appendix M of part 50 for a license to manufacture nuclear power reactors.

(a) In the case of an application pursuant to appendix M of part 50 of this chapter for a license to manufacture nuclear power reactors of the type described in § 50.22 of this chapter to be operated at sites not identified in the license application, the Secretary will issue a notice of hearing to be published in the FEDERAL REGISTER at least thirty (30) days prior to the date set for hearing in the notice.<sup>1</sup> The notice shall be issued as soon as practicable after the application has been docketed. The notice will state:

(1) The time, place, and nature of the hearing, and/or the prehearing conference;

(2) The authority within which the hearing is to be held;

(3) The matters of fact and law to be considered; and

(4) The time within which answers to the notice shall be filed.

(b) The issues stated in the notice of hearing pursuant to paragraph (a) will not involve consideration of the particular sites at which any of the nuclear power reactors to be manufactured will be located and operated. Except as the Commission determines otherwise, the notice of hearing will state:

(1) That, if the proceeding is a contested proceeding, the presiding officer will consider the following issues:<sup>2</sup>

(i) Whether the applicant has described the proposed design of, and the site parameters postulated for, the reactor(s), including, but not limited to, the principal architectural and engineering

<sup>1</sup> The thirty (30) day requirement of this paragraph is not applicable to a notice of the time and place of hearing published by the presiding officer after the notice of hearing described in this section has been published.

<sup>2</sup> Issues (i) through (vi) are the issues pursuant to the Atomic Energy Act of 1954, as amended. Issue (vii) is the issue pursuant to the National Environmental Policy Act of 1969.

criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(ii) Whether such further technical or design information as may be required to complete the design report and which can reasonably be left for later consideration, will be supplied in a supplement to the design report;

(iii) Whether safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components;

(iv) Whether on the basis of the foregoing, there is reasonable assurance that (A) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of manufacture of the proposed reactor(s), and (B) taking into consideration the site criteria contained in part 100 of this chapter, the proposed reactor(s) can be constructed and operated at sites having characteristics that fall within the site parameters postulated for the design of the reactor(s) without undue risk to the health and safety of the public;

(v) Whether the applicant is technically and financially qualified to design and manufacture the proposed reactor(s);

(vi) Whether the issuance of a license for manufacture of the reactor(s) will be inimical to the common defense and security or to the health and safety of the public; and

(vii) Whether, in accordance with the requirements of appendix D and appendix M of part 50 of this chapter, the license should be issued as proposed.

(2) That, if the proceeding is not a contested proceeding, the presiding officer will determine (i) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate to support affirmative findings on subdivisions (1) through (v) specified in subparagraph (1) of this paragraph (b) and a negative finding on subdivision (vi) specified in subparagraph (1) of this paragraph (b) proposed to be made and the issuance of the license to manufacture proposed by the Director of Regulation, and (ii) whether the review conducted by the Commission pursuant to the National

Environmental Policy Act (NEPA) has been adequate.

(3) That, regardless of whether the proceeding is contested or uncontested, the presiding officer will, in accordance with section A. 11 of appendix D and paragraph 3 of appendix M of part 50 of this chapter.

(i) Determine whether the requirements of section 102(2)(C) and (D) of the National Environmental Policy Act and appendix D of part 50 of this chapter have been complied with in the proceedings;

(ii) Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and

(iii) Determine whether the manufacturing license should be issued, denied or appropriately conditioned to protect environmental values.

(c) The place of hearing on an application for a manufacturing license will be Washington, D.C. or such other location as the Commission deems appropriate.

**§ 2.502** Notice of hearing on application for a permit to construct a nuclear power reactor manufactured pursuant to a Commission license issued pursuant to appendix M of part 50 of this chapter at the site at which the reactor is to be operated.

The issues stated for consideration in the notice of hearing on an application for a permit to construct a nuclear power reactor(s) which is the subject of an application for a manufacturing license pursuant to appendix M of part 50 of this chapter, will be those stated in § 2.104(b) and, in addition, whether the site on which the facility is to be operated falls within the postulated site parameters specified in the relevant application for a manufacturing license. The notice will also contain statements to the effect that (a) the Commission will treat as resolved those matters which have been resolved in the proceeding on the relevant application for a manufacturing license unless there exists significant new information that substantially affects the conclusion(s) reached in the manufacturing license proceeding, and (b) in no event will the construction permit be issued until the relevant manufacturing license has been issued.

**§ 2.503** Finality of decisions on separate issues.

Notwithstanding any other provision of this chapter, no matter which has been determined at an earlier stage of a licensing proceeding which involves a

manufacturing license, a permit to construct a reactor for which a manufacturing license is sought, and a license to operate such a reactor shall be determined to be at issue in any subsequent stage of such licensing proceeding except on the basis of significant new information that substantially affects the conclusion(s) reached at the earlier stage.

**§ 2.504** Applicability of other sections.

The provisions of subparts A and G relating to construction permits apply to both construction permits and manufacturing licenses subject to this subpart, except that § 2.104 (a) and (b) do not apply to manufacturing licenses except as the context otherwise requires. The provisions of subparts A and G of this part relating to operating licenses apply to operating licenses subject to this subpart, except as qualified by the provisions of this subpart.

3. A new paragraph (1) is added to § 170.3 of 10 CFR part 170 to read as follows:

**§ 170.3** Definitions.

As used in this part:

(1) "Manufacturing license" means a license pursuant to appendix M of part 50 of this chapter to manufacture a nuclear power reactor(s) to be operated at sites not identified in the license application.

4. Paragraph (b) of § 170.12 of 10 CFR part 170 is amended to read as follows:

**§ 170.12** Payment of fees.

(b) *Construction permit fees, manufacturing license fees and operating fees.*—Fees for construction permits, manufacturing licenses and operating licenses are payable when the construction permit, manufacturing license or operating license is issued. No construction permit, manufacturing license or operating license will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

5. Section 170.21 of 10 CFR part 170 is amended to read as follows:

**§ 170.21** Schedule of fees for production and utilization facilities.

Applicants for construction permits, manufacturing licenses or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities:

## SCHEDULES OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license) <sup>1</sup>	Application fee for construction permit	Application fee for manufacturing license	Construction <sup>2</sup> permit fee	Manufacturing license fee	Operating <sup>4</sup> license fee	Annual fee after issuance of operating license
(1) Power reactor <sup>3</sup> .....	\$70,000	\$70,000	\$60,000+ \$30/tMW. <sup>2</sup>	\$30,000+ <sup>4</sup> \$40/tMW.	\$125,000+ <sup>1</sup> \$35/tMW. <sup>3</sup>	\$12/tMW. <sup>2</sup> (\$12,000 minimum):
(2) Testing facility.....	3,900		10,000		15,200	14,500.
(3) Research reactor.....	600		2,300		3,500	3,500.
(4) Other production or utilization facility.	60,000		155,000		145,000	145,000.

Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendements increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

<sup>2</sup> Thermal megawatts.

<sup>3</sup> When construction permits are issued for 2 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 \$60,000 + \$30/tMW and \$30,000 + \$30/tMW for each additional reactor. When construction permits are issued for 2 or more power reactors for which a manufacturing license has been issued, the construction permit fee shall be \$30,000 + \$40/tMW for the first reactor and \$15,000 + \$15/tMW for each additional reactor.

<sup>4</sup> When operating licenses are issued for 2 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 \$125,000 + \$35/tMW for the first reactor and \$95,000 + \$30/tMW for each additional reactor.

<sup>5</sup> For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 tMW, the fee will be computed on a maximum power level of 3,000 tMW.

<sup>6</sup> When a manufacturing license is issued for more than 1 power reactor, the fee will be \$30,000 + \$40/tMW for the first reactor and \$15,000 + \$15/tMW for each additional reactor.

(Sec. 161, 68 Stat. 948; sec. 501; 65 Stat. 290; 31 U.S.C. 483a, 42 U.S.C. 2201.)

Dated at Germantown, Md., this 19th day of April 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.73-7945 Filed 4-24-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 25444; EOR-242]

## UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

## Accounting for Vacation Liability

APRIL 20, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to part 241 of the "Economic Regulations" (14 CFR part 241) which would require carriers to use the accrual method of accounting with respect to reporting liabilities for personnel vacations. The principal features of the proposed rule are set forth in the attached explanatory statement, and the proposed amendment is set out in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

Interested persons may participate in the proposed rulemaking through submission of 12 copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 25, 1973, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the docket section of the Board, room 712 Universal

Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

## EXPLANATORY STATEMENT

An examination of the carriers' form 41 reports indicates that within the past decade there has been a rather pronounced increase in the liabilities incurred by carriers for personnel vacations.<sup>1</sup> At the present time, our regulations permit carriers to use either the cash or accrual method of accounting in reporting such liabilities on form 41—i.e., a carrier may accrue the annual cost of personnel vacations to account 2120 (Accrued Vacation Liability) or elect instead to charge such costs directly to the applicable personnel compensation expense account without accrual.

Under generally accepted accounting principles, a carrier's balance sheet should reflect all current liabilities, including liabilities for vacation pay, existing on the date when the balance sheet is prepared. Similarly, when a lag exists between vacations earned and vacations taken, the cost to the carrier to satisfy its vacation liability should be accrued systematically over the year in which vacations are earned, rather than

<sup>1</sup> For example, between 1962 and 1972 the total annual vacation liability of the certificated route carriers increased from \$44 million to \$195 million.

charged directly to the applicable expense accounts in the period in which they are actually paid. Because our present rules provide for optional accounting methods the filed balance sheets of some carriers do not now completely reflect their current vacation pay liabilities in the manner contemplated by aforesaid accounting principles. Thus, the total annual liability for vacation pay being reported by the carriers on form 41 may be appreciably less than the actual vacation liability incurred annually by the certificated airline industry.

In light of the foregoing, we have tentatively concluded that it would be desirable to eliminate the existing provision in part 241 under which a carrier may, at its option, use the cash method of accounting for vacation pay, and to require instead that only the accrual accounting method may be used in reporting liabilities for personnel vacations, so that the form 41 reports on this item will be made in accordance with generally accepted accounting principles. Accordingly, we are proposing to amend part 241 so as to require carriers to use, in their form 41 reports, the accrual method of accounting for all vacation plans or agreements which provide employees with a vested right to vacation pay.

Since our proposal, if adopted, would require any carrier presently reporting this item on a cash basis to convert to an accrual method of accounting, the adjustment in its accounts resulting from such conversion would entail the establishment of special accounting procedures to reflect the net change in its liability for vacations in the year in which such conversion is made. As it relates to prior years, such change should, if material, be treated as a special item on the converting carrier's income statement and should also be explained, as appropriate, on its filed schedules P-2 notes to income statement and B-2 notes to balance sheet. Thus, if we determine to adopt this proposal, the final rule will provide for the foregoing changes.

## PROPOSED RULE

It is proposed to amend part 241 of the "Economic Regulations" (14 CFR part 241) as follows:

Amend section 6—objective classification of balance sheet elements by revising paragraph (a) of account 2120—accrued vacation liability to read as follows:

## 2120 Accrued vacation liability.

(a) Record here accruals for liabilities against the air carrier for personnel vacations. Accruals shall be made for all vacation plans or agreements whether oral or written which provide employees with a vested right to vacation pay.

\* \* \* \* \*  
[FR Doc.73-8046 Filed 4-24-73;8:45 am]

**FEDERAL POWER COMMISSION**

[18 CFR Part 2]

[Docket No. E-473]

**IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

**Notice Denying Further Extension of Time**

APRIL 18, 1973.

On April 17, 1973, Pacific Gas & Electric Co. requested a further extension of time within which to file comments in response to the "notice of proposed rule-making to amend part 2 of the general rules to provide guidelines for the preparation of applicants' environmental reports pursuant to order No. 415-C" in docket No. E-473 issued March 2, 1973.

Upon consideration, notice is hereby given that the request for a further extension of time in the above matter is

denied. Comments are due on or before April 23, 1973.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-5013 Filed 4-24-73;8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[ 40 CFR Part 51 ]

**PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS**

**Notice of Proposed Rulemaking**

*Correction*

In FR Doc. 73-7509 appearing at page 9599 in the issue of Wednesday, April 18, 1973, on page 9600, second column, in the ninth line in the first paragraph, the date "May 8, 1973". should be changed to read "May 18, 1973".

# 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.

## TREASURY DEPARTMENT

Bureau of Customs

[T.D. 73-113]

### TUNA FISH

Tariff-rate Quota for the Calendar Year  
1973

APRIL 19, 1973.

It has now been determined that 109,-809,104 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1973 at the rate of 6 per cent ad valorem under item 112.30, "Tariff Schedules of the United States." Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

Pursuant to the provisions of item 112.30, "Tariff Schedules of the United States," the above quota is based on the U.S. pack of canned tuna during the calendar year 1972.

[SEAL] G. R. DICKERSON,  
Assistant Commissioner  
Office of Operations.

[FR Doc.73-7950 Filed 4-24-73;8:45 am]

### Comptroller of the Currency

## REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE 13th NATIONAL BANK REGION

### Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the 13th National Bank Region will be held at 9 a.m. on May 11, 1973 in the Empress Hotel, Victoria, British Columbia.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the 13th National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10 (a) (1), and (a) (3) of the act (Public Law 92-463) relating to

open meetings and public participation therein.

Dated April 19, 1973.

[SEAL] J. T. WATSON,  
Acting Comptroller of  
the Currency.

[FR Doc.73-7993 Filed 4-24-73;8:45 am]

## REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SIXTH NATIONAL BANK REGION

### Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Sixth National Bank Region will be held at 9 a.m., on May 11, 1973, at the Ocean Reef Club, Key Largo, Fla.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Sixth National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a) and (a) (3) of the act (Public Law 92-463) relating to open meetings and public participation therein.

Dated April 19, 1973.

[SEAL] J. T. WATSON,  
Acting Comptroller of  
the Currency.

[FR Doc.73-7994 Filed 4-24-73;8:45 am]

### Internal Revenue Service

[Order No. 134]

## COMMISSIONER OF INTERNAL REVENUE

### Delegation of Authority

Authority to discharge an executor from personal liability for certain income, estate, and gift taxes and to issue estate tax closing letters.

1. The authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7701-9, 26 CFR 301.6905-1 and 26 CFR 20.2204 to discharge an executor from personal liability for any deficiency for estate tax, when requested, and from

personal liability for the decedent's income and gift taxes, when requested, is hereby delegated to District Directors and Service Center Directors.

2. Authority to issue, without request, estate tax closing letters in accordance with provisions of the Internal Revenue Manual is hereby delegated to District Directors and Service Center Directors.

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

Effective date.—April 20, 1973.

Date of issue April 20, 1973.

[SEAL] R. F. HARLESS,  
Acting Commissioner.

[FR Doc.73-7997 Filed 4-24-73;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Navy

## CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

### Notice of Closed Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings on May 2, and 3, 1973 at the Program Evaluation Center, the Pentagon, Washington, D.C. The meetings will commence at 0915 daily and are scheduled to terminate at 1700. Items to be discussed will include: Navy policy and plans; future Navy force levels and force level planning; recent developments in the Soviet Navy; review of Navy positions on strategy studies, and improvements to decisionmaking apparatus.

Dated April 18, 1973.

[SEAL] H. B. ROBERTSON, Jr.,  
Rear Admiral, JAGC, U.S. Navy,  
Acting Judge Advocate General.

[FR Doc.73-7943 Filed 4-24-73;8:45 am]

### Office of the Secretary of Defense

## WAGE COMMITTEE

### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, May 1, 1973.  
Tuesday, May 8, 1973.  
Tuesday, May 15, 1973.  
Tuesday, May 22, 1973.  
Tuesday, May 29, 1973.

These meetings will convene at 9:30 a.m. and will be held in room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees paid from appropriated funds pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552 (b) (2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,  
*Director, Correspondence  
and Directives Division.*

[FR Doc.73-7974 Filed 4-24-73;8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

### EASTERN BAND OF CHEROKEE INDIANS

Notice That Certain Federally Owned Lands in North Carolina Are Held by the United States in Trust

The act of October 22, 1970 (Public Law 91-501, 91st Cong., 84 Stat. 1097), authorizes the Secretary of the Interior, upon the request of the tribal council, to declare that the United States will hold in trust for the Eastern Band of Cherokee Indians, subject to valid existing rights, all right, title and interest to any federally owned lands, including any improvements thereon, within the Cherokee Indian Reservation which the Secretary determines now or hereafter to be excess to the needs of the Government for the administration of Indian affairs. Said act requires that notice of the declaration be published in the FEDERAL REGISTER.

On May 17, 1972, the Tribal Council of the Eastern Band of Cherokee Indians duly enacted Resolution No. 163 requesting the Secretary of the Interior to declare by publication in the FEDERAL REGISTER that the United States holds in trust for the Eastern Band of Cherokee Indians the following described land:

UPPER CHEROKEE COMMUNITY PARCEL No. 173

Beginning on M-612 set in Upper Cherokee Community (and is the southwest corner of the hospital plot) just inside of the side-

walk intersection and 15 feet more or less northeast of intersection of streets, and running N. 05°02' E. 125.40' to a hub and tack, set on east edge of sidewalk and southwest of a lightpole. Thence leaving sidewalk and running S. 84°19' E. 78.53' to the corner of hospital building. Thence running along the front of said building S. 05°02' W. 12.80' to a corner. Thence S. 87°06' E. 2.95' to another corner. Thence S. 04°29' W. 20.90' to a corner. Thence N. 87°06' W. 10.85' to another corner. Thence S. 04°29' W. 90.68' to a point near the north edge of a sidewalk, leaving hospital building at 17.0' and crossing CL of access driveway at 76.0'. Thence running N. 84°58' W. 71.53' to M-612 the point of beginning. Containing 0.21 acres more or less.

UPPER CHEROKEE COMMUNITY PARCEL No. 174

Beginning on a hub and tack, set on the east edge of a sidewalk and southwest of a lightpole. And N. 05°02' E. 125.40' from marker No. 612 the southwest corner of the hospital plot. Thence running with the edge of the sidewalk N. 05°02' E. 30.0' to a point. Thence leaving the sidewalk and running S. 84°19' E. 78.53' to a point. Thence S. 05°02' W. 30.0' to the corner of the hospital building. Thence N. 84°19' W. 78.53' to the point of beginning. Containing 0.05 acres more or less.

Accordingly, pursuant to the authority contained in the said act of October 22, 1970, supra, I hereby find the above-described federally owned land within the Cherokee Indian Reservation to be excess to the Government's need and hereby declare that all right, title, and interest to the above-described land is held by the United States in trust for the Eastern Band of Cherokee Indians of North Carolina, subject to valid existing rights.

JOHN C. WHITAKER,  
*Acting Secretary of the Interior.*

APRIL 13, 1973.

[FR Doc.73-7991 Filed 4-24-73;8:45 am]

### Bureau of Land Management

[A 6837]

### ARIZONA

#### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, serial number A 6837 for withdrawal of lands from location and entry under the mining laws only, subject to valid existing rights.

The Forest Service plans to use these lands for development of public recreation facilities in conjunction with the adjacent Lost Dutchman recreation site.

On or before May 25, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent each interested party.

The land involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

LOST DUTCHMAN RECREATION SITE

T. 1 N., R. 9 E.,  
Sec. 6, S½NE¼.

The area described aggregates approximately 80 acres, within Superstition Mountain Area in the Tonto National Forest.

Dated April 17, 1973.

JOE T. FALLINI,  
*State Director.*

[FR Doc.73-7935 Filed 4-24-73;8:45 am]

### National Park Service

#### BANDELLIER NATIONAL MONUMENT

#### 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 or before May 25, 1973, the Department of the Interior, through the Superintendent, Bandelier National Monument, proposes to issue a concession permit to Evelyn C. Frey and L. R. Bertram authorizing them to provide concession facilities and services for the public at Bandelier National Monument for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioners have performed their obligations under a prior contract and permit to the satisfaction of the National Park Service and, therefore pursuant to the act cited above, are entitled to be given preference in the renewal of the contract and permit and in the negotiation of a new permit. However, under the act cited above, the National Park Service 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 on or before May 25, 1973.

Interested parties should contact the Superintendent, Bandelier National Monument, Los Alamos, N. Mex., for information as to the requirements of the proposed permit.

Dated: March 26, 1973.

L. E. JACKSON,  
*Superintendent,*

*Bandelier National Monument.*

[FR Doc.73-7936 Filed 4-24-73;8:45 am]

#### NORTHEAST REGIONAL ADVISORY COMMITTEE

#### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Northeast Regional Advisory Committee will be held at 9:30 a.m., e.d.t., on May 7 and 8, 1973, at the Stephen T. Mather Training Center, Harpers Ferry, W. Va.

The purpose of the Northeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the northeast region of the National Park Service.

The members of the committee are as follows:

Mr. Norman G. Duke (Chairman), Northfield, Ohio.  
 Mr. Hyman J. Cohen, Arlington, Virginia.  
 Mr. Charles H. W. Foster, Needham, Massachusetts.  
 Mr. Fred D. Hartley, Kenosha, Wisconsin.  
 Mr. Lewis W. Jones, Bloomington, Illinois.  
 Mr. William L. Lieber, Indianapolis, Indiana.  
 Mr. Frederick R. Micha, Ontario, New York.  
 Dr. M. Graham Netting, Pittsburgh, Pennsylvania.

The matters to be discussed at this meeting include:

1. Committee administration and by-laws.
2. Conservation foundation report with emphasis on section 5, Ways and Means. Specific problems: (1) Cuyahoga, Ohio, (2) master plans, Acadia, (3) site development, Indiana Dunes, (4) over-visitiation, and (5) Mass Transportation.
3. Control and regulation of commercial participation in National Park Service activities, particularly in relation to the Bicentennial.

4. Staffing at new areas.

5. Future planning policies and procedures with reference to future meetings.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the sessions. Any person may file with the committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact George A. Palmer, Associate Director, Northeast Regional Office, at 215-597-7014. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the northeast region, 143 South Third Street, Philadelphia, Pennsylvania.

Dated April 12, 1973.

STANLEY W. HULETT,  
 Associate Director,  
 National Park Service.

[FR Doc.73-7937 Filed 4-24-73;8:45 am]

#### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

##### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held at 1:30 p.m. on Friday, May 4, 1973, at Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Mass.

The Commission was established by Public Law 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Mr. Joshua A. Nickerson (Chairman), Chatham, Mass.  
 Mr. Nathan Malchman (Vice Chairman), Provincetown, Mass.  
 Mr. Linnell E. Studley (Secretary), Orleans, Mass.  
 Mr. Arthur W. Brownell, Boston, Mass.  
 Mr. Ralph A. Chase, Eastham, Mass.  
 Dr. Norton H. Nickerson, Reading, Mass.  
 Mr. Stephen R. Perry, Truro, Mass.  
 Mr. Chester A. Robinson, Jr., Harwich, Mass.  
 Mr. David F. Ryder,  
 Chatham, Mass.  
 Mrs. Esther Wiles,  
 Wellfleet, Mass.

The matters to be discussed at this meeting include reconsideration of the proposed renewal of a concession contract, preliminary plans for public use development in the Eastham area, status report on land acquisition, and construction proposals relating to the privately owned North of Highland camping area in North Truro.

The meeting will be open to the public and members of the public will be accommodated on a first-come, first-served basis. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone desiring further information concerning this meeting or who wishes to file a written statement may contact Leslie P. Arnberger, Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., at 617-349-3785. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass.

Dated April 12, 1973.

STANLEY W. HULETT,  
 Associate Director,  
 National Park Service.

[FR Doc.73-7938 Filed 4-24-73;8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### SALMON RIVER BREAKS PRIMITIVE AREA PUBLIC ADVISORY COMMITTEE

##### Notice of Meeting

The Salmon River Breaks Primitive Area Public Advisory Committee will meet on Friday, May 22, 1973, at 9 a.m. at the Holiday Inn, Missoula, Mont. The purpose of the meeting will be to present the results of the public reaction to the management alternatives for the Primitive Area and to obtain committee advice on a management proposal.

The meeting will be open to the public. Persons who wish to attend should notify Ray D. Hunter, Bitterroot National Forest, 316 North Third Street, Hamilton, Mont. 59840, telephone: 406-363-3131.

Written statements may be filed with the committee until 12 noon on May 22, 1973. Discussion and debate between the public and the committee is not within the scope of the meeting.

Dated April 16, 1973.

ORVILLE L. DANIELS,  
 Forest Supervisor,  
 Bitterroot National Forest.

[FR Doc.73-7942 Filed 4-24-73;8:45 am]

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### CONFIRMATION OF LETTER OF EXEMPTION

On January 24, 1973, announcement was made in the FEDERAL REGISTER (38 FR 2340) of receipt of an application from Sea World, San Diego, Calif., for an exemption from the application of the Marine Mammal Protection Act of 1972 on grounds of undue economic hardship to take and import 36 cetacea and 46 pinnipedia for display in a new facility in Orlando, Fla. Pursuant to the authority vested in the Secretary of Commerce by section 101(c) of the act, Sea World was granted an economic hardship exemption to take and import the 82 marine mammals sought. The terms of the exemption, as well as other pertinent matters, were set forth in a letter of exemption issued March 6, 1973, by the Director, National Marine Fisheries Service. Notice of this issuance was published in the FEDERAL REGISTER on March 13, 1973 (38 FR 6837).

Subsequent to the issuance of the letter of exemption, members of the public brought to the attention of the National Marine Fisheries Service, certain information which, in their opinion, warranted reconsideration of the granting of the letter of exemption. The basic question raised was whether Sea World needed all of the 82 animals it sought for display at its Florida facility.

At my direction, a special committee was formed to investigate the matter. On April 2, 1973, the committee met with representatives of Sea World in the headquarters of the National Marine Fisheries Service, Washington, D.C. The committee completed its investigation and submitted its report on April 19, 1973. The report recommends that the letter of exemption to Sea World stand as issued and not be modified with respect to the number of animals (82) to be taken.

I have reviewed the report of the committee and agree with the recommendation of the committee. Accordingly, the letter of exemption will stand as issued. Copies of the committee report are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated April 23, 1973.

ROBERT M. WHITE,  
 Administrator, National Oceanic  
 and Atmospheric Administration.

[FR Doc.73-8053 Filed 4-24-73;8:45 am]

DEPARTMENT OF COMMERCE  
National Technical Information Service  
GOVERNMENT-OWNED INVENTIONS  
Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the patent-application number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,  
Patent Program Coordinator,  
National Technical Information Service.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA, Code GP-2, Washington, D.C. 20546.

Patent application 326,193: Apparatus for Microbiological Sampling; filed Jan. 24, 1973; PC \$3/MF \$0.95.

Patent 3,710,257: Multichannel Telemetry System; filed Mar. 17, 1971, patented Jan. 9, 1973; not available NTIS.

Patent application 315,069: Ultra-stable Oscillator; filed Dec. 14, 1972; PC \$3/MF \$0.95.

Patent 3,710,261: Data-aided Carrier Tracking Loops; filed Dec. 24, 1970, patented Jan. 9, 1973; not available NTIS.

Patent 3,710,329: Phase Control Circuits Using Frequency Multiplications for Phased Array Antennas; filed July 16, 1970, patented Jan. 9, 1973; not available NTIS.

Patent 3,708,671: System for Indicating Direction of Intruder Aircraft; filed Mar. 16, 1971, patented Jan. 2, 1973; not available NTIS.

Patent 3,710,122: Laser Communication System for Controlling Several Functions at a Location Remote to the Laser; filed Apr. 24, 1970, patented Jan. 9, 1973; not available NTIS.

Patent 3,711,728: Solid State Double-Pole Double-Throw Relay; filed Aug. 19, 1971, patented Jan. 16, 1973; not available NTIS.

Patent 3,708,359: Hydrazinium Nitroformate Propellants with Saturated Polymeric Hydrocarbon Binder; filed Sept. 23, 1970, patented Jan. 2, 1973; not available NTIS.

Patent 3,695,101: Lift Balancing Device; filed Sept. 8, 1970, patented Oct. 3, 1972; not available NTIS.

Patent 3,696,833: Observation Window for a Gas Confining Chamber; filed Dec. 21, 1970, patented Oct. 10, 1972; not available NTIS.

Patent 3,697,021: Geysering Inhibitor for Vertical Cryogenic Transfer Pipe; filed Dec. 31, 1971, patented Oct. 10, 1972; not available NTIS.

Patent 3,700,575: Method of Forming Transparent Films of ZnO; filed Nov. 25, 1969, patented Oct. 24, 1972; not available NTIS.

Patent 3,697,630: Bonding or Repairing Process; filed Aug. 23, 1967, patented Oct. 10, 1972; not available NTIS.

Patent 3,700,291: Two Degree Inverted Flexure; filed Oct. 29, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,869: Pseudonoise Sequence Generators with Three Tap Linear Feedback Shift Registers; filed Dec. 4, 1970, patented Oct. 24, 1972; not available NTIS.

Patent 3,697,733: High Speed Direct Binary to Binary Coded Decimal Converter and Scaler; filed Dec. 16, 1970, patented Oct. 10, 1972; not available NTIS.

Patent 3,697,950: Versatile Arithmetic Unit for High Speed Sequential Decoder; filed Feb. 22, 1971, patented Oct. 10, 1972; not available NTIS.

Patent 3,696,418: Altitude Measuring System; filed Sept. 14, 1970, patented Oct. 3, 1972; not available NTIS.

Patent 3,700,812: Audio System with Means for Reducing Noise Effects; filed Mar. 11, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,701,631: Nondestructive Spot Test Method for Titanium and Titanium Alloys; filed Apr. 21, 1971, patented Oct. 31, 1972; not available NTIS.

Patent 3,700,538: Polyimide Resin-Fiberglass Cloth Laminates for Painted Circuit Boards; filed Sept. 10, 1970, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,193: A Method of Delivering a Vehicle to Earth Orbit and Returning the Reusable Portion thereof to Earth; filed Jan. 14, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,893: Method and Apparatus for Determining the Contents of Contained Gas Samples; filed Feb. 12, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,897: Infrared Detectors; filed Feb. 5, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,334: Interferometer-Polarimeter; filed Nov. 13, 1970, patented Oct. 24, 1972; not available NTIS.

Patent 3,700,503: Irradiance Measuring Device; filed June 9, 1971, patented Oct. 24, 1972; not available NTIS.

[FR Doc.73-7853 Filed 4-24-73;8:45 am]

Office of the Secretary

[Dept. Administrative Order 208-2; Amdt. 1]

DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES

Delegation of Procurement Authority

This order effective September 21, 1972, amends the material appearing at 37 FR 8013 of April 22, 1972.

Department Administrative Order 208-2, dated April 3, 1972, is hereby amended as follows:

*In section 3, Procurement authority of Office of Administrative Services.*—Delete paragraphs .01 and .02 and add new paragraphs .01 and .02 to read: .01 Except as provided in section 4 and subject to the limitations contained in section 5 of this order, the departmental Office of Administrative Services shall perform procurement for all elements of the Depart-

ment. For this purpose procurement authority is herewith delegated to the Director, Office of Administrative Services, without limitation. Additionally, procurement authority is herewith delegated to the Deputy Director for Operations, Office of Administrative Services and to the Chief, Procurement Division, Office of Administrative Services, subject to any conditions and limitations imposed by the Director, Office of Administrative Services.

.02 The Chief, Procurement Division, may further delegate such authority or any aspect thereof, subject to further conditions or limitations, to other employees within the Division. Each such delegation shall be made by specific written delegation or designation, and shall include or make specific reference to any conditions or limitations on the scope of authority to be exercised. The Chief, Procurement Division, shall be the chief officer responsible for procurement for the Department, subject to the general supervision of the Director, for purposes of 41 U.S.C. 257(b), except as provided in section 4 of this order.

Effective date.—September 21, 1972.

HENRY B. TURNER,  
Assistant Secretary for  
Administration.

[FR Doc.73-7848 Filed 4-24-73;8:45 am]

[Dept. Administrative Order 208-2; Amdt. 2]

DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES

Delegation of Procurement Authority

This order effective April 3, 1973, amends the material appearing at 37 FR 8013 of April 22, 1972.

Department Administrative Order 208-2, dated April 3, 1972, is hereby further amended as follows:

*In section 5, Limitations relating to delegated procurement authority.*—Re-number the present paragraph .04 as .05 and insert a new paragraph .04, to read as follows: .04 All Department findings and determinations justifying sole source procurement of Automated Data Processing Equipment (ADPE) in excess of \$10,000 by either lease or purchase shall be submitted to the Director, Office of Administrative Services. Review and approval of these findings and determinations shall be made in accordance with the provisions of the Office of Management and Budget Circular No. A-54, Federal Property Management Temporary Regulation E-25, 37 FR 197, October 11, 1972, and DAO 212-1. In conducting such reviews, advice shall be obtained from the ADP Management Division, Office of Organization and Management Systems.

Effective date.—April 3, 1973.

HENRY B. TURNER,  
Acting Assistant Secretary for  
Administration.

[FR Doc.73-7849 Filed 4-24-73;8:45 am]

Social and Economic Statistics  
Administration

CENSUS ADVISORY COMMITTEE OF THE  
AMERICAN MARKETING ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Marketing Association will convene on May 7 and May 8, 1973, at 9:30 a.m. The committee will meet in room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the May 7 meeting is:

(1) A general review of current topics including staff changes, programs, and the fiscal 1974 budget, (2) discussion of economic census programs including the Industrial Directory and publication plans for the 1972 Economic Censuses, (3) data access and use programs, (4) 1972 census of transportation, (5) geographic coding program in the 1972 economic Censuses, (6) Availability of data from the 1970 Decennial Census and the status of the mid-decade census, (7) decennial evaluation program, and (8) census of agriculture.

The agenda for the May 8 meeting is:

(1) Consumer expenditures survey, (2) research project on retail sales, (3) foreign trade statistics program, (4) survey of manufacturing capacities, and (5) housing components of change survey and residential finance survey.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing to submit questions or statements, planning to attend the meeting, or wishing additional information should contact Mr. Max Shor, Chief, Business Division, Bureau of the Census, room 2633, Federal Building 3, Suitland, Md. (Mail Address: Washington, D.C. 20233, telephone 301-763-7564.)

Dated April 19, 1973.

JAMES P. TAFF,  
Acting Administrator, Social  
and Economic Statistics Ad-  
ministration.

[FR Doc.73-7975 Filed 4-24-73;8:45 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11935; Docket No. FDC-D-622;  
NDA No. 12-436]

ANTI-HISTAMINE - SYMPATHOMIMETIC  
COMBINATION IN EXTENDED ACTION  
DOSAGE FORM

Notice of Opportunity for Hearing on Pro-  
posal to Withdraw Approval of New Drug  
Application

In a notice (DESI 11935) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15022) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug, claiming extended action or continuous release, was regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data were submitted pursuant to the notice.

NDA 12-436; Dimetapp Extentabs, extended action tablets containing brompheniramine maleate, phenylephrine hydrochloride, and phenylpropanolamine hydrochloride, A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.

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 there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in

any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before May 25, 1973 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, 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 on or before May 25, 1973 will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

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 May 25, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of

approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after May 25, 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 April 17, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-7954 Filed 4-24-73;8:45 am]

[DESI 9414; Docket No. FDC-D-528;  
NDA 9-414 etc.]

#### CERTAIN STEROID COMBINATION PREPARATIONS FOR ORAL USE

##### Notice of Withdrawal of Approval of New Drug Applications

On November 28, 1972 there was published in the FEDERAL REGISTER (37 FR 25184) a notice of opportunity for hearing (DESI 9414) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the subject drugs in the absence of substantial evidence that these fixed combination-drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

Prior to publication of the notice of November 28, 1972, Pfizer, Inc. had submitted information concerning Ataraxoid Tablets (NDA 10-636). Reference to that submission was inadvertently omitted from the notice and that drug

will be the subject of a separate FEDERAL REGISTER publication.

On December 22, 1972, Eli Lilly and Co., holder of NDA 14-768 for Stero-Darvon with A.S.A. Tablets, and on December 26, 1972 Merck and Co. Inc., holder of NDA 12-187 for Decagesic Tablets, elected to avail themselves of the opportunity for a hearing. These requests are under review and will be the subject of future publications in the FEDERAL REGISTER.

None of the holders of the following new drug applications or any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing;

1. NDA 10-371; Co-Deltra Tablets containing 2.5 mg. or 5.0 mg. prednisone, magnesium trisilicate, and dried aluminum hydroxide gel; Merck Sharp & Dohme, Division Merck and Co., Inc., West Point, Pa. 19486.

2. NDA 10-185; Cordex Tablets and Cordex-Forte Tablets containing prednisolone and aspirin; and Cordex (Buffered) Tablets and Cordex-Forte (Buffered) Tablets containing prednisolone, aspirin, and calcium carbonate; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

3. NDA 11-632; Medaprin Tablets and Medadent Tablets containing methylprednisolone, aspirin, and calcium carbonate; The Upjohn Co.

4. NDA 11-455; Cordex Improved Tablets and Cordex-Forte Improved Tablets containing methylprednisolone and aspirin; The Upjohn Co.

5. NDA 12-092; Delenar Tablets containing dexamethasone, orphenadrine hydrochloride, and aluminum aspirin; Schering Corp, 1011 Morris Avenue, Union, N.J. 07083.

6. NDA 13-084; Dronactin Tablets containing dexamethasone and cyproheptadine hydrochloride; Merck Sharp & Dohme.

7. NDA 9-414; Salcort Tablets containing cortisone acetate, sodium salicylate, dried aluminum hydroxide gel, calcium ascorbate, and calcium carbonate; Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., 527 Fifth St. Bristol, Tenn. 37620.

Also included in the notice was Pfizer's Deltacortril-APC Tablets containing prednisolone, aspirin, phenacetin and caffeine (NDA 10-774). Approval of that application had previously been withdrawn (36 FR 19962, October 14, 1971) on the grounds that certain annual reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted. That drug is included in this notice only for the purpose of informing interested persons that the conclusions described herein are applicable to that drug and to any other such drugs as related products.

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.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective April 25, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product not the subject of an approved new drug application, is henceforth unlawful.

Dated April 16, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-7356 Filed 4-24-73;8:45 am]

NDA No. G-340]

ELI LILLY & CO.

Methapyrilene Hydrochloride for Nasal (Topical) Administration; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6341) published in the FEDERAL REGISTER of September 8, 1972 (37 FR 19229) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective intranasally for the relief of nasal allergy. The possibly effective indication has been reclassified as lacking substantial evidence of effectiveness in that no data was submitted in response to the notice.

Histadyl Solution containing methapyrilene hydrochloride; Eli Lilly and Co., Box 610, Indianapolis, Ind. 46206 (NDA G-340).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before May 25, 1973, 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, 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 will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

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 pertinent parts of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before May 25, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after May 25, 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 April 17, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-7955 Filed 4-24-73;8:45 am]

#### POISON PREVENTION TECHNICAL ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Poison Prevention Packaging Technical Advisory Committee:	May 10 and 11, 9 a.m., Benjamin Franklin Room, Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, Md. 20015.	Open—Mr. Samuel Hart, Room 223, 5401 Westbard Ave., Bethesda, Md. 20810, 301-490-7085.

**Purpose.**—Makes recommendations to the Commissioner of Food and Drugs for implementation of special packaging of household products.

**Agenda.**—The agenda will include a report on the status of regulations concerning those substances for which special packaging is required or being recommended, a discussion of the proposed regulation for camphor preparations, a discussion of the requirement of informed consent in connection with testing procedures proposed by the FDA, a report on the status of developments in mechanical testing, and an evaluation of the poison prevention packaging program.

The meeting of the committee will be open to the public, and a period of time will be allotted for public participation. Members of the public who wish to participate are requested but not required to submit by May 8 their names, issues they intend to discuss, and any pertinent documentation to the committee's executive secretary, the contact person.

A verbatim transcript will be kept and made available for public inspection at the office of the contact person for the committee. Persons desiring copies of the transcript should contact Acc-Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002.

A list of committee members and summary of minutes of the meeting may be obtained from the contact person.

Dated April 18, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.73-7957 Filed 4-24-73;8:45 am]

[DESI 11723; Docket No. FDC-D-624; NDA No. 11-723]

#### WYETH LABORATORIES

Preparation Containing Meprobamate and Promazine Hydrochloride; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 11723) published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16884) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified

as lacking substantial evidence of effectiveness in that no data was submitted pursuant to the notice.

Prozine capsules containing meprobamate and promazine hydrochloride; Wyeth Laboratories, Inc., Div. American Home Products Corp., P.O. Box 8299, Philadelphia, Pa. 19101 (NDA 11-723).

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 there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 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 pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before May 25, 1973, 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, 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 on or before May 25, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

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, before May 25, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after May 25, 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 April 17, 1973.

SAM D. FIRE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-7953 Filed 4-24-73;8:45 am]

Office of the Secretary  
OFFICE OF INVESTIGATIONS AND  
SECURITY

Statement of Organization, Functions, and  
Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to delete "Office of Internal Security" (37 FR 11986) and add new Section 1T0410, Office of Investigations and Security. The new section read as follows:

**Section 1T0410.00 Mission.**—The Office of Investigations and Security, under the general direction of the Assistant Secretary for Administration and Management, serves as the Secretary's staff to insure compliance with established requirements for management of programs and utilization of Federal assistance funds provided by the Department in accordance with applicable laws and regulations; and insures that the security program provides for the internal security of the Department.

**Section 1T0410.10 Organization.**—The Office of Investigations and Security under the supervision of a director consists of:

Office of the Director, Investigations Division,  
Security Division.

**Section 1T0410.20 Functions.**—1. **Office of the director.**—Provides executive leadership, policy direction, planning, coordination, and management of the investigations and security programs of the Department; reports the results of investigations to Departmental officials; serves as the liaison official for the Department on all investigative and security matters with agencies within the Department and with other government agencies; provides departmentwide policy for personnel and physical security, including facility protection and operational responsibility for physical security in and for the southwest area building complex; is responsible for plans and procedures to provide for the personal safety of the Secretary and members of his family; and provides centralized investigative and security services to the Office of the Secretary, the regional offices, and the operating agencies at headquarters and in the field.

2. **Division of Investigations.**—A. **Operations branch:** (1) Ascertains the need for, formulates, recommends, and implements policies, plans, and programs for the Department's investigative activities; (2) develops and implements guidelines and policies for the detection, investigation, and prevention of actual or suspected violations of laws, regulations, and agreements by Departmental employees in the performance of their official duties and by Departmental grantees and contractors; (3) with the approval of the Secretary or Under Secretary, conducts investigations of alleged cases of malfeasance, fraud, misuse of funds, equipment or facilities, violations

of terms or conditions of fundings, conflicts of interest, unauthorized political activities by employees, grantees, contractors and other personnel working on behalf of the Department; and such other investigations as the Secretary may direct.

**B. Analysis and Evaluation Branch.**—(1) Reports improper practices with appropriate recommendations to the Assistant Secretary for Administration and Management; (2) evaluates the results of investigations conducted and recommends corrective action; (3) under provisions of 28 U.S.C. 535(b) and title 18, United States Code ("Crimes and Criminal Procedure"), reports all actual or alleged criminal violations to the Department of Justice, unless responsibility for conducting investigations of such cases has been assigned by law or by the Attorney General to another Federal agency; (4) conducts periodic self-evaluations of its investigative activities; (5) evaluates the effectiveness of plans, programs, policies and operations applicable to the above areas of responsibility and periodically reports thereon to the Assistant Secretary for Administration and Management, and to the Under Secretary and Secretary as appropriate.

**3. Division of Security.**—**A. Personnel Security Branch.**—(1) Establishes and maintains an internal employee security program pursuant to and in accordance with the provisions of the act of August 26, 1950, Executive Order 10450, as amended, 42 CFR part 21, regulations relating to the security program of the Department of Health, Education, and Welfare and other applicable laws and regulations. (2) determines the scope and extent of investigation of matters relating to security, loyalty or subversion under the criteria set forth in Executive Order 10450; conducts such investigations or arranges for investigation by other Federal investigative agencies. (3) receives investigative data from the Civil Service Commission, the Federal Bureau of Investigation, and other sources. Reviews and evaluates such investigative data as to the security, subversive or loyalty aspects. Grants or withholds clearance to occupy a sensitive position or to have access to classified information. (4) conducts checks upon request of Office of the Secretary or operating agency officials for subversive-type information as to individuals, organizations, or other matters of interest to the Department. Maintains liaison with other Federal agencies and outside organizations on matters pertaining to security. (5) carries out any other functions as assigned for the establishment and maintenance of personnel security within the Department. **B. Physical Security Branch.**—(1) Establishes and maintains an internal physical security program including document security and facility protection pursuant to and in accordance with the provisions of Executive Order 11652. General Services Ad-

ministration FPMR 101-19.5—Physical Protection, Department security regulations and other applicable laws and regulations. (2) Controls all investigative files and records relating to security, loyalty and subversion and the Investigations Division. (3) Carries out any other functions as assigned for the establishment and maintenance of physical and document security within the Department. (4) Maintains an up-to-date facility self-protection operational plan for the southwest building complex and provides policy guidance on facility protection to all departmental installations in the field.

**Sec. 1T0410.30 Delegations of Authority.**—The Secretary has delegated through the Assistant Secretary for Administration and Management to the Director, Office of Investigations and Security, the authority specified for the head of the Department in Executive Order 10450, as amended, and Executive Order 11652 except as set forth in section 1T0410.40.

**Sec. 1T0410.40 Reservation of Authority.**—The Secretary reserves authority: 1. To determine that the suspension or termination of any employee is necessary in the interests of national security. 2. For original classification of information or material pursuant to Executive Order 11652.

**Sec. 1T0410.50 Redelegation of Authority.**—The Assistant Secretary for Administration and Management and the Director, Office of Investigations and Security may redelegate the authorities and functions set forth in 1T0410.20 and 1T0410.30.

Dated April 17, 1973.

ROBERT H. MARIE,  
Assistant Secretary for  
Administration and Management.

[FR Doc.73-7996 Filed 4-24-73;8:45 am]

## ATOMIC ENERGY COMMISSION COMMITTEE OF SENIOR REVIEWERS

### Notice of Meeting

APRIL 19, 1973.

In accordance with the purposes of § 142.b. of the Atomic Energy Act of 1954, as amended, the Committee of Senior Reviewers of the Atomic Energy Commission will hold a meeting on May 4, 7, and 8, 1973, in room B-114 of the AEC's Nevada Operations Office, Las Vegas, Nev. The subject scheduled for discussion involves information concerning the design and fabrication of atomic weapons.

This meeting will be closed to the public under the authority of § 10.d. of Public Law 92-463 (the Federal Advisory Committee Act).

C. L. MARSHALL,  
Acting Advisory Committee  
Management Officer.

[FR Doc.73-7986 Filed 4-24-73;8:45 am]

[Docket No. 50-285]

## OMAHA PUBLIC POWER DISTRICT (FORT CALHOUN STATION, UNIT NO. 1)

### Notice and Order for Prehearing Conference and Evidentiary Hearing

Take notice, and it is hereby ordered, that (1) a prehearing conference in this proceeding shall be held on May 8, 1973, at 9:30 a.m., in the Holiday Inn (caucus room—new annex), 3321 South 72d Street, Omaha, Nebr. 68123, to consider the issues remaining in this proceeding in preparation for (2) an evidentiary hearing to commence on May 15, 1973, at 1:30 p.m., in the Holiday Inn (presidential room), same location.

It is so ordered.

Issued at Washington, D.C., this 20th day of April 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,  
JOHN B. FARMAKIDES,  
Chairman.

[FR Doc.73-7987 Filed 4-24-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[Dockets Nos. 25439, 22859; Order 73-4-70]

### ALASKA AIRLINES, INC.

#### Order of Investigation and Suspension

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

By tariff revisions<sup>1</sup> filed March 20 and marked to become effective April 20, 1973, Alaska Airlines, Inc. (Alaska) proposes, inter alia, to increase from \$10 to \$12 its minimum charges per shipment between Seattle/Tacoma and various points in Alaska.

In support of its filing, Alaska contends that it has serious revenue needs and that its proposed charge of \$12 matches the charge currently in effect in several Mainland-Alaska markets because the cost to handle a minimum shipment between Seattle and Anchorage, on the one hand, is no different than between any other points on its system.

Upon consideration of all relevant matters, the Board finds that Alaska's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these revisions should be suspended pending investigation.<sup>2</sup>

As indicated above, Alaska claims that the cost of transporting minimum shipments is the same for the Mainland-Alaska markets in which it is proposing a \$12 charge as for such markets where

<sup>1</sup>Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB 169.

<sup>2</sup>Some of these changes are included in the investigation in Docket 22859.

the charge is now effective. But the carrier presents no factual cost data which support the reasonableness of a \$12 minimum charge, which involves an increase of 20 percent.

Furthermore, the carrier's proposed minimum charge for Mainland-Alaska markets would be much higher than for markets within Alaska (\$4 or \$6), which are not proposed to be increased but some of which actually involve longer hauls. We cannot find that the numerous Mainland-Alaska minimum charges singled out for these significant increases have been supported.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

*It is ordered, That:*

1. An investigation is instituted to determine whether all increased general commodity minimum charges exceeding \$10 listed in appendix A hereto, and rules, regulations, and practices affecting such minimum charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, all increased general commodity minimum charges exceeding \$10 between the points and on the pages listed in appendix A hereto<sup>3</sup> are suspended and their use deferred to and including July 18, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Alaska Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.73-8047 Filed 4-24-73;8:45 am]

<sup>3</sup> Appendix A filed as part of the original document.

## COUNCIL OF ECONOMIC ADVISERS

### ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF WOMEN

Notice of Meeting; Correction

APRIL 20, 1973.

This amends the meeting notice of April 13, 1973.

The meeting will be held in room 2010 New Executive Office Building commencing at 9 a.m. This meeting will be an open meeting.

JAMES H. AYRES,  
*Administrative Officer.*

[FR Doc.73-7990 Filed 4-24-73;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### S-[tert-BUTYLTHIO)METHYL]O, O-DIETHYL PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerance

American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, submitted a petition (PP 3G1340) requesting establishment of a temporary tolerance for combined negligible residues of the insecticide S-[tert-butylthio)methyl]-O,O-diethyl phosphorodithioate and its cholinesterase inhibiting metabolites in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.05 part per million.

It has been determined that a temporary tolerance for combined negligible residues in or on corn grain and corn fodder and forage at 0.05 part per million is safe and will protect the public health. It is therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

This temporary tolerance expires April 18, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated April 18, 1973.

HENRY J. KOPP,  
*Deputy Assistant Administrator  
for Pesticide Programs.*

[FR Doc.73-7973 Filed 4-24-73;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. G-14116, etc.]

### CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES<sup>1</sup>

Notice of Applications

APRIL 16, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are 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 applications should on or before May 7, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
*Secretary.*

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per M ft <sup>3</sup>	Pressure base
G-1416 B 2-12-73	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	United Gas Pipe Line Co., South Lewisham Field, Acadia and St. Landry Parishes, La.	23.78	15.025
G-1416 C 3-18-73	do.	do.	124.25	15.025
G-1416 C 3-18-73	CRA, Inc., P.O. Box 7305, Kansas City, Mo. 64116.	Northern Natural Gas Co., West Morton Field, Irion County, Tex.	31.0	14.05
G-1416 C 3-18-73	do.	Northern Natural Gas Co., Vohre Field, Schleicher County, Tex.	31.0	14.05
G-1416 C 3-18-73	The Superior Oil Co., P.O. Box 1621, Houston, Tex. 77001.	Kansas-Nobrasca Natural Gas Co., Inc., Syracuse Field, Hamilton County, Kans.	(C)	14.05
G-1416 C 1-5-73	Continental Oil Co., P.O. Box 2107, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	22.0	15.025
G-1416 C 3-7-73	Atlantic Richfield Co., P.O. Box 2319, Dallas, Tex. 75221.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	22.0	15.025
G-1416 D 2-20-73	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northeast Cheyenne Valley Field, Major County, Okla.	(C)	14.05
G-1416 C 3-23-73	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Trunkline Gas Co., South Tumbalter Block 52, Offshore Louisiana.	20.0	15.025
G-1416 A 3-2-73	Western Natural Gas Co., P.O. Box 830, Shelby, Mont. 59474.	Northern Natural Gas Co., Tiger Ridge Field, Hill and Blaine Counties, Mont.	23.5	15.025
G-1416 C 3-23-73	Exchange Oil & Gas Corp., 16th Floor, 1010 Common St., New Orleans, La. 70112.	Texas Gas Transmission Corp., Block 23 Field, Ship Shoal Area, Offshore Louisiana.	32.0	15.025
G-1416 C 3-20-73	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Gas Transmission Corp., Ship Shoal Block 23 Field-Extension, Offshore Louisiana.	26.875	15.025
G-1416 H-9-72	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Carterville Field, Webster Parish, La.	27.257	15.025
G-1416 C 3-6-73	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Canada Mesa No. 2 Unit, Rio Arriba County, N. Mex.	28.0	15.025
G-1416 E (G-3845)	Polaris Production Corp., P.O. Box 11-72, Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	20.8530	14.05
G-1416 F (G-2078)	do.	do.	19.3278	14.05
G-1416 F (G-2078)	do.	do.	19.3278	14.05
G-1416 F (G-17012)	Polaris Production Corp., P.O. Box 1703, Midland, Tex. 79701 (successor to Sun Oil Co.).	do.	18.243	14.05
G-1416 F (G-5145)	Polaris Production Corp., P.O. Box 1703, Midland, Tex. 79701 (successor to Sohio Petroleum Co.).	do.	19.3278	14.05
G-1416 B 2-12-73	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn and Washakie Counties, Wyo.	Depleted	15.025
G-1416 A 2-12-73	Texaco, Inc., P.O. Box 69232, New Orleans, La. 70169.	Transcontinental Gas Pipe Line Corp., Vinton Field, Calcasieu Parish, La.	26.875	15.025
G-1416 B 2-12-73	Fennell Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Morehouse Parish, La.	(*)	15.025
G-1416 F (G-161-168)	Houston Oil & Minerals Corp. (successor to Humble Oil & Refining Co.), 242 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., North Magnolia City Field, Jim Wells County, Tex.	19.31657	14.05
G-1416 B 2-14-73	The Louisiana Land & Exploration Co., 225 Baronne St., P.O. Box 66360, New Orleans, La. 70169.	Transcontinental Gas Pipe Line Corp., West Dog Lake Field, Terrebonne Parish, La.	Depleted	15.025
G-1416 B 2-16-73	Sun Oil Co., Southland Center, P.O. Box 2380, Dallas, Tex. 75211.	United Gas Pipe Line Co., South Forter Field, Kearles County, Tex.	Depleted	15.025
G-1416 B 2-20-73	King Resources Co., 100 Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipeline Co., Northwest Furs, Hills County, Neb.	Depleted	15.025
C173-552 B 2-20-73	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	Transwestern Pipeline Co., Cutter-Irvin Gas Unit, Ochiltree County, Tex.	Depleted	14.05
C173-562 F (G-167-153)	T. P. McAdams, Jr. (successor to Sun Panhandle Eastern Pipe Line Co., acreage in Woodward County, Okla. 74101).	do.	18.0	14.05
C173-563 F (G-167-50)	T. P. McAdams, Jr. (successor to Tenecco Oil Co.).	do.	18.0	14.05
C173-564 F (G-167-94)	T. P. McAdams, Jr. (successor to Amoco Production Co.).	Northern Natural Gas Co., acreage in Woodward County, Okla.	18.0	14.05
C173-565 F (G-167-625)	T. P. McAdams, Jr. (successor to E. A. Obering and Helen Bailey Obering, P.O. Drawer 960, Bristol, Okla. 74101).	Panhandle Eastern Pipe Line Co., acreage in Woodward County, Okla.	18.0	14.05
C173-566 F (R170-1200)	T. P. McAdams, Jr. (successor to Gulf Oil Corp.).	do.	18.0	14.05
C173-570 A 2-20-73	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Ramp Fern Field, Hemphill County, Tex.	21.33.0	14.05
C173-572 (G-5000)	Clarke Corp. (successor to The Superior Oil Co.), 107 East Fowler, Medicine Lodge, Kans. 67104.	Cities Service Gas Co., North Rhodes Gas Field, Barber County, Kans.	15.0	14.05
C173-577 B 2-28-73	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Cherokee Area, Alfalfa County, Okla.	Depleted	15.025
C173-586 A 3-2-73	Western Natural Gas Co., P.O. Box 830, Shelby, Mont. 59474.	Northern Natural Gas Co., Tiger Ridge Field, Hill and Blaine Counties, Mont.	23.5	15.025
C173-587 A 3-2-73	do.	do.	23.5	15.025
C173-589 A 3-5-73	ONG Exploration, Inc., 624 South Boston Ave., Tulsa, Okla. 74119.	Northern Natural Gas Co., Humphreys Field, Hemphill County, Tex.	14.47.0	14.05
C173-591 A 3-7-73	Atlantic Richfield Co., P.O. Box 2319, Dallas, Tex. 75221.	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	24.0	15.025
C173-599 B 3-8-73	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	El Paso Natural Gas Co., Wemac Field, Andrews County, Tex.	Depleted	14.05
C173-605 A 3-2-73	Southern Union Production Co., 8360 North Central Expressway, Dallas, Tex. 75206.	Arkansas Louisiana Gas Co., South-east Glimmer Field, Upshur County, Tex.	28.0	14.05
C173-607 B 3-13-73	Gulf Oil Corp., P.O. Box 1689, Tulsa, Okla. 74102.	Cascade Natural Gas Corp., Divide Creek Field, Garfield County, Colo.	Depleted	15.025
C173-608 A 3-14-73	Oil Resources, Inc., C. J. Iverson and Stanley Watkins, P.O. Box 889, Billings, Mont. 59103.	Northern Natural Gas Co., Tiger Ridge Field, Hill and Blaine Counties, Mont.	23.5	15.025
C173-609 B 3-16-73	C. H. Lyons, Sr. et al., 1500 Beck Bldg., Shreveport, La. 71101.	Car-Tex Producing Co., Carthage Field, Panola County, Tex.	(*)	14.05
C173-610 A 3-15-73	Arka Exploration Co., P.O. Box 1734, Shreveport, La. 71161.	Northern Natural Gas Co., Mathers Ranch Field, Hemphill County, Tex.	34.565	14.05
C173-618 A 3-19-73	Fulton Producing Co., Box 651, Shelby, Mont. 59474.	Northern Natural Gas Co., acreage in Hill County, Mont.	23.5	15.025
C173-635 B 3-21-73	King Resources Co., 100 Security Life Bldg., Denver, Colo. 80202.	Arkansas Louisiana Gas Co., East Kremlin Field, Garfield County, Okla.	Depleted	15.025
C173-638 A 3-22-73	Exchanges Oil & Gas Corp., 16th Floor, 1010 Common St., New Orleans, La. 70112.	Columbia Gas Transmission Corp., Valentine Field, Latourche Parish, La.	28.376	15.025
C173-637 A 3-23-73	Amoco Production Co., 511 South Boston Ave., Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Cameron Field, Le Flore County, Okla.	22.25	14.05
C173-620 A 3-23-73	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90031.	Natural Gas Pipeline Co. of America, Indiana Basin Field, Eddy County, N. Mex.	27.0	14.05

Docket No. and date filed	Applicant	Purchaser and location	Price per M <sup>3</sup>	Pressure base
CI73-636 B 3-23-73	Alamo Petroleum Co. (successor to Sword Co.), 2620 Republic National Bank Tower, Dallas, Tex. 75201.	Transcontinental Gas Pipe Line Corp., Bocaland Field, Lafourche Parish, La.	Depleted.....	
CI73-641 B 3-26-73	Pioneer Production Corp. (Operator), P.O. Box 2542, Amarillo, Tex. 79105.	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Depleted.....	

- <sup>1</sup> Subject to downward Btu adjustment.  
<sup>2</sup> Subject to upward Btu adjustment.  
<sup>3</sup> Assigned to LVO Corp.  
<sup>4</sup> Subject to Btu adjustment.  
<sup>5</sup> Gas produced from wells completed prior to June 1, 1970.  
<sup>6</sup> Gas produced from wells completed after June 1, 1970.  
<sup>7</sup> Uneconomical to connect low pressure casinghead gas.  
<sup>8</sup> Amendment to reflect changed price.  
<sup>9</sup> As amended on February 22, 1973.  
<sup>10</sup> Gas lease on acreage covered by contract has been released to land owner.  
<sup>11</sup> Applicant is willing to accept a certificate conditioned to the Opinion No. 550 area rate.  
<sup>12</sup> There are no longer any wells capable of producing gas into Purchaser's system.  
<sup>13</sup> Including downward Btu adjustment.

[FR Doc.73-7726 Filed 4-24-73;8:45 am]

[Docket No. G-10354]

**ATLANTIC RICHFIELD CO.**  
**Notice of Petition to Amend**

APRIL 17, 1973.

Take notice that on March 23, 1973, Atlantic Richfield Co. (Petitioner), P.O. Box 2819, Dallas, Tex. 75221, filed in docket No. G-10354 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing sales of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from various fields in Hardin and other counties in Texas at 24.0 cents per thousand cubic feet at 14.65 lb/in<sup>2</sup>, subject to downward British thermal unit adjustment, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it had delivered to Texas Eastern on October 31, 1972, all of the gas required to be delivered under the contracts comprising its FPC Gas Rate Schedule Nos. 141 and 142, that said contracts have expired, and that it has entered into new contracts with Texas Eastern for the sale of the contractually uncommitted remaining reserves. The estimated monthly sales volume is 76,550 M ft<sup>3</sup> of gas.

Petitioner requests that the proceeding presently pending in the instant docket, on the petition to amend filed October 24, 1972, be terminated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's rules.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-8006 Filed 4-24-73;8:45 am]

[Docket No. CP73-110]

**CAROLINA PIPELINE CO., AND SOUTHERN NATURAL GAS CO.**

**Order Noticing Complaint, Reopening Proceedings, Issuing Show Cause Order, Providing Hearing, Establishing Procedures, Staying Prior Commission Order, and Granting Interventions**

APRIL 17, 1973.

Take notice that on October 17, 1972, Carolina Pipeline Co. (Carolina) filed in docket No. CP73-110 a complaint against Southern Natural Gas Co. (Southern) alleging that Southern has unlawfully installed points under § 2.55(c). Carolina asserts that those delivery points required section 7(c) authorization and that Southern's unlawful acts preferentially permit certain customers to evade Southern's curtailment plan.

Specifically, Carolina objects to the following delivery points: (1) Station No. 2 to the city of Vicksburg, Miss.; (2) Brickyard and Dixieland meters to Gas Light Co. of Columbus, Ga.; (3) Atlanta Gas Light Co. (Atlanta) entitled "North Macon"; (4) Atlanta entitled "West Macon" and (5) Atlanta entitled "South Atlanta No. 2." Carolina charges that the aforementioned delivery points do not fall within those authorized exclusions to section 7(c) under § 2.55(c) of the Commission's general policy and interpretations because: (1) They are beyond the confines of a city distribution system; (2) they include areas outside a distribution system; (3) they extend beyond the confines of "normal growth" of a local community presently served; and (4) they tend to shift customers to a higher priority of service which runs contrary to curtailment conditions brought about by gas shortages.

On November 29, 1972, Southern answered the complaint by asserting that the delivery points in question were agreed to before Southern's curtailment

was filed and that the crux of Carolina's complaint is restriction of conjunctive billing which had been heard in phase I of docket No. RP72-91.

By order issued March 20, 1973, we required disconnection of the above delivery points, and terminated the proceedings.

On March 22, 1973, Atlanta filed a petition to intervene in docket No. CP73-110 and an application for stay<sup>1</sup> pending hearing of a part of the Commission's order issued March 20, 1973.<sup>2</sup> By our order of March 20, 1973, we found, inter alia, that Southern had violated the Natural Gas Act by constructing and operating certain delivery points complained of by Carolina in its complaint. Based on that finding, we ordered Southern to disconnect those delivery points and cease the transportation and/or sale of natural gas through those points. Atlanta requests, inter alia, a stay of our order insofar as it requires cessation of deliveries to the South Atlanta No. 2, West Macon and North Macon points, the proceeding to be reopened and notice thereof be published, and an early hearing to be held thereon.

In support of its application, Atlanta alleges that the cessation of deliveries through the above-mentioned delivery points will impede the operation of Atlanta's present LNG facilities, which is crucial to meeting its 1973-74 wintertime human needs requirements, and will impede service rendered to residential and commercial customers in the city of Macon, Ga.

On April 4, 1973, Bickerstaff Clay Products Co., Inc. (Bickerstaff) filed a petition to reopen proceedings and to intervene and a motion for stay pending hearing of the Commission's March 20, 1973 order insofar as it relates to deliveries and sale of gas by Southern to the Gas Light Co. of Columbus (Gas Light) through the Brickyard and Dixieland measuring stations. Bickerstaff states that it consumes natural gas supplied by Southern either directly or through distributors served by Southern, including Gas Light. In support of its motion for stay, Bickerstaff states, among other things, that "[t]he Brickyard and Dixieland meters, insofar as they serve Gas Light are not, as the Commission asserts, 'delivery points,' but are merely measuring stations which are a part of the single Columbus (Ga.) area delivery point serving Gas Light" and that "Southern Natural constructed no new

<sup>1</sup> Carolina filed an answer in opposition to Atlanta's motion for stay on Apr. 3, 1973.

<sup>2</sup> The Commission's order of Mar. 20, 1973, involved two proceedings, i.e., this proceeding and the docket No. RP73-73 proceeding. Atlanta's application deals solely with this proceeding, and therefore, this order will involve solely the determination of the complaint proceeding in docket No. CP73-110. Atlanta, in its application, stated that it will file for rehearing of our Mar. 20, 1973, order that pertains to the docket No. RP73-73 proceeding. Atlanta filed such a petition on Apr. 13, 1973, and we will deal with that in a separate order pertaining to that proceeding.

facilities in designating the Brickyard and Dixieland measuring stations as part of the Columbus area delivery point."

On April 13, 1973, Southern filed a notice in compliance with ordering paragraph (C) of the March 20, 1973 order, indicating that unless otherwise directed by the Commission, Southern will cease deliveries on April 23, 1973, at the five delivery points.

As Atlanta indicates, certain of these delivery points, e.g. North Macon, have been in operation since 1968, and an abrupt cessation in deliveries may contravene the public interest. Even where service has been initiated without a section 7 certificate, Southern still requires section 7(b) abandonment authorization prior to the cessation of deliveries. Accordingly, we are directing Southern to show cause why it should not abandon deliveries at the five points in ordering paragraph (C) of our March 20, 1973 order in docket No. CP73-110.

#### *The Commission finds*

(1) It is appropriate in the administration of the Natural Gas Act that the proceedings in this docket be reopened and that the Commission enter upon a hearing on the issues raised by the complaint filed in this docket by Carolina Pipeline Co. against Southern Natural Gas Co.

(2) It is further appropriate in the administration of the Natural Gas Act that, at the above referenced hearing, Southern Natural Gas Co. should show cause why it should not be required to abandon deliveries at the five delivery points specified in the complaint of Carolina Pipeline Co.

(3) Pending the completion of such hearing, a stay of that part of the order (ordering par. C) issued in this docket on March 20, 1973, which requires the disconnection of these delivery points, should be granted.

(4) It is desirable and in the public interest to allow Atlanta Gas Light Co. and Bickerstaff Clay Products Co. to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

#### *The Commission orders*

(A) The proceedings in this docket are hereby reopened.

(B) Southern Natural Gas Co. is hereby ordered to appear at a public hearing to show cause why it should not be required to abandon deliveries at the following delivery points: (1) Station No. 2 to the city of Vicksburg, Miss.; (2) Brickyard and Dixieland meters to Gas Light Co. of Columbus, Ga.; (3) Atlanta entitled "North Macon"; (4) Atlanta entitled "West Macon"; and (5) Atlanta entitled "South Atlanta No. 2."

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a

public hearing shall be held commencing on May 16, 1973, at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, on the issues raised by the complaint of Carolina Pipeline Co. filed in this docket and by the show-cause order issued herein to Southern Natural Gas Co.

(D) The direct case of Carolina Pipeline Co. supporting its complaint, and that of Southern Natural Gas Co. in accordance with the show-cause order issued herein, shall be filed and served on all parties, the presiding administrative law judge, and the Commission staff on or before May 2, 1973.

(E) A presiding administrative law judge to be designated by the chief administrative law judge for this purpose (see delegation of authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(F) The action required by ordering paragraph (C) of the order issued in this docket on March 20, 1973, is hereby stayed pending further order of the Commission.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; *And provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, Carolina Pipeline Co. and Southern Natural Gas Co. shall serve copies of their filings upon the intervenors promptly, unless such service has already been effected pursuant to part 157 of the Regulations under the Natural Gas Act.

(I) Protests or petitions to intervene in these proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8011 Filed 4-24-73;8:45 am]

[Docket No. E-8109]

#### CAROLINA POWER & LIGHT CO.

#### Notice of Proposed Changes in Rates and Charges

APRIL 18, 1973.

Take notice that on April 4, 1972, Carolina Power & Light Co. (Carolina), tendered for filing supplements, dated March 30, 1973, to FPC No. 72, FPC No.

49, FPC No. 74, FPC No. 81, FPC No. 83, FPC No. 70, FPC No. 68, FPC No. 71, FPC No. 77, FPC No. 78, FPC No. 87, FPC No. 79, FPC No. 88, FPC No. 89, FPC No. 51, Carolina states that these supplements delete paragraph 7(b) thereby removing certain restrictions on size of load to be resold and area of resale. The proposed effective date is 30 days after filing. Carolina states that a copy of the filing for the particular customer has been mailed to each affected customer.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8014 Filed 4-24-73;8:45 am]

[Docket No. RP73-06]

#### CARNEGIE NATURAL GAS CO.

#### Notice of Petition for Special Relief

APRIL 19, 1973.

Take notice that Carnegie Natural Gas Co. (Carnegie) on March 26, 1973, filed as a petition for special relief proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, Rate Schedule S-6. Carnegie requests special relief to allow it to collect an additional 7.5 cents per thousand cubic feet gathering and compression charge for all gas delivered in the State of West Virginia to Consolidated Gas Supply Corp. (Consolidated). By letter agreement executed March 20, 1973, Consolidated agreed to pay the additional charge effective January 1, 1973, subject to the Commission's approval.

In support of its petition, Carnegie states that the original estimated recoverable reserves was overestimated by approximately 21 million thousand cubic feet or 38.5 percent. Further, Carnegie states that a compressor, while not required in its original agreement with Consolidated, was necessary to maintain deliverable production at its 1972 level. Carnegie requests that in recognition of the additional compression costs, the affects of inflation on the entire gathering systems costs, and the need to continue to produce the area, it be permitted to raise the total cost of the gas to 33.5 cents per thousand cubic feet. Finally, Carnegie states that its present costs of 23.5 cents per thousand cubic feet for compressing, gathering, and delivery "is large enough to justify special consideration as set forth in the discussion portion of opinion No. 411 \* \* \*".

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8024 Filed 4-24-73;8:45 am]

[Docket No. E-8104]

### CENTRAL TELEPHONE & UTILITIES CORP.

#### Notice of Supplemental Service Schedule

APRIL 18, 1973.

Take notice that on April 2, 1973, Central Telephone & Utilities Corp. (Applicant), filed with the Federal Power Commission in docket No. E-8104 an amendatory emergency service schedule B to the interconnection contract dated January 23, 1963, filed in FPC Electric Rate Schedule No. 33, between Applicant's predecessor company, Western Light & Telephone Co., Inc., and Wheatland Electric Cooperative, Inc. The application states that proposed service schedule B, dated March 20, 1973, amends certain conditions with regard to the emergency service between the parties to the contract, to wit:

It is further agreed that a condition of deficiency in power supply occasioned any shortage of dependable generating capacity to meet load requirements, including adequate reserves (at least 15 percent of the current year's peak load on the buyer's system), or shortage of water, fuel or other supplies, which by reasonable planning and foresight by the party affected could have been avoided, shall not be considered as emergency condition.

The application also proposes to alter the contract's provisions for payment for emergency service, to wit:

For emergency service supplied as provided \* \* \*, buyer shall compensate seller at the greater of the following rates:

(a) 12.5 mills per kilowatt-hour or

(b) Seller's cost of supplying energy including energy to supply any additional transmission losses occasioned.

The proposed supplemental schedule will supersede emergency service schedule "B" dated January 23, 1963, and shall become effective on the first billing after approval by the parties to the agreement and all necessary agencies. The agreement will have a term of 1 year and will be automatically extended for periods of 1 year from each expiration date unless either party shall notify the other in

writing at least 90 days prior to any expiration date of its desire to terminate this agreement.

Any person desiring to be heard or to make any protest with reference to said 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8018 Filed 4-24-73;8:45 am]

[Docket No. CI73-656]

### CITIES SERVICE GAS RESOURCES CO.

#### Notice of Application

APRIL 17, 1973.

Take notice that on April 2, 1973, Cities Service Gas Resources Co. (Applicant), room 956, First National Center West, Oklahoma City, Okla. 73102, filed in docket No. CI73-656 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's "General Policy and Interpretations" (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company (Cities) from the Candian East Douglas Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Cities from the Candian East Douglas Field, Hemphill County, Tex., at an initial rate of 40 c/M ft<sup>3</sup> at 14.65 lb/in<sup>2</sup>a, subject to upward and downward Btu adjustment, according to the terms of a March 15, 1973, contract. Said contract provides for price escalations of 1 c/M ft<sup>3</sup> every year, for reimbursement to Applicant for 87.5 percent of new, additional or increased taxes, and for a contract term to extend for 20 years from the date of first delivery of gas and as long thereafter as gas can be delivered in commercial quantities from the subject acreage. Applicant, an affiliate of the instant buyer, expects monthly deliveries at 30,000 M ft<sup>3</sup>.

Applicant asserts that the contract price involved herein is reasonable and is actually less than the competitive price prevailing at the present time and that no desirable quantities of gas will be acquired for the interstate market for a

lesser price in the foreseeable future, as evidenced by reports of contracts for the sale of natural gas at 52 c/M ft<sup>3</sup> in Roger Mills County, Okla., and at 53.6 c/M ft<sup>3</sup> in the Catclaw Draw Field of Eddy County, N. Mex., providing for both a 1 c/M ft<sup>3</sup> per year price escalation and price redetermination every 2 years. Applicant alleges that the staggering exploration and development costs, together with the inherent risk involved, make it obvious that gas in the area involved herein will be committed to the interstate market only if prices significantly higher than the 21.5 c/M ft<sup>3</sup> area rate are allowed. Applicant also asserts that the delivered cost of the instant gas to Cities' customers and the ultimate consumers will be substantially less than the delivered cost of gas from any alternative sources of supply: LNG imports, coal gasification projects, Canadian and Alaskan gas and synthetic gas programs.

Applicant indicates that Cities has contracted to purchase North American Royalty, Inc.'s share of the gas produced from the same area under the terms, conditions and price identical with those contained in Cities' contract with Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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.73-8012 Filed 4-24-73;8:45 am]

**CONNECTICUT LIGHT & POWER CO.****Notice of Proposed Changes in Rates and Charges**

APRIL 17, 1973.

Take notice that on April 5, 1973, Connecticut Light & Power Co. (Connecticut) tendered for filing the following rate schedule:

Purchase agreement with respect to Montville Unit No. 6, dated as of February 1, 1973, between The Connecticut Light & Power Co. and New Bedford Gas & Edison Light Co.

The proposed effective date is May 1, 1973. Connecticut states that the purchase agreement filed herewith provides for sales to New Bedford Gas & Edison Light Co. of specified percentages of capacity and energy from Connecticut's Montville Unit No. 6 generating unit during the period May 1, 1973 through October 31, 1973. Connecticut further states that the rate schedule has been mailed or delivered to Connecticut and New Bedford Gas & Edison Light Co. Connecticut estimates the revenues from the capacity charge to be \$410,400 and from the transmission charge to be \$70,200 both for the term of the purchase agreement.

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

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-8009 Filed 4-24-73; 8:45 am]

[Project 1494]

**GRAND RIVER DAM AUTHORITY****Notice of Application for Change in Land Rights**

APRIL 18, 1973.

Public notice is hereby given that application for approval of a change in land rights was filed on November 13, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Grand River Dam Authority (correspondence to: Mr. L. M. Packard, general manager, Grand River Dam Authority, P.O. Box Drawer G, Vinita, Okla. 74301), Licensee for Pensacola Project No. 1494 which is located on the Grand River in Craig, Delaware, Mayes, Muskagee, Ottawa, Rogers, Tulsa, and Wagoner Counties, Okla., and McDonald County, Mo., in the vicinity of the city of Pensacola, Okla.

Licensee seeks Commission approval of the proposed sale of a parcel of land 0.17

acres in size located within the boundary of project No. 1494, and within Delaware County, Okla.; subdivision designation: Indian Meridian, T. 23 N., R. 22 E., section 8, SW¼. The sale would be to a private individual who plans to construct a private residence on the parcel and adjacent land already in his ownership.

Any person desiring to be heard or to make protest with reference to said application should on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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.73-8023 Filed 4-24-73; 8:45 am]

[Docket No. RP73-4]

**GREAT LAKES GAS TRANSMISSION CO.****Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing**

APRIL 18, 1973.

On April 11, 1973, Great Lakes Gas Transmission Co., filed a motion for an extension of the procedural dates as set by notice issued March 20, 1973, in the above matter. The motion states that all parties either concur in or have no objection to the requested extension of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of intervener evidence, May 31, 1973.  
Service of Great Lakes' rebuttal evidence, June 29, 1973.

Commencement of cross-examination, July 17, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-8022 Filed 4-24-73; 8:45 am]

[Docket No. E-8121]

**GULF STATES UTILITIES CO.****Notice of Proposed Changes in Rates and Charges**

APRIL 18, 1973.

Take notice that on April 10, 1973, Gulf States Utilities Co. (Gulf) tendered for filing the following proposed revised rate schedules of Gulf:

Schedule 423 "Other Electric Corporations for Resale."

Rate Schedule SR-1 "Electric Service to Sam Rayburn Dam Electric Cooperative For Resale to Member Municipals."

Rate Schedule SR-2 "Electric Service to Sam Rayburn Dam Electric Cooperative For Resale to Member Rural Electric Distribution Cooperatives."

Schedule REA "Wholesale Power To Rural Electric Distribution Cooperative."

Schedule REA "Wholesale Power To or For Rural Electric Distribution Cooperative."

The proposed effective date is June 15, 1973. Gulf states that the proposed changes would establish a fuel clause adjustment in all of the listed rate schedules (except Rate A under Rate Schedule SR-1) exactly the same as the fuel clause adjustment now included under FPC Schedule No. 104. Additionally, Gulf states that the basic rate levels have been increased approximately 40 percent for service to rural electric cooperatives and for service to Sam Rayburn Dam Electric Cooperative, Inc. under Rate A of Rate Schedule SR-1 and under Rate Schedule SR-2 to FPC Schedule No. 98. Gulf further states that the basic rate levels have been increased approximately 20 percent for service to municipalities and for service to Sam Rayburn Dam Electric Cooperative, Inc. for resale to municipalities under Rate B of Rate Schedule SR-1 to FPC Schedule No. 98. According to Gulf, the amount of increased revenues will be \$3,358,372.54.

According to Gulf, most of the contracts affected by this application contain an express clause contemplating and permitting rate increases as now sought by Gulf. As to those not containing an express clause, in the event the Commission should determine that the rate under any such contract may not be changed under the terms of the contract, Gulf requests that the new rate be made effective as to all deliveries in excess of the maximum contractual commitment of Gulf provided in such contract and further requests that the Commission find it in the public interest to move institution of a section 206 proceeding as to the rate in such contract.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-8005 Filed 4-24-73; 8:45 am]

[Docket No. E-8118]

**IOWA-ILLINOIS GAS & ELECTRIC CO.****Notice of Cancellation**

APRIL 18, 1973.

Take notice that on April 10, 1973, Iowa-Illinois Gas & Electric Co. (Iowa-

Illinois) tendered for filing a notice of cancellation of an agreement between Iowa-Illinois and Iowa Public Service Co., designated supplement No. 7 to Rate Schedule FPC No. 14. Iowa-Illinois states that the agreement expired by its own terms on April 1, 1973, and that a copy of the notice of cancellation has been mailed to Iowa Public Service Co.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8020 Filed 4-24-73;8:45 am]

[Docket No. RP73-91]

**McCULLOCH INTERSTATE GAS CORP.**  
Notice of Filing of Purchased Gas Cost  
Adjustment Clause

APRIL 17, 1973.

Take notice that on March 26, 1973, McCulloch Interstate Gas Corp. (McCulloch) tendered for filing revised Original Sheet Nos. 28-31 to its FPC Gas Tariff, Original Volume No. 1. The revised sheets are designed to institute a purchased gas cost adjustment provision (PGAC), applicable to natural gas service rendered by the McCulloch Wyoming System. The proposed effective date is May 1, 1973.

McCulloch states that, because of the increasing natural gas shortage, and a general increase in the prices of natural gas, it is forced to pay premium prices in excess of the 22.18 c/M ft<sup>3</sup> area price specified in the Commission's Rocky Mountain area rate order. McCulloch also avers that it, and its affiliated supplier, McCulloch Gas Processing Corp., in order to continue to purchase gas, must pass on the costs as part of McCulloch's reasonable and prudent cost of continuing its jurisdictional natural gas service.

A copy of this filing has been served upon Colorado Interstate Gas Co., McCulloch's sole jurisdictional customer.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8010 Filed 4-24-73;8:45 am]

[Project No. 401]

**MICHIGAN POWER CO.**

Notice of Application for New Major  
License

APRIL 19, 1973.

Public notice is hereby given that application for a new major license was filed December 30, 1970 (as supplemented Feb. 1, 1971, and Feb. 23, 1973), by Michigan Power Co. (correspondence to: Mr. Richard W. Sampson, executive vice president, Michigan Power Co., P.O. Box 413, Three Rivers, Mich. 49093, with copies to Mr. Herbert B. Cohn, executive vice president, American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004), licensee for Mottville Project No. 401 which is located on the St. Joseph River in St. Joseph County, Mich., near the cities of Mottville, Three Rivers, Constantine, White Pigeon, and Sturgis.

The present license is due to expire September 18, 1973.

The project, which affects a navigable waterway of the United States, has an installed capacity of 1,715 kW (2,300 hp). It consists of: (1) A dam 846 feet long comprising (a) an intake and powerhouse section 116 feet long and 27 feet (maximum) high, (b) a spillway section 241 feet long and 20 feet high, containing eight tainter gates 22 feet long and 7½ feet high, and two tainter gates 22 feet long and 13 feet high, (c) earthen embankments extending 120 feet on the east end of the dam and 365 feet on the west end, and (d) a 4-foot fish ladder section; (2) a 608-acre reservoir with about 1,727 acre feet of storage capacity at normal full pool elevation 771.0 feet m.s.l.; (3) a concrete stilling basin below the dam; (4) a powerhouse integral with the dam containing four generators with an aggregate capacity of 1,715 kW; (5) an outdoor substation adjacent to the dam; and (6) all other facilities and interests appurtenant to operation of the project.

Applicant estimates a net investment of about \$221,000 as of November 30, 1970, and claims that this is less than its estimate of fair market value which is not stated in the application.

Applicant estimates that the annual taxes paid to State and local agencies attributable to the project are \$9,200.

The application states that primary recreational use of project lands and waters is by private landowners located adjacent to the reservoir. Three commercial establishments provide public access to the reservoir and provide 6 cabins, 3 mobile homes, and 11 rental boats. Fishing and pleasure boating are the main recreational activities.

Applicant has reserved two parcels of land for future recreation development and use. It proposes to construct a canoe portage, parking area, and connecting foot trails on one parcel adjoining the southeastern edge of the reservoir and river immediately downstream of the spillway on the east side. The second parcel contains 35 acres of which 12 acres are designated for development by a local agency as an access and picnic area and possibly a camping area, with the remaining 23 acres to be maintained as a nature preserve.

The energy generated at the project flows into applicant's electric system for distribution within the State of Michigan.

Any person desiring to be heard or to make protest with reference to said application should on or before June 18, 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.73-8026 Filed 4-24-73;8:45 am]

[Project No. 2574]

**MILSTAR MANUFACTURING CORP.**

Notice of Application for Approval of the  
Lease of Project

APRIL 18, 1973.

Public notice is hereby given that application for approval of the lease of a project was filed February 13, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Milstar Manufacturing Corp., (correspondence to: Mr. Gerald A. McCarville, counselor at law, 1045 Sixth Avenue, New York, N.Y. 10018), licensee for project No. 2574, (Lockwood), which is located on the Kennebec River in the city of Waterville and the town of Winslow, Kennebec County, Maine.

Licensee seeks Commission approval of its proposal to lease its Lockwood project to the Central Maine Power Co. Licensee is presently selling the output of the project to Central Maine, but under the proposal Central Maine would operate the project and coordinate its output with other generating facilities owned by it. Under the lease Central Maine would have the right to automate the project in order that it can be integrated with its other generating facilities. Milstar would continue as licensee of the project and states that no other change in the operation of the project would result.

The Lockwood project consists of: (1) A concrete gravity-type dam composed of a gated section 160 feet long and two adjoining overflow spillway sections having a 20 foot maximum height, a crest elevation of 50.91 feet and lengths of 625 and 225 feet respectively, surmounted by 1.25-foot flashboards; (2) a reservoir with an area of about 82 acres with approximate surface elevation at 51 feet (U.S.G.S.) extending upstream from the gate sections about 1 mile; (3) a concrete gravity-type canal wall forming a forebay about 450 feet long; (4) a reinforced concrete and brick powerhouse 170 feet long which serves as the forebay dam and houses six 800-kW generating units; and (5) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before May 25, 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 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.73-8016 Filed 4-24-73;8:45 am]

[Docket No. E-8113]

**MISSISSIPPI POWER & LIGHT CO.**  
Notice of Cancellation

APRIL 18, 1973.

Take notice that on April 4, 1973, Mississippi Power & Light Co. (Mississippi) tendered for filing notices of cancellation of Mississippi's supplemented Rate Schedule FPC Nos. 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 215, 217, 221. Mississippi states that it acquired the distribution system of Capital Electric Power Association as of midnight, March 31, 1973, and began rendering service at retail to the association's former customers as of 12:01 a.m., April 1, and accordingly, the agreements for purchase of power between association and Mississippi were terminated by mutual agreement as of March 31, 1973. Mississippi requests the Commission to permit the cancellation of the rate schedules hereinabove listed to become effective at the earliest date permitted by the Commission's rules.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18

CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8021 Filed 4-24-73;8:45 am]

[Docket No. E-7965]

**NEW ENGLAND POWER SERVICE CO.**  
Notice of Proposed Changes in Rates and Charges

APRIL 18, 1973.

Take notice that on January 17, 1973, New England Power Service Co. (New England) tendered for filing contracts for primary service for resale and sub-transmission service with the town of Wakefield. New England requests that this filing be accepted and made effective 30 days from the date of this filing or on the earlier date of interconnection. By supplemental letter, New England states that the interconnection was completed at 10:10 p.m. on Saturday, December 16, 1972. According to New England, estimated total revenues for the 12 months ending December 31, 1973, will be \$1,799,403. New England further states that a copy of this filing has been sent to the town of Wakefield and the Massachusetts Department of Public Utilities.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8015 Filed 4-24-73;8:45 am]

[Project No. 943]

**PUBLIC UTILITY DISTRICT NO. 1 OF  
CHELAN COUNTY, WASH.**  
Notice of Application for Amendment of Major-License

APRIL 19, 1973.

Public notice is hereby given that application for amendment of a major license was filed February 15, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 1 of

Chelan County, Wash. (correspondence to: Public Utility District No. 1 of Chelan County, Wash., attention: Mr. Howard C. Elmore, manager, P.O. Box 1231, Wenatchee, Wash. 98801; copies to: Mr. Harvey T. Davis, Esq., of Davis, Arnell, Dorsey, & Kight, 605 Doneen Building, Wenatchee, Wash. 98801, and Mr. John C. Mason, Esq., of Morgan, Lewis, & Bockius, 1140 Connecticut Avenue NW., Washington, D.C. 20036), licensee of Rock Island Project No. 943 which is located on the Columbia River in Chelan and Douglas Counties, Wash., near the cities and towns of Chelan, Ephrata, Waterville, and Wenatchee, Wash.

Applicant seeks Commission approval of its proposal to increase the capacity of the project by making the following alterations:

(a) Construct and operate a second powerhouse at the right bank, which would require removal of the nonoverflow section, spillway bays 33 through 37, and the right bank fish ladder. The new powerhouse would contain eight 51,300 kW horizontal shaft bulb-type generating units together with necessary auxiliary equipment, controls and appurtenances. Two setup power transformers, each rated at 210 MVA, would be installed. The powerhouse structure would be of the semioutdoor type.

(b) Install and operate a new fish passage facility which would have inlets above the draft tubes at both ends of the second powerhouse and an inlet at the right abutment downstream of the draft tubes. All entrances would lead into a ladder located on the right side of the powerhouse with an exit in the forebay along the right riverbank.

(c) Install and operate additional spillway crestgate sections and reinforce the spillway structures with post-tensioned foundation anchors so that the forebay elevation may be raised from elevation 606.9 feet to elevation 613.0 feet (U.S.C. & G.S.).

(d) Extend the left bank and middle fish facilities upstream and make necessary changes for their proper functioning at the raised forebay level.

(e) Make necessary modifications to spillway regulating gates and emergency gates, and the hoisting equipment resulting from raising the forebay level and removal of spillway bays 33 through 37.

(f) Construct and operate two single-circuit, 115 kV, three phase transmission lines from the powerhouse for a distance of approximately 2 miles to the district's existing McKenzie switchyard and Bonnevill Power Administration's Valhalla Substation.

(g) Acquire certain additional parcels of land or rights to overflow in the vicinity of the forebay as required for the higher reservoir elevation.

The proposed alterations would affect navigable waters and lands within the Wenatchee National Forest.

Applicant estimates that the cost of this expansion will be \$109,300,000 and states that the additional power provided will be marketed to its customers in

Chelan County and to the Puget Sound Power & Light Co.

Any person desiring to be heard or to make protest with reference to said application should on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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.73-8027 Filed 4-24-73; 8:45 am]

[Dockets Nos. CP73-117, etc.]

### UNITED GAS PIPE LINE CO. ET AL.

Order Reversing Administrative Law Judge's Ruling and Prescribing Hearing Dates

APRIL 19, 1973.

United Gas Pipe Line Co., United Gas Pipe Line Co., Mississippi River Transmission Corp., Natural Gas Pipeline Co. of America, Southern Natural Gas Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., *Dockets Nos.* CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189 (phase 1).

By our orders of January 17, 1973, and February 12, 1973, the Commission ordered United Gas Pipe Line Co. (United) to show cause why abandonment should not be ordered for industrial requirements for boiler-fuel use at more than 1,500 M ft<sup>3</sup> per day where alternate fuel capabilities can meet such requirements.<sup>1</sup> Our January 17, 1973, order also directed United and the pipeline purchasers from United i.e. Mississippi River Transmission Corp. (Mississippi River), Natural Gas Pipeline Co. of America (Natural), Southern Natural Gas Co. (Southern), Texas Eastern Transmission Corp. (Texas Eastern), and Texas Gas Transmission Corp. (Texas Gas), to file their testimony and evidence on March 19, 1973.<sup>2</sup> By our subsequent order of March 8, 1973, we directed the presiding Administrative Law Judge to rule on motions to postpone the filing of evidence, but that if any postponement is warranted, the maximum postponement should be April 20, 1973.<sup>3</sup>

On April 4, 1973, the presiding Administrative Law Judge certified to the Com-

<sup>1</sup> Our Feb. 12, 1973, order severed proceedings and the scope of our ruling herein pertains to phase 1.

<sup>2</sup> Ordering paragraph (F) of our Jan. 17, 1973, order.

<sup>3</sup> Appeal docketed, *State of Louisiana, et al. v. F.P.C.*, D.C. Cir., No. 73-1254.

mission an appeal by Texas Eastern Transmission Corp. (Texas Eastern) to the initial ruling of the presiding Administrative Law Judge that a data questionnaire on end-use should not be limited to boiler-fuel uses at more than 1,500 M ft<sup>3</sup> per day where alternate fuel capabilities can meet such requirements. Specifically, it was ruled that data requests would be obtained for all industrial uses above 300 M ft<sup>3</sup> per day (or 100,000 M ft<sup>3</sup> per year), for large commercial uses, and that firm-interruptible distinctions would be maintained.<sup>4</sup> On April 5, 1973, the Secretary extended the time for the filing of comments until April 13, 1973, on Texas Eastern's appeal. The following parties filed in support of Texas Eastern's appeal: Columbia Gas Transmission Corp., Illinois Power Co., Mississippi River, Natural, Northern Illinois Gas Co., Public Service Electric & Gas Co., Southern, Texas Eastern, Texas Gas, United Natural Gas Co., and our staff. The following parties filed comments in support of the presiding Administrative Law Judge: Allied Paper, Inc. and Monsanto Co. (Allied Paper), General Motors Corp., and Johns-Manville Corp., Georgia Industrial Group, Gulf States Utility Co., Louisiana,<sup>5</sup> Mississippi Power & Light Co., Mississippi Power Co., and United.<sup>6</sup> For the reasons hereinafter stated, we reverse the presiding Administrative Law Judge's ruling on end-use data.

Phase 1 of these proceedings is restricted in scope to why United should not be ordered to abandon all gas sales (whether pipeline customers, direct sale customers, or city-gate customers, and whether "firm" or "interruptible") directed to boiler-fuel use above 1,500 M ft<sup>3</sup> per day, where alternate fuel capabilities can meet such requirements. This was the clear intent as expressed in our orders of January 17, February 12, and March 8, 1973.<sup>7</sup> The rationale supporting the limited scope of this show cause order was likewise fully explained in prior orders in this proceeding. We have moreover indicated that the scope of phase 1 may be broadened at some later date, if abandonments are required; however, such will be by direction of the Commission.

Allied Paper and Louisiana contend that the expended end-use data, i.e. below 1,500 M ft<sup>3</sup> per day for all uses, is needed so that they can show gas uses other than

<sup>4</sup> Reference was made to priorities G-9 of Order No. 467-B as supportive of this ruling. (E.g. Tr. 100); however, we had previously defined the scope of this proceeding and there was no intention to apply Order No. 467-B priorities here.

<sup>5</sup> State of Louisiana, Louisiana Municipal Association, Louisiana Public Service Commission, St. James Parish Utilities, Town of Franklinton and Norco Gas & Electric Co.

<sup>6</sup> United's comments indicated it did not object to the expended end-use data but that these proceedings should not be delayed as a result.

<sup>7</sup> Our March 8, 1973, order rejected the very contentions raised by Louisiana as to the scope of this proceeding (pp. 7-8). The presiding Administrative Law Judge subsequently accepted such contentions in the ruling herein reversed.

boiler-fuel are inferior and that boiler-fuel use below 1,500 M ft<sup>3</sup> per day is inferior. We need not reiterate the numerous statements by the Commission that boiler-fuel use is an inferior use,<sup>8</sup> which conclusion is particularly applicable to United's system-wide supply problems. In addition to end-use, the volumes used are likewise a factor, e.g. those customers using large amounts of gas as boiler-fuel where alternate fuel capabilities can meet such requirements. Thus, we have used a reasonable classification, i.e. above 1,500 M ft<sup>3</sup> per day, as part of the boundaries of phase 1. Even if abandonment is eventually ordered in phase 1, the gas displaced will go to uses which we have determined to be "less inferior," under the provisions of United's curtailment plan.<sup>9</sup> We cannot conceive as to why detailed data is required of industrial gas usage by all customers and consumers in some 20 States.<sup>10</sup> Nor will our action herein deny due process to those objecting to Texas Eastern's appeal as they are afforded the opportunity to offer witnesses and testimony to support their position. However, a broad data search as is contemplated in the initial ruling serves only to protract ultimate resolution of this proceeding.<sup>11</sup>

The presiding Administrative Law Judge's ruling would identify usage as firm and interruptible. We think that this data could be useful, but only insofar as consistent with the scope of our order herein.

We would direct the parties to this phase 1 proceeding to the definitions adopted in Opinion No. 643-A and proposed in docket No. R-474, e.g. "boiler fuel," "alternate fuel capability," which should be used at the outset in the data questionnaire.

As part of the presiding Administrative Law Judge's ruling, herein reversed, there were new hearing dates prescribed. We originally prescribed all hearing dates by our January 17 order and although we subsequently permitted the extension of one date for the presentation of evidence by 30 days, we stated "appropriate adjustments may be made to the dates for intervenors and staff, rebuttal, and cross-examination."<sup>12</sup> The presiding Administrative Law Judge has set new dates for hearings and the presentation of evidence (Tr 483) some 4 to 5 months later than we had intended. Because of his ruling and the exercise of his assumed discretion to alter drastically the procedural timing below,<sup>13</sup> we are required to set firm dates, subject to change only by direction of the Commission, so that the general public and gas consumers will not be denied due process by the undue delay in resolving these proceedings.

<sup>8</sup> E.g. Jan. 17, 1973, order at n. 1.

<sup>9</sup> Opinion No. 647, pending on rehearing.

<sup>10</sup> E.g. Louisiana's comments at p. 2.

<sup>11</sup> Certain of the comments indicated a minimum delay of 4 to 6 months to supply such data. E.g. Mississippi River & Columbia Gas Transmission Corp. Also Tr. 312-14.

<sup>12</sup> March 8 order at p. 10.

<sup>13</sup> See our order denying rehearing in these proceedings issued Apr. 19, 1973.

*The Commission orders that:*

(A) The presiding Administrative Law Judge's ruling on the data questionnaire is reversed.

(B) United and its pipeline purchasers, Mississippi River, Natural, Southern, Texas Eastern, and Texas Gas, shall file their testimony on May 10, 1973, including: (1) Complete identification (name, location, volumes delivered, and end usage), of each consumer, whether direct or resale, served in whole or in part by United's system supply sources, which consumers have industrial requirements for natural gas used as boiler-fuel at more than 1,500 M ft<sup>3</sup> per day, (2) sufficient and complete information on the alternate fuel capabilities of each said consumer, and (3) identifying whether such consumer is interruptible or firm.

(C) Staff and intervenors shall file their evidence, including testimony and exhibits, on May 25, 1973.

(D) Rebuttal evidence shall be filed on June 8, 1973.

(E) Cross-examination shall commence June 18, 1973.

(F) The record is herein returned to the presiding Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8025 Filed 4-24-73;8:45 am]

[Project No. 344]

**SOUTHERN CALIFORNIA EDISON CO.****Notice of Issuance of Annual License**

APRIL 17, 1973.

On April 20, 1970, Southern California Edison Co., licensee for San Geronio No. 1 and No. 2 Project No. 344 located in the counties of Riverside and San Bernardino, Calif., on the east and south forks of the Whitewater and San Geronio Rivers near the cities of Yucaipa and Banning filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for San Geronio No. 1 and No. 2 Project No. 344 was issued effective April 27, 1923, for a period ending April 26, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of project No. 344.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee) under section 15 of the Federal Power Act for the period April 27, 1973, to April 26, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first for the continued operation and maintenance of the San Geronio No. 1 and No. 2 Project No. 344 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8008 Filed 4-24-73;8:45 am]

[Project No. 2402]

**UPPER PENINSULA POWER CO.****Notice of Application for Approval of Exhibit L Drawings and Plans for Project Structure Modification**

APRIL 19, 1973.

Public notice is hereby given that application for approval of exhibit L (general design) drawings and plans for project structure modifications was filed February 2, 1973, by Upper Peninsula Power Co. (Correspondence to: Mr. Clifton F. Rogers, president, Upper Peninsula Power Co., 616 Sheldon Avenue, Houghton, Mich. 49931), licensee for Prickett Project No. 2402 which is located on the Sturgeon River in Baraga and Houghton Counties, Michigan, in the vicinity of the Village of Baraga.

Approval of the application would permit the licensee to make the following structural modifications to existing project works: (1) Construct a 190-foot long by 15-foot high concrete gravity training wall to protect the earth embankment of the main dam from erosion; (2) construct a fuse plug in the embankment west of the training wall; and (3) raise the crest of the main dam embankment by 1.5 feet to an elevation of 106.5 feet.

Applicant states that these structural modifications are deemed necessary as the result of an independent consultant's safety inspection report which concluded that the existing dam should be modified to safely pass the probable maximum flood flow.

Any person desiring to be heard or to make protest with reference to said application should on or before May 29, 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.73-3004 Filed 4-24-73;8:45 am]

[Docket No. E-8112]

**VIRGINIA ELECTRIC & POWER CO.****NOTICE OF PROPOSED CHANGES IN RATES AND CHARGES**

APRIL 18, 1973.

Take notice that on April 5, 1973, Virginia Electric & Power Co. (Virginia), tendered for filing a revised contract supplement which supersedes FPC rate schedule No. 77-9 dated January 8, 1969. Virginia states that it plans to change the transformer serving the Pogan Delivery Point for Community Electric Co-

operative from 1 MVA capacity to 3.75/4.687 FA MVA capacity for anticipated future loads. Virginia requests the Commission to allow the Pogan Delivery Point Supplement to become effective on the date the transformer facilities are changed with the understanding that they will notify the Commission of the effective date to be placed in each copy of the supplement. Virginia further states that the unit cost of electricity to Community Electric Cooperative will remain unchanged as a result of the planned change in facilities; therefore, Virginia requests waiver of the required billing data.

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, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's "Rules of Practice and Procedure" (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-8019 Filed 4-24-73;8:45 am]

[Project No. 1759]

**WISCONSIN MICHIGAN POWER CO.****Notice of Application for Change in Land Rights**

APRIL 18, 1973.

Public notice is hereby given that application for approval of a change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Michigan Power Co. (correspondence to: Mr. John K. Babbitt, vice president and general manager, Wisconsin Michigan Power Co., 807 South Oneida Street, Appleton, Wis. 54911) licensee for Michigan Project No. 1759 which is located on the Michigan and Menominee Rivers in Iron and Dickinson Counties, Mich. and Florence County, Wis. in the vicinity of Crystal Falls and Iron Mountain, Mich., and Florence, Wis.

Applicant seeks Commission approval of outstanding leases authorizing (1) a road easement and (2) a license for a roadway utilizing project lands of the Way Dam development of the project.

The road easement grants to Kimberlands, Ltd., a Wisconsin corporation, authorization to construct and maintain a section of road 200 feet long, having a 30-foot right-of-way. The road is within the project boundary and will be used jointly by the licensee and Kimberlands, Ltd.

The license for roadway was granted to the State of Michigan and authorizes construction and maintenance of a ¼-mile section of road having a 66-foot

right-of-way. This road is also within the project boundary.

Both the easement and license stipulate that the rights are granted subject to the express condition that use of the subject lands by the grantee shall not endanger health, create a nuisance, or otherwise be incompatible with overall recreational use.

Any person desiring to be heard or to make protest with reference to said application should on or before June 4, 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 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.73-8017 Filed 4-24-73;8:45 am]

## FEDERAL PREVAILING RATE ADVISORY COMMITTEE

### NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 3, 1973.  
Thursday, May 10, 1973.  
Thursday, May 17, 1973.  
Thursday, May 24, 1973.

The meetings will convene at 10 a.m. and will be held in room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chair-

man, Federal Prevailing Rate Advisory Committee, room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,  
*Chairman, Federal Prevailing  
Rate Advisory Committee.*

APRIL 20, 1973.

[FR Doc.73-7952 Filed 4-24-73;8:45 am]

## FEDERAL RESERVE SYSTEM CENTRAL BANCSHARES OF THE SOUTH, INC.

### Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Ala., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire at least 90 percent of the voting shares of Planters & Merchants Bank, Uniontown, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1973.

Board of Governors of the Federal Reserve System, April 17, 1973.

[SEAL] CHESTER B. FELDBERG,  
*Assistant Secretary of the Board.*

[FR Doc.73-7931 Filed 4-24-73;8:45 am]

## ESTES BANK CORP.

### Formation of One-Bank Holding Company

Estes Bank Corp., Estes Park, Colo., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the Estes Park Bank, Estes Park, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than May 9, 1973.

Board of Governors of the Federal Reserve System, April 17, 1973.

[SEAL] CHESTER B. FELDBERG,  
*Assistant Secretary of the Board.*

[FR Doc.73-7932 Filed 4-24-73;8:45 am]

## FIRST UNITED BANCORPORATION, INC.

### Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Tex., has applied for the Board's approval under section 3(a) (3)

of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First State Bank, Odessa, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1973.

Board of Governors of the Federal Reserve System, April 18, 1973.

[SEAL] CHESTER B. FELDBERG,  
*Assistant Secretary of the Board.*

[FR Doc.73-7965 Filed 4-24-73;8:45 am]

## FNS, INC.

### Formation of One-Bank Holding Company

FNS, Inc., Schuyler, Nebr., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 82.6 percent or more of the voting shares of First National Bank, Schuyler, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than May 7, 1973.

Board of Governors of the Federal Reserve System, April 18, 1973.

[SEAL] CHESTER B. FELDBERG,  
*Assistant Secretary of the Board.*

[FR Doc.73-7967 Filed 4-24-73;8:45 am]

## IRON CITY EAGLE COAL CO.

### Formation of Bank Holding Company

Iron City Eagle Coal Co., Lockwood, W. Va., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 87.49 percent or more of the voting shares of the Gauley National Bank of Gauley Bridge, Gauley Bridge, W. Va. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1973.

Board of Governors of the Federal Reserve System, April 17, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-7933 Filed 4-24-73;8:45 am]

#### PANNATIONAL GROUP INC.

##### Acquisition of Bank

PanNational Group Inc., El Paso, Tex., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Basset National Bank of El Paso, El Paso, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1973.

Board of Governors of the Federal Reserve System, April 17, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-7934 Filed 4-24-73;8:45 am]

#### PANNATIONAL GROUP INC.

##### Acquisition of Bank

PanNational Group Inc., El Paso, Tex., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares of Metro Bank of Dallas, Dallas, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1973.

Board of Governors of the Federal Reserve System, April 18, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-7968 Filed 4-24-73;8:45 am]

#### UNIVEST CORP. OF PENNSYLVANIA Formation of One-Bank Holding Company

Univest Corp. of Pennsylvania, Souderton, Pa., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by

merger to Union National Bank & Trust Co. of Souderton, Souderton, Pa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 11, 1973.

Board of Governors of the Federal Reserve System, April 18, 1973.

CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-7966 Filed 4-24-73;8:45 am]

#### FEDERAL TRADE COMMISSION

##### FLAMMABLE FABRICS

##### Amendment of Enforcement Policy; Correction

The Commission published its enforcement policy relative to flammable fabrics in the FEDERAL REGISTER, issue for Wednesday, November 10, 1971 (36 FR 21544).

Notice is hereby given of the amendment of such policy statement as follows:

The third and fourth sentences of the third paragraph of the paragraph numbered "III" entitled "Enforcement procedure—a. Voluntary procedures." are deleted, and the following language substituted therefor:

Such person or persons will be asked to voluntarily stop the sale and distribution of the flammable fabric within 24 hours of notification. In addition, such persons will be asked to voluntarily, within 14 days of notification, (1) furnish to the Commission staff a list of customers who have purchased the product, (2) notify those customers of the test results, (3) supply inventory data showing the amount of the flammable fabric purchased on hand in the channels of commerce, and (4) commence removal and/or recall of the flammable fabric from commerce. Except for good cause shown, these voluntary procedures must be accomplished within the time limits set forth.

By direction of the Commission dated January 31, 1972.

[SEAL] CHARLES A. TOBIN,  
Secretary.  
[FR Doc.73-8028 Filed 4-24-73;8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

##### FLORENCE MINING CO.

##### Notice of Opportunity for Public Hearing Regarding Applications for Renewal Permits

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2.0 mg/m<sup>3</sup>) have been received as follows:

- (1) ICP docket No. 20506, the Florence Mining Co., Dias Mine, USBM ID No. 36 00914 0; Armagh, Pa.:  
Section ID No. 002 (first north).  
Section ID No. 003 (northwest mains).
- (2) ICP docket No. 20507, the Florence Mining Co., Florence No. 1 Mine Blacklick Portal, USBM ID No. 36 00924 0; Armagh, Pa.:  
Section ID No. 003 (southwest mains, right side).  
Section ID No. 009 (southwest mains, left side).  
Section ID No. 010 (first north mains).  
Section ID No. 011 (five west).  
Section ID No. 012 (four west longwall).  
Section ID No. 013 (first east butt).

In accordance with the provisions of section 202(b) (4) (30 U.S.C. 842(b) (4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before May 10, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

APRIL 20, 1973.

[FR Doc.73-7946 Filed 4-24-73;8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-36)]

#### NASA COMETS AND ASTEROIDS SCIENCE ADVISORY COMMITTEE

##### Notice of Date and Place of Meeting

The NASA Comets and Asteroids Science Advisory Committee will meet on April 30 and May 1, 1973, at the headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 5026 of Federal Office Building 6, 400 Maryland Avenue SW, Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on both days, the agenda for which is noted below, on a first-come-first-served basis up to the seating capacity of the room, which can accommodate about 40 persons.

The NASA Comets and Asteroids Science Advisory Committee serves in an advisory capacity only. It serves to advise NASA in planning unmanned missions to comets and asteroids to investigate the origin and evolution of the solar system. The committee is chaired by Dr. Frederick Whipple. Currently, there are nine members, plus a recording secretary, Dr. Roger Bourke, who can be contacted for further information at 213-354-6161.

APRIL 30, 1973

- | Time:      | Topic   |
|------------|---|
| 9:00 a.m.  | Opening remarks (Action: Preview agenda and agree on objectives for this committee meeting.)  |
| 9:10 a.m.  | Comet Kohoutek 1973 F (Action: To inform the committee about orbital and brightness data for this extraordinary new comet and possibilities for observations from ground and space in order to formulate recommendations to NASA regarding this opportunity.)   |
| 10:00 a.m. | Comet exploration in the late 1970's and early 1980's (Action: To inform the committee of possibilities for flights to short period comets in this time period.)  |
| 10:30 a.m. | Exploration of asteroids (Action: To preview and discuss a series of experiments that may be applicable to asteroid flyby rendezvous and docking missions so that the committee may ultimately develop an integrated program which will assist NASA in its planning for future comet and asteroid missions. This item has been carried over from the previous meeting.) |
| 12:30 p.m. | Exploration program recommendations—Working session (Action: The committee will formulate and document their recommendations.)<br>MAY 1, 1973   |
| 9:00 a.m.  | German comet exploration participation (Action: To appraise the committee of interest on the part of German scientists for comet exploration both on their own and jointly with the United States of America. The committee expects to take these plans into consideration in its program recommendations to NASA.)   |
| 10:00 a.m. | Pioneer H possibilities (Action: Update the committee on the potential for using the existing Pioneer H spacecraft for near term comet and/or asteroid missions so as to advise NASA on their fiscal year 1975 plans for using this spacecraft.)  |
| 11:00 a.m. | Encke mission study payload review (Action: Review and comment on the proposed science payload being considered for a JPL Encke slow flyby mission study. Provide recommendations for JPL study team.)  |
| 12:30 p.m. | Exploration program recommendations—Working session (Action: The committee will formulate and document their recommendations.)  |
| 3:00 p.m.  | Adjourn.  |

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics and Space Administration.

APRIL 18, 1973.

[FR Doc.73-7941 Filed 4-24-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

### Order Suspending Trading

APRIL 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of Aadan Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 18, 1973 through April 27, 1973.

By the Commission.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.73-7970 Filed 4-24-73;8:45 am]

[70-5318]

### AMERICAN ELECTRIC POWER CO., INC., ET AL.

#### Notice of Proposed Intrasystem Transfer of Utility Plant Under Construction and Related Transactions

Notice is hereby given that American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004 (AEP), a registered holding company and two of its electric utility subsidiary companies, Appalachian Power Co., 40 Franklin Road, Roanoke, Va. 24009 (Appalachian) and Ohio Power Co., 301 Cleveland Ave. SW., Canton, OH 44702 (Ohio) have filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 9(a) (1), 10, and 12 of the Public Utility Holding Company Act of 1935 (Act) and rules 43, 45, and 91 promulgated thereunder regarding the following proposed transactions.

Ohio and Appalachian are engaged in the construction of three coal-fired generation units. The units are located near Scary, W. Va., and are denominated as the John E. Amos Plant, Units Nos. 1-3. Units Nos. 1 and 2 were constructed by Appalachian and were placed into commercial operation on September 1, 1971, and June 6, 1972. Ohio commenced construction of Unit No. 3 in 1970 and it is anticipated that it will be completed during October 1973.

Ohio now proposes to transfer to Appalachian an undivided one-third interest in Unit No. 3 for an amount equal to one-third of Ohio's total investment in the unit at the time of transfer, an amount estimated to be \$80 million. Following the transfer, Appalachian will pay Ohio one-third of the cost to complete the unit or reimburse Ohio for any such payments.

AEP, Ohio and Appalachian represent that the proposed exchange is necessitated by Ohio's inability to permanently finance both Unit No. 3 and the balance of its 1973 construction program, which is estimated to cost \$377 million. It is stated that Ohio's ratio of earnings to fixed charges for the 12-month period ended February 28, 1973, was 2.15, while its short-term notes outstanding were approximately \$48,200,000. It is further stated that owing to Ohio's low ratio of earnings to fixed charges and the substantial sum of short-term notes outstanding, Ohio would be able to issue only \$42 million of long-term debt securities Unit No. 3 because its ratio of 8 percent.

The applicants-declarants state that Appalachian will be able to permanently finance Unit No. 3 because its ratio of earnings to fixed charges for the 12-month period ended February 28, 1973, was 2.26, its short-term notes outstanding amounted to only \$5 million, and its construction program for 1973 will cost approximately \$130 million. If the proposed transfer is effectuated, Appalachian's construction program for 1973 will cost approximately \$210 million, an amount that is represented to be within the financing capacity of the company.

The application-declaration further states that while no load flow studies, system stability analysis or production cost studies were performed prior to making the determination that the transfer of Unit No. 3 was to be proposed, it is represented that the transfer will have a beneficial effect on Appalachian's capacity reserve margins. It is stated that without the transfer Appalachian's reserve capacity would be 18.2 percent, 11.3 percent, 3 percent, and 9.8 percent for the years 1973-76 inclusive, while the additional capacity of Unit No. 3 will result in reserve margins of 29.6 percent, 22.1 percent, 13.2 percent, and 0.3 percent for the same period. Appalachian alleges that the projected reserve capacity deficiencies have been caused by delays in the licensing of the 1,800-MW Blue Ridge hydroelectric project. It is now expected that this additional capacity will not be available until 1980, and it is represented that the base load generation to be furnished Appalachian through the transfer of one-third of Unit No. 3 will supplant the previously anticipated peaking capacity from the Blue Ridge project.

The applicants-declarants further state that if the proposed transfer is completed prior to the time the unit is placed in service, Appalachian will be entitled to a business and occupation tax credit of \$8 million. This credit will be spread uniformly over a 10-year period.

By amendment, the applicants-declarants indicate that Appalachian and Ohio will account for the proposed transactions in conformity with the uniform system of accounts. Data regarding

Appalachian's and Ohio's cost of capital will be filed by further amendment.

The filing states that the only fees, commissions, or other expenses in connection with the proposed transactions will be transfer taxes, and miscellaneous legal and engineering fees which are currently estimated at \$80,000. It is further stated that the proposed transfer is subject to the jurisdiction of the State Corporation Commission of Virginia and the Public Service Commission of West Virginia, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 14, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 73-7972 Filed 4-24-73; 8:45 am]

[812-3430]

#### BROAD STREET INVESTING CORP.

#### Notice of Filing of Application Exempting the Sale by an Open-End Company of Its Shares at Other Than the Public Offering Price

APRIL 19, 1973.

Notice is hereby given that Broad Street Investing Corp. (Applicant), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 (Act) as a diversified, open-end management investment company, has filed an application pursuant to section 6(c) of the

Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of Forcash Investment Co. (Forgash). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that Forcash was incorporated in West Virginia as a retail furniture store and engaged in that business until 1971, at which time it went out of that business and became engaged primarily in the business of investing and reinvesting its funds. All of the outstanding stock of Forcash is owned of record and beneficially by three persons, and Applicant asserts that Forcash is exempted from registration under the Act by reason of the provisions of section 3(c) (1) thereof.

On December 29, 1972, Applicant and Forcash entered into an agreement and plan of reorganization (Agreement) whereby substantially all of the cash and securities owned by Forcash, with a value of approximately \$317,908 as of February 28, 1973, are to be transferred to Applicant in exchange for shares of Applicant's capital stock which have been registered under the Securities Act of 1933. Pursuant to the Agreement, the number of shares of Applicant to be issued to Forcash is to be determined by dividing the aggregate market value of the assets of Forcash to be transferred to Applicant (subject to certain adjustments as set forth in detail in the application) by the net asset value per share of Applicant, both to be determined as of the valuation time as defined in the Agreement.

Applicant presently intends to retain all of the securities to be acquired from Forcash. Applicant undertakes that it will not consummate the proposed transaction if it would result in Applicant's selling more than 50 percent of the total market value of Forcash's assets immediately after the acquisition thereof.

When received by Forcash, the shares of Applicant are to be distributed to the stockholders of Forcash. Since the exchange is expected to be tax-free for Forcash and its stockholders, Applicant's cost-basis for tax purposes for the assets acquired from Forcash will be the same as Forcash's cost-basis. Applicant states that it has been advised that the stockholders of Forcash have no present intention of redeeming or otherwise transferring any of Applicant's shares following the proposed transaction.

The adjustment provided for in the Agreement requires that in determining the number of shares of Applicant to be issued to Forcash, the aggregate market value of the assets of Forcash to be acquired shall be reduced by an amount, if any, determined by application of a formula designed to compensate for any increase in the potential taxes of Applicant that may result from any excess in

the proportion of the net value of the assets acquired from Forcash, represented by realized and unrealized appreciation, over the proportion of the net asset value of Applicant, represented by realized and unrealized appreciation. If the valuation under the Agreement had taken place on February 28, 1973, when the net asset value of Applicant's stock was \$14.46 per share, Forcash would have received 21,986 shares of Applicant's stock.

Applicant represents that no affiliation exists between Forcash or its officers, directors, or stockholders and Applicant or its officers or directors, and that the Agreement was negotiated at arm's-length by the two companies.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus. The public offering price of Applicant's shares is net asset value plus varying sales charges depending upon the amount purchased and owned. Section 6(c) of the Act permits the Commission, upon application, to exempt a transaction from any provision of the Act if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed transaction is in the interests of Applicant's shareholders because it is one of a series of transactions which have resulted in an increase in the size of Applicant's assets and have, as a result, tended to reduce per share expenses.

Notice is further given that any interested person may, not later than May 15, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of

further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 73-7982 Filed 4-24-73; 8:45 am]

[File No. 500-1]

#### CONTINENTAL VENDING MACHINE CORP.

##### Order Suspending Trading

APRIL 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 20, 1973, through April 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 73-7983 Filed 4-24-73; 8:45 am]

[File No. 500-1]

#### GOODWAY INC.

##### Order Suspending Trading

APRIL 18, 1973.

The common stock, \$0.10 par value of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 18, 1973 through April 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 73-7969 Filed 4-24-73; 8:45 am]

[812-3390]

#### KAISER AETNA FUNDING CORP.

##### Notice of Filing of Application for Order Exempting Applicant From All Provisions

Notice is hereby given that Kaiser Aetna Funding Corp., the Ordway Building, 2150 Valdez Street, Oakland, Calif. 94604 (Applicant), a Delaware corporation, has applied pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order of the Commission exempting it from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized solely for the purpose of facilitating the long-term financing of the real estate activities of Kaiser Aetna, a general partnership organized under the laws of California (Partnership). For such purpose, applicant proposes to purchase \$50,000,000 principal amount of debt securities of the Partnership and to finance such purchase by the sale of its own debt securities of like principal amount, maturity, and interest rate.

The Partnership is a general partnership in which Aetna Life Insurance Co. has a 50 percent interest and four subsidiaries of Kaiser Aluminum & Chemical Corp., have interests aggregating the remaining 50 percent. The Partnership owns 100 percent of the outstanding voting stock of Applicant.

The Partnership was formed in July 1969 to succeed to various real estate operations of Aetna Life Insurance Co., Kaiser Aluminum & Chemical Corp. and Kaiser Industries Corp., and is currently operating in four segments of the real estate industry: (1) Shelter (residential and commercial) development; (2) community development; (3) commercial development; and (4) agricultural real estate development. The Partnership currently has projects in 11 States and Australia.

The Partnership's borrowings from Applicant will be evidenced by unsecured Senior Notes (Senior Notes). Recourse on the Senior Notes will be limited to the assets of the Partnership, and the partners of the Partnership will not be liable in respect of the Senior Notes.

Applicant proposes to sell \$50,000,000 aggregate principal amount of its Secured Notes (Secured Notes) to 15 institutional investors. The denomination of these notes will not be less than \$100,000. The institutional investors will represent that they are purchasing the Secured Notes for investment and not with a view to sale or distribution.

Applicant's Secured Notes will be secured by an assignment by Applicant to the purchasers of the Secured Notes of an equal amount of the Partnership's Senior Notes, which will have the same maturity, sinking fund, and redemption provisions as the Secured Notes. Each institutional investor will take possession

of the Partnership's Senior Notes in an amount equal to the amount of Applicant's Secured Notes held by it and will hold such Senior Notes as security for the Secured Notes.

The proceeds from the borrowings by Applicant, evidenced by the Secured Notes, will simultaneously be loaned by the Applicant to the Partnership, such loan to be evidenced by the Senior Notes. Applicant has no present intention of authorizing or issuing any additional securities, investing or trading in other securities, or engaging in any other activities.

Applicant may be considered to be an investment company as defined in section 3 of the Act because of Applicant's acquisition and holding of debt securities of the Partnership, which will constitute substantially all of Applicant's assets, and Applicant may not come within the exception from the definition of an investment company provided by section 3(c)(1) because the ownership by the Partnership of all of Applicant's outstanding voting securities could be deemed to be indirect beneficial ownership by publicly held companies of more than 10 percent of Applicant's voting stock.

On the basis of the foregoing facts, Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all the provisions of the Act for the reasons that: (1) Applicant, by obtaining funds and lending them to the Partnership for use in its real estate activities, will be helping the Partnership to provide housing and agricultural, commercial, industrial and community facilities in several States; (2) all equity securities of Applicant are and will continue to be owned by the Partnership; (3) Applicant will not deal or trade in securities and will invest only in the Partnership's Senior Notes; and (4) the institutional investors do not need the protection of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant consents that any order entered herein may be conditioned on certain reporting requirements and on certain factors which might occasion termination of the order.

Notice is further given that any interested person may, not later than May 8, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest,

the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-7971 Filed 4-24-73;8:45 am]

[812-3301]

**PRUDENTIAL INSURANCE CO OF AMERICA, ET AL.**

**Notice of Application for Modification of Order and Exemption, for Approval of an Offer of Exchange**

APRIL 19, 1973.

Notice is hereby given that the Prudential Insurance Co. of America (Prudential), Prudential Plaza, Newark, N.J. 07101, on its own behalf and, as sponsor and depositor, on behalf of Prudential's Investment Plan Account (IPA), Prudential's Annuity Plan Account (APA), Prudential's Annuity Plan Account-2 (APA-2), Financial Security Program Office, P.O. Box 2925, Phoenix, Ariz. 85036, and Prudential's Gibraltar Fund (Fund), 3003 North Central Avenue, Phoenix, Ariz. 85012 (hereinafter collectively referred to as Applicants), have filed an application pursuant to sections 6(c) and 11 of the Investment Company Act of 1940 (Act) for an order (a) modifying an order of the Commission dated August 6, 1969 (the 1969 order), as amended on August 27, 1969 (Investment Company Act Release Nos. 5767 and 5796); (b) exempting Prudential and APA from the provisions of section 22(d) of the Act to the extent described below; and (c) approving an offer by Prudential and IPA to exchange participating interests under existing systematic investment plan contracts issued by IPA for participating interests under different systematic investment plan contracts with

Share Value Protection" to be issued by IPA. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

IPA, APA and APA-2 are separate accounts of Prudential registered as unit investment trusts under the Act. They were established under New Jersey law to hold assets designated for certain contracts on a variable basis sold by Prudential. The net proceeds from the sale of these contracts, after deduction for sales and other charges, are invested in Fund shares. Fund is a Delaware corporation registered as an open end management company under the Act. Its shares are sold only to Prudential for its separate accounts. The value of a participant's interest in IPA, APA, and APA-2 will vary to reflect the investment experience of the Fund.

*Modification of the Commission's order of August 6, 1969, as amended.*—The Commission's order exempted Applicants from various provisions of the Act and approved an offer to exchange participating interests under IPA contracts for participating interests under APA contracts. Among the exemptions granted by the Commission were exemptions from section 22(d) of the Act (1) to permit an investor purchasing a variable annuity contract issued by APA to elect to make an immediate investment in the separate account or an investment in such account on a gradual basis over a 36-month period with no additional sales charges for gradual investment and (2) to permit the sales charge made upon purchases under APA contracts to be calculated as a percentage of aggregate payments made under such contracts and under related fixed-dollar annuity contracts. All of the exemptions granted by the Commission and its approval of the offer of exchange remain in effect, under the terms of the order, only as long as there is no increase in the charges made in connection with IPA, APA, and the Fund.

Section 22(d) provides in relevant part that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by it to the public except at a public offering price described in the prospectus. Prudential is the principal underwriter for APA. Applicants state that the exemption from section 22(d) pertaining to the election of immediate or gradual investment in APA granted by the 1969 order was requested for the following reasons: An amount equal to the sales charge described in the prospectus was to be deducted by Prudential from the total purchase payment for the annuity at the time such payment was made whether an immediate or gradual investment in the separate account was selected. If gradual investment in APA was chosen, however, only one thirty-sixth of that payment was invested in APA at the time of purchase, the remainder being used to provide a fixed-dollar annuity. Thus, when additional portions of the purchase pay-

ment were subsequently deducted from the fixed account and invested in APA, no further sales charge was made.

Applicants now propose to discontinue offering the opportunity to make a gradual investment in APA to new participants in Applicants' program for the non-tax-qualified market. Applicants state that such discontinuance is warranted by the fact that the number of investors who have taken advantage of the gradual investment opportunity has been small. Applicants represent, however, that it is not feasible or appropriate to cease offering gradual conversion to investors who become participants prior to a selected cut-off date because they may have or will become participants in Applicants' program in reliance to some extent on the availability of the gradual investment opportunity, and it is at least arguable that elimination of that opportunity would violate Prudential's contract with them. Applicants also assert that they must obtain the approval of State insurance departments to delete the contractual opportunity to make a gradual investment in APA. Applicants say that such approval may occur sooner in some States than in others. Accordingly, they request modification of the 1969 order so that the exemptions from section 22(d) there granted will permit Applicants to offer the option to make a gradual investment in APA only to investors who are now participants in the non-tax-qualified segment of Applicants' program or who become such prior to selected cut-off dates, which in each State will be the date on which the systematic investment plan contracts with share value protection, described below in connection with the request for approval under section 11 (c) of an offer of exchange, are first offered in such State.

Applicants propose to cease offering to new participants in their program the associated fixed-dollar annuity contracts, purchases under which may, pursuant to the 1969 order, be aggregated with APA purchases in determining APA sales load. Once again Applicants state that only a small number of investors have made purchases under these associated fixed-dollar contracts and assert that it would not be appropriate to discontinue offering them to existing participants since they may have become such in partial reliance upon the availability of such fixed-dollar contracts. Here, too, Applicants assert that they will need approval by the various State insurance departments, which approval may be obtained more expeditiously in some States than in others. Accordingly, applicants request that the Commission's 1969 order be modified so that Applicants' exemptions from section 22(d) thereunder will permit them to aggregate purchase payments under the associated fixed-dollar annuity with purchase payments under APA contracts in calculating APA sales load only with respect to investors who are participants in the non-tax-qualified segment of Applicants' program on selected cutoff dates, which in each State will be the date on which the systematic investment plan contracts with share

value protection, described below in connection with the request for approval under section 11(c) of an offer of exchange, are first offered in such State.

Prudential and IPA propose to increase the administrative charge, which is currently equal to .325 percent per year of the average net assets held in IPA, by one-twentieth of 1 percent (.05 percent), so that the charge henceforth will be .375 percent per year. Similar increases are proposed in the charges upon assets held in IPA in excess of \$250 million. At the same time Prudential and IPA will decrease or eliminate certain other charges currently made under all outstanding and to be issued systematic investment plan contracts. Applicants assert that the costs of administering the contracts issued through IPA have been higher than the charges made to reimburse Prudential for such costs. They also state that a simpler charge structure may be more readily described to participants. Applicants therefore request modification of the 1969 order so that the approval of the exchange offer and the exemptions granted therein will remain in effect although the administrative charge made against the net assets of IPA is increased by an amount equal to .05 percent per year of such net assets.

*Section 22(d).*—As noted previously, section 22(d) provides in relevant part that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by it to the public except at a public offering price described in the prospectus. Prudential is the principal underwriter of APA.

Applicants state that participants making purchases under systematic investment plan contracts issued by IPA must purchase annuity rate protection rights (Rights). Such Rights guarantee that if the purchaser subsequently buys a variable annuity through APA and elects to use his Rights in connection therewith, he will obtain the schedule of annuity rates in effect and set forth in his contract at the time the Rights he uses were purchased if that schedule is more favorable to him than the schedule of annuity rates in effect at the time he buys the variable annuity. The schedule of annuity rates for these purposes includes the sales load charged on APA purchases.

Prudential and IPA propose to increase the APA sales load with respect to cumulative purchases of less than approximately \$100,000, to decrease it with respect to cumulative purchases exceeding that approximate amount, and to eliminate the reduction in the APA sales load presently afforded purchasers where the purchase is made with what the prospectus describes as "exchange money."

Since the contracts pursuant to which outstanding Rights were issued provide that the sales load charged upon APA purchases by the holders thereof, if they subsequently use such Rights in making them, will be no less favorable than the APA sales load charged at the time the Rights were purchased, Prudential as-

serts that it is legally obligated to fulfill the provisions of those contracts. Accordingly, Prudential and IPA request exemption from section 22(d) to permit calculation of the sales load under APA contracts upon purchases made with outstanding Rights at the rates currently in effect and as described in those contracts, including the "exchange money" reduction.

*Section 11(c).*—Section 11(c) of the Act requires Commission approval of an offer of exchange, irrespective of the basis of exchange, of securities of registered unit investment trusts for the securities of any other investment company. Prudential and IPA request approval under section 11 to the extent it is applicable to an offer to be made to all holders of outstanding systematic investment plan contracts to exchange all or any part of their interests under such contracts for interests under new systematic investment plan contracts with share value protection, as described in the application and in the registration statement under the Securities Act of 1933 covering such contracts (file No. 2-46063).

Applicants state that the new contracts will eliminate the current requirement that all purchases may be made only through the transfer of funds to IPA from a transfer account maintained with Prudential; that under the new contracts the size of second and subsequent purchase payments need only be 50 percent of what is the minimum purchase payment now required and the existing yearly purchase minimum will be eliminated; that purchasers under the new contracts will receive the benefit of a scale of reducing sales charges, as permitted by rule 22d-1(a) (2) and (3); that the new contracts will not contain the provision found in the current contracts for reinvesting without sales load the proceeds of a partial liquidation; and that the new contracts will offer as an optional provision an undertaking by Prudential that after 10 years from the date a participant first elects the option or upon his prior death the redemption value of his contract will be equal to or greater than the total amount of his gross purchase payments.

Applicants assert that the offer of exchange will be at net asset value and that no charge of any kind will be made in connection with any exchange.

Applicants state that the offer of exchange is the best and most practical way in which to make the features of the new contracts meaningfully available to holders of outstanding contracts. Applicants represent that the computer systems to be utilized in the administration of the new contracts are significantly different from the system utilized in connection with contracts now outstanding and that it is not economically feasible to modify the existing systems so as to provide holders of outstanding contracts directly with the advantageous features available under the new contracts. These advantages are, therefore, made available to existing contractholders through the exchange offer.

In all jurisdictions in which it does business, Prudential is in the process of applying and will apply for approval to sell the new systematic investment plan contracts. After the sale of the new contracts is approved and sale is commenced in a particular State, Prudential will cease offering the existing systematic investment plan contracts in such State. Prudential represents that if it fails to obtain approval in any State for the sale of new systematic investment plans Prudential will immediately give notice thereof to the Commission and will promptly apply to the Commission for an order authorizing it to continue the sale of existing systematic investment plan contracts to new planholders in that State. Prudential also represents that if it fails to obtain approval in any State that will enable it to discontinue the gradual investment option under APA contracts or to discontinue the sale of the fixed-dollar annuities related to APA contracts it will immediately give notice thereof to the Commission and will promptly apply to the Commission for an order authorizing it to continue the sale of APA contracts to new planholders in that State without the elimination of either or both of these options. Pending the issuance of an order on either of such applications, Prudential will continue to sell existing systematic investment plan contracts or APA contracts to new planholders in that State, and upon issuance of the order Prudential will conform its activities to whatever terms and conditions the Commission prescribes therein. If Prudential fails to obtain approval in any State to offer share value protection, the new systematic investment plan contract will be offered in such State without this optional benefit.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 15, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants, at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be

filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,  
*Secretary.*

[FR Doc.73-7985 Filed 4-24-73;8:45 am]

[File No. 500-1]

### STAR-GLO INDUSTRIES, INC.

#### Order Suspending Trading

APRIL 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 19, 1973, through April 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
*Secretary.*

[FR Doc.73-7984 Filed 4-24-73;8:45 am]

## DEPARTMENT OF LABOR

Office of the Secretary

### GENERAL INSTRUMENT CORPORATION PLANT, TAZEWELL, VA.

#### Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by the Tazewell, Virginia plant of General Instrument Corp. (report No. TEA-W-166) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to aluminum electrolytic capacitors, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may cer-

tify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of CFR part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 2, 1973.

Signed at Washington, D.C., this 16th day of April 1973.

GLORIA G. VERNON,  
*Director, Office of  
Foreign Economic Policy.*

[FR Doc.73-7976 Filed 4-24-73;8:45 am]

### ROSE-BRO SHOE CO., INC., BOSTON, MASS.

#### Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed at Rose-Bro Shoe Co., Inc., Boston, Mass (TEA-W-168) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to women's footwear, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this

notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of CFR part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before May 2, 1973.

Signed at Washington, D.C., this 16th day of April 1973.

GLORIA G. VERNON,  
*Director, Office of  
Foreign Economic Policy.*

[FR Doc.73-7977 Filed 4-24-73;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### APPLICATIONS FOR WATER CARRIER TEMPORARY AUTHORITY

#### Interim Procedures

APRIL 10, 1973.

Commencing immediately, applications (in letter or petition form) for temporary authority to operate as common or contract carriers by water pursuant to section 311(a) of the Interstate Commerce Act (49 U.S.C. 911) should be filed and will be processed, where practicable, under the procedures applicable to applications for temporary authority by motor carrier as set forth in section 1131 of title 49 of the Code of Federal Regulations, 49 CFR 1131. These procedures shall continue in effect until the promulgation by this Commission of regulations governing the procedures for processing of applications for water carrier temporary authority and the adoption of an appropriate water carrier temporary authority application form.

Applicants are hereby required to file an original and six copies of each letter or petition application and all supporting documents with the Bureau of Operations' field office which has jurisdiction over the point at which applicant is domiciled, or such other field office as the Commission may designate in special circumstances. Each application for temporary authority must be accompanied by a supporting statement designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each such shipper's statement must contain a certification as to its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for water carrier service. Any such supporting statement must contain at least the information specified in 49 CFR 1131.2(c).

Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER, except that no such summary will be published in the case of temporary authority applications where time does not permit. Such summaries will be prepared by the appropriate Bureau of Operations supervisor and forwarded to the Office of Proceedings, Washington, D.C. Any interested persons who can and will provide all or any part of the proposed service may file a protest against the application. Such protest must be specific as to the service which such protestant can offer and must consist of a signed original and six copies which must be filed with the district supervisor named in the FEDERAL REGISTER publication within 15 calendar days after the date notice of filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative by U.S. mail or in person.

## ATTACHMENT

Albany, N.Y., 518-472-2273.  
 Albuquerque, N. Mex., 505-843-2241.  
 Amarillo, Tex., 806-376-2138.  
 Anchorage, Alaska, 208-422-0150.  
 Atlanta, Ga., 404-526-5371.  
 Baltimore, Md., 301-962-2560.  
 Billings, Mont., 406-245-6711 Ext. 6261.  
 Birmingham, Ala., 205-325-3781.  
 Boise, Idaho, 208-342-2711 Ext. 2505.  
 Boston, Mass., 617-223-2372.  
 Buffalo, N.Y., 716-842-2008.  
 Carson City, Nev., 702-882-2085.  
 Casper, Wyo., 307-265-5550 Ext. 3243.  
 Charleston, W. Va., 304-343-6181 Ext. 229.  
 Charlotte, N.C., 704-372-0711 Ext. 451.  
 Chicago, Ill., 312-353-6124.  
 Cincinnati, Ohio, 513-684-2975.  
 Cleveland, Ohio, 216-522-4000.  
 Columbia, S.C., 803-765-5586.  
 Columbus, Ohio, 614-469-5620.  
 Concord, N.H., 603-224-1887.  
 Dallas, Tex., 214-749-3691.  
 Denver, Colo., 303-837-3162.  
 Des Moines, Iowa, 515-284-4416.  
 Detroit, Mich., 313-226-7245.  
 Fargo, N. Dak., 701-237-5771.  
 Fort Wayne, Ind., 219-422-6131.  
 Fort Worth, Tex., 817-334-2794.  
 Harrisburg, Pa., 717-782-4437.  
 Hartford, Conn., 203-244-2560.  
 Houston, Tex., 713-226-4241.  
 Indianapolis, Ind., 317-633-7465.  
 Jackson, Miss., 601-948-7821.  
 Jacksonville, Fla., 904-791-2551.  
 Kansas City, Mo., 816-374-5561.  
 Lansing, Mich., 517-372-1910 Ext. 568.  
 Lexington, Ky., 606-252-2312 Ext. 2511.  
 Lincoln, Nebr., 402-475-3395.  
 Little Rock, Ark., 501-378-5821.  
 Los Angeles, Calif., 213-688-4008.  
 Louisville, Ky., 502-582-5167.  
 Madison, Wis., 608-252-5218.  
 Memphis, Tenn., 901-534-3437.  
 Miami, Fla., 305-350-5551.  
 Milwaukee, Wis., 414-224-3183.  
 Minneapolis, Minn., 612-725-2326.  
 Montpelier, Vt., 802-223-6001.

Nashville, Tenn., 615-749-5391.  
 Newark, N.J., 201-645-3550.  
 New Orleans, La., 504-527-6101.  
 New York, N.Y., 212-264-1072.

Oklahoma City, Okla., 405-231-4496.  
 Omaha, Nebr., 402-221-4644.

Philadelphia, Pa., 215-597-4449.  
 Phoenix, Ariz., 602-261-3834.  
 Pierre, S. Dak., 605-224-2812.  
 Pittsburgh, Pa., 412-644-2329.  
 Portland, Maine, 207-775-3131.  
 Portland, Oreg., 503-221-3103.  
 Providence, R.I., 401-528-4306.

Raleigh, N.C., 919-755-4650.  
 Richmond, Va., 703-782-2541.  
 Roanoke, Va., 703-343-1681.

Salt Lake City, Utah, 801-524-5020.  
 San Antonio, Tex., 512-225-5511, Ext. 4318.  
 San Francisco, Calif., 415-556-5515.  
 Scranton, Pa., 717-344-7111 Ext. 334.  
 Seattle, Wash., 206-442-5421.  
 Springfield, Ill., 217-525-4075.  
 Springfield, Mass., 413-781-2420.  
 St. Louis, Mo., 314-622-4103.  
 Syracuse, N.Y., 315-473-3440.

Toledo, Ohio, 419-259-7486.  
 Topeka, Kans., 813-234-8661, Ext. 266.  
 Trenton, N.J., 609-599-3511.

Washington, D.C., 202-343-1100.  
 Wheeling, W. Va., 304-232-6960.  
 Wichita, Kans., 316-267-6311, Ext. 209.

Service authorized under grants of temporary authority may be commenced when applicant (a) has complied with all applicable requirements of the Interstate Commerce Act and the orders, rules, and regulations of the Commission thereunder and (b) has received notice from the Commission that such compliance has been effected and that service may be instituted.

The temporary authority application must be accompanied by the appropriate fee when filed.

The application also must include a statement whether the grant of the authority sought will constitute a major Federal action having a significant effect upon the quality of the human environment.

Determination of temporary authority applications will be made by the Commission's Motor Carrier Board or by Division 1 of the Commission, acting initially. Petitions for reconsideration may be filed to any initial decision in accordance with the provisions of 49 CFR 1131.6.

Assistance in the preparation of water carrier temporary authority applications in compliance with these interim procedures may be had by contacting a district supervisor of the Commission's Bureau of Operations at one of the local field offices specified in the attachment to this notice. Appointments with district supervisors should be made in advance.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD,  
 Secretary.

[FR Doc.73-8030 Filed 4-24-73;8:45 am]

[Notice 227]

## ASSIGNMENT OF HEARINGS

APRIL 20, 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 31462 sub 18, Paramount Movers, Inc., now assigned May 14, 1973, at Dallas, Tex., is postponed to Oct. 15, 1973, at Dallas, Tex.

MC-105045 sub 34, R. L. Jeffries Trucking Co., Inc., now assigned Apr. 24, 1973, at Louisville, Ky., is canceled and transferred to modified procedure.

MC 124174 sub 90, Momcan Trucking Co., now assigned May 14, 1973, at Chicago, Ill., will be held in room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn St., instead of room 705, 610 South Canal St.

[SEAL] ROBERT L. OSWALD,  
 Secretary.

[FR Doc.73-8029 Filed 4-24-73;8:45 am]

[SO 1124]

## DEPARTMENT OF DEFENSE

## Demurrage and Free Time on Freight Cars

At a Session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 17th day of April 1973.

Upon consideration of the petition filed by the U.S. Department of Defense on March 27, 1973, requesting revision of Service Order No. 1124.

*It appearing,* That Service Order No. 1124 was issued by division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the petitioner has had ample opportunity to review its operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing:

*It is ordered,* That the petition be, and it is hereby, denied.

By the Commission, division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,  
 Secretary.

[FR Doc.73-8034 Filed 4-24-73;8:45 am]

[S. O. No. 1121]

## DEPARTMENT OF DEFENSE

## Demurrage and Free Time at Ports; Notice of Denial of Petition

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in

Washington, D.C., on the 17th day of April 1973.

Upon consideration of the petition filed by the United States Department of Defense on March 27, 1973, requesting revision of Service Order No. 1121.

It appearing, That Service Order No. 1121 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the petitioner has had ample opportunity to review its operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

*It is ordered*, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8033 Filed 4-24-73;8:45 am]

[Notice 10]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 20, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c) (9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c) (9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c) (9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (deviation No. 649), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed April 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 66

and Interstate Highway 40 (East Ludlow Junction), over Interstate Highway 40 to junction U.S. Highway 66 and Mountain Springs Road (West Java Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Los Angeles, Calif., over Figueroa Street to junction unnumbered highway (York Boulevard Junction), thence over unnumbered highway to Pasadena, thence over Foot-hill Boulevard to Monrovia, thence over U.S. Highway 66 to San Bernardino, thence over Interstate Highway 15 to junction U.S. Highway 66 (Devore Junction), thence over U.S. Highway 66 to junction Interstate Highway 15 (Cajon Summit), thence over Interstate Highway 15 to junction unnumbered highway (West Barstow Junction), thence over unnumbered highway via Barstow, Daggett, Mineola, and Newberry to junction U.S. Highway 66 (West Ludlow Junction), thence over U.S. Highway 66 to junction Interstate Highway 40 (Java), thence over Interstate Highway 40 to junction unnumbered highway (East Java Junction), thence over unnumbered highway to Needles, thence over Interstate Highway 40 to the point where it intersects the California-Arizona State line. (Connects with Arizona Route 1) and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8039 Filed 4-24-73;8:45 am]

[Notice No. 15]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 20, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 25, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identifica-

tion and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

NO. MC-2202 (deviation No. 120), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309, filed April 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lansing, Mich., over U.S. Highway 27 to St. John, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lansing, Mich., over Michigan Highway 78 to Flint, Mich., thence over Michigan Highway 21 to St. Johns, Mich., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8041 Filed 4-24-73;8:45 am]

[Notice No. 31]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 20, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Special notice.*—The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 83539 (sub-No. 365), filed April 16, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah; (2)

between points in Washington, Oregon, Idaho, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.; (3) between points in California, on the one hand, and, on the other, points in Oregon, Washington, and Utah; and (4) between points in Idaho and Utah for purpose of joinder only.

NOTE.—Applicant states it presently holds authority to transport "Commodities, the transportation of which because of size or weight require the use of special equipment" between the identical territory sought herein in paragraphs (1), (2) and (3) in docket No. MC 83539 (sub-Nos. 96, 194, and 274). By this application, applicant intends to tack or join paragraphs (1), (2), (3) and (4) above for the purposes of performing a through service, to, from or between points in paragraphs (1), (2), (3) and (4) above. Applicant further states it could tack the requested authority where the iron and steel articles are also size and weight commodities, but it can already do this under existing authority, therefore, has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control was approved by the Commission in No. MC-F-9241.

HEARING: June 18, 1973 (1 wk), Portland, Oreg. in a room to be later designated.

No. MC 103435 (sub-No. 73) (republication), filed August 30, 1971 (petition), published in the FEDERAL REGISTER issue of October 6, 1971, and republished this issue. Petitioner: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Petitioner's representative: Robert P. Tyler, P.O. Box 192, Littleton, Colo. 80120. A supplemental order of the Commission, Operating Rights Board, dated February 26, 1973, and served April 6, 1973, finds that the present and future public convenience and necessity require operation by petitioner, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, of *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 Bismarck, N. Dak., and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.: From Bismarck, over Interstate Highway 94 to junction Montana Highway 16, thence over Montana Highway 16 to Sidney, and return over the same route; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the petition as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for in-

tervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119793 (sub-No. 7) (republication), filed September 28, 1972, published in the FEDERAL REGISTER issue of October 27, 1972, and republished this issue. Applicant: DEWEY L. WILFONG, doing business as: D & W TRUCK LINES, P.O. Box 427, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. A supplemental order of the Commission, Operating Rights Board, dated March 23, 1973, and served April 10, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes (1) of *fireplace logs*, from the facilities of Kingsford Co., at or near Parsons, W. Va., to points in Maryland, Pennsylvania, Virginia, District of Columbia, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Kentucky, Ohio, Indiana and Michigan; (2) (a) *charcoal*, in containers, (b) *fireplace logs* and (c) *wood chips, lighter fluid and barbecue base materials* in mixed loads with the commodities in 2(a) and 2(b) from the facilities of Kingsford Co. at or near Parsons, W. Va., to points in North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Texas, and Oklahoma; and (3) (a) *charcoal*, in containers, (b) *fireplace logs*, and (c) *wood chips, lighter fluid, and barbecue base materials*, in mixed loads with the commodities in 3(a) and 3(b) from the facilities of Kingsford Co., at or near Ridgely, W. Va., to points in Maryland, West Virginia, Virginia, District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, North Carolina, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio, under a continuing contract or contracts with Kingsford Co., of Louisville, Ky., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128592 (sub-No. 2) (republication), filed August 21, 1972, published in the FEDERAL REGISTER issue of September 28, 1972, and republished this issue. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Jackson, Miss. 39205. An order of the Commission, Operating Rights Board, dated March 23, 1973, and served April 10, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *such commodities* as are sold or used by operators of restaurant chains (except commodities in bulk) from the plantsite and storage facilities of Davmor Industries, Inc., at Atlanta, Ga., to Chicago, Ill., Romulus, Mich., and St. Louis, Mo., under a continuing contract with Davmor Industries, Inc., of Miami, Fla., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

#### NOTICE OF FILING OF PETITIONS

No. MC 61440 (sub-No. 96) (notice of filing of petition to extend explosives authority, filed March 13, 1973. Petitioner: LEE WAY MOTOR FREIGHT, INC., 9000 West Reno, P.O. Box 82483, Exchange Branch, Oklahoma City, Okla. 73108. Petitioner's representative: Draw L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Petitioner held a certificate in No. MC-61440 (sub-No. 96), issued August 19, 1970, which expired on June 21, 1971, authorizing operations as a *common carrier*, by motor vehicle, over regular routes, of *classes A and B explosives*, (1) Between El Paso, Tex., and Houston, Tex., serving the intermediate points of Fort Stockton, Sonora, and San Antonio, Tex.; and the off-route points of Iraan, Camp Stanley, Brooks Air Force Base, Fort Sam Houston, Randolph Field, Lackland Air Force Base, Fort Bliss, and Biggs Air Force Base, Tex.: From El Paso over U.S. Highway 80 to junction U.S. Highway 290, thence over U.S. Highway 290 via Fort Stockton, Sonora, and Junction, Tex., to junction Texas Highway 27, thence over Texas Highway 27 to Comfort, Tex.,

thence over U.S. Highway 87 to San Antonio, Tex., and thence over U.S. Highway 90 via Seguin, Waelder, and Columbus, Tex., to Houston (also from San Antonio over U.S. Highway 81 to junction Texas Highway 218, thence over Texas Highway 218 to Seguin, Tex., thence over Alternate U.S. Highway 90 to Gonzales, Tex., and thence over Texas Highway 97 to Waelder, Tex.; also from Columbus, Tex., over Texas Highway 102 to junction Alternate U.S. Highway 90, and thence over Alternate U.S. Highway 90 to Houston), and return over the same routes; (2) Between Fort Stockton, Tex., and Midland, Tex., serving the intermediate point of Odessa, Tex., and the off-route point of Iraan, Tex.: From Fort Stockton over U.S. Highway 67 to McCamey, Tex., thence over U.S. Highway 385 to Odessa, Tex., and thence over U.S. Highway 80 to Midland, and return over the same route; (3) Between Midland, Tex., and San Antonio, Tex., serving the intermediate point of San Angelo, Tex., and the off-route points of Camp Stanley, Brooks Air Force Base, Fort Sam Houston, and Lackland Air Force Base, Tex.: From Midland over Texas Highway 158 to Sterling City, Tex., thence over U.S. Highway 87 via San Angelo, Tex., to Eden, Tex., thence over U.S. Highway 83 to Junction, Tex., thence over U.S. Highway 290 to junction Texas Highway 27, thence over Texas Highway 27 to Comfort, Tex., and thence over U.S. Highway 87 to San Antonio, and return over the same route; and (4) Between San Angelo, Tex., and Sonora, Tex., serving no intermediate points: From San Angelo over U.S. Highway 277 to Sonora, and return over the same route. By the instant petition, petitioner seeks reissuance of the above described authority extending for a period of five (5) years. Any interested person or persons desiring to participate may file an original and six copies of his written representations, view or arguments in support of or against the petition on or before May 25, 1973.

No. MC 129680 (sub-No. 1) (Notice of filing of petition for modification of permit by adding a shipper), filed March 9, 1973. Petitioner: FRANK MORRIS, doing business as: MORRIS TRANSPORTATION, 188 Broad Street, Wethersfield, Conn. 06109. Petitioner's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Petitioner presently holds a motor *contract carrier* permit in No. MC-129680 (sub-No. 1), issued May 19, 1971, authorizing operations, over irregular routes, of *prefabricated building components*, from Hingham, Mass., and Malvern, Pa., to points in Connecticut and those in Hampden County, Mass., with no transportation on return except as otherwise authorized, under a continuing contract, or contracts, with Guy Jodice Building Products, of Bloomfield, Conn. and Shepard Steel Co., Inc., of Hartford, Conn. By the instant petition, petitioner seeks to add the additional contracting shipper, New England Steel Products, Inc., of Bloomfield, Conn., to the above described

authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before May 25, 1973.

No. MC 133802 (Notice of filing of petition for modification of permit) filed March 22, 1973. Petitioner: EMPAK TRANSPORTATION CO., a corporation, 20th and William Streets, Omaha, Nebr. 68108. Petitioner's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner presently holds a motor *contract carrier* permit in No. MC-133802 issued December 24, 1970, authorizing operations, over irregular routes, of (1) *lubricants, oils, petroleum products, antifreezes, windshield washer solvent, concrete form release agents and dispensers* (except commodities in bulk), from the plants and facilities utilized by Empak Industries, Inc., at or near Omaha, Nebr., and Spencer, Iowa, to points in the United States (except Hawaii and Alaska), with no transportation for compensation on return except as otherwise authorized; and (2) *materials and supplies* used in the production, sale, and distribution of lubricants, oils, petroleum products, antifreezes, windshield washer solvent, concrete form release agents and dispensers (except commodities in bulk), from points in the United States (except Alaska, Hawaii, New York, that part of Pennsylvania on and east of U.S. Highway 15, and points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunterdon Counties, N.J.), to the plants and facilities utilized by Empak Industries, Inc., at or near Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, in (1) and (2) above with Empak Industries, Inc., of Omaha, Nebr. By the instant petition, petitioner seeks to amend its contract restriction by indicating that the transportation service will be performed under a continuing contract, or contracts, with "Southwest Petro-Chem, Inc., of Wichita, Kans. and its subsidiaries" in lieu of "Empak Industries, Inc., at or near Omaha, Nebr.", as presently authorized. Petitioner states that Empak Industries, Inc. is a subsidiary of Southwest Petro-Chem, Inc. which also controls the petitioner, Empak Transportation Co. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 25, 1973.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-11538. (Republication and synopsis of decision) (System 99—Control and Merger—MCLEOD TRUCKING, INC.). By order of review board No. 6 entered April 11, 1973, authority was granted in No. MC-F-11538 for control and merger by System 99, of 8001 Capwell Drive, Oakland, Calif. 94621, of the operating rights and property of McLeod Trucking, Inc., of 585 Depaoll Street, Reno, Nev. 89504, including those rights recently acquired in No. MC-F-11180 and contained in No. MC-45057 (sub-No. 20), issued March 26, 1973, authorizing the transportation of: (a) General commodities, with the usual exceptions, over regular routes, between Yerington and Fernley, Nev., serving the intermediate and off-route points of Weeks, Smith, Wellington, and Mason, Nev.; and (b) feed, ranch machinery, and supplies, over irregular routes, from Reno and Fallen, Nev., to Yerington, Nev., and points within 35 miles thereof. This order will be effective 35 days from the date of this publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding, setting forth in detail the precise manner in which it would be adversely affected by the authorized transfer of the operating rights in No. MC-45057 (sub-No. 20). Applicants' attorney: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104.

Inasmuch as publication in the FEDERAL REGISTER on January 17, 1973, page 1681, misdescribed certain of seller's operating authority, it appears desirable to republish the authority in its entirety, and the following does so correctly:

No. MC-F-11768. Authority sought for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of the operating rights and property of LOVING TRUCK LINES, INC., doing business as LOVING TRUCK LINES, 215 Southwest Seventh Street, Oklahoma City, Okla. 73108, of control of such rights and property through the transaction. Applicants' attorneys: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla., Roland Rice, suite 618, Perpetual Building, Washington, D.C. 20004, and Kenneth Hurst, 310 Fidelity Plaza, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *General commodities*, with varying exceptions, as a *common carrier* over irregular routes, between points in Memphis, Tenn., between Memphis, Tenn., on the one hand, and, on the other, West Memphis, Ark., and the U.S. Engineers Depot, Ark. (just across the Mississippi River from Memphis, Tenn.), between Oklahoma City, Okla., and points within 20 miles thereof, on the one hand, and, on the other, points in Arkansas, Kansas, and Oklahoma, between points in Cimarron and Texas Counties, Okla., on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to junction U.S. Highway 156, thence along U.S.

Highway 156 (formerly U.S. Highway 50N) to junction U.S. Highway 56, and thence along U.S. Highway 56 (formerly U.S. Highway 50N) to the Kansas-Missouri State line; those in New Mexico on, north, and east of U.S. Highway 87; and those in Texas north of an east-west line drawn through Dumas, Tex., between points in Cimarron and Texas Counties, Okla., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-New Mexico State line and extending northward along U.S. Highway 87 to Castle Rock, Colo., thence along U.S. Highway 85 (formerly U.S. Highway 87) to Denver, Colo., thence along U.S. Highway 287 (formerly U.S. Highway 87) to junction Colorado Highway 1 (formerly U.S. Highway 87) 2 miles north of Fort Collins, Colo., thence along Colorado Highway 1 to Wellington, Colo., and thence along U.S. Highway 87 to the Colorado-Wyoming State line, between Denver, Colo., on the one hand, and, on the other, the site of the U.S. Atomic Energy Plant, at or near Marshall, Colo.; asphalt, in packages or drums, composition and prepared roofing, and asphalt-saturated paper felt, from Wynnewood, Okla., and points within 1 mile thereof, to points in the Colorado territory specified immediately above; fruits, vegetables, batteries, battery parts, fiberboard boxes, glass and glassware, oil in packages, and canned goods, between points in Oklahoma, on the one hand, and, on the other, points in the Colorado territory specified above; empty glass containers, with or without caps, covers, stoppers, or tops, from Ada and Blackwell, Okla., to points in Arkansas and points in Memphis, Tenn.; sugar, from Sugar City, Colo., to points in Oklahoma; petroleum products, in packages or containers (not in tank vehicles), in shipments of 26,000 pounds or more, from the site of the Continental Oil Co. refinery adjacent to Ponca City, Okla., to Memphis, Tenn., and points in Arkansas. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Oklahoma, Texas, Missouri, Illinois, Kansas, Colorado, Indiana, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, New Mexico, and California. Application has been filed for temporary authority under section 210a(b). Should any question arise respecting the wording of such authority interested persons should communicate promptly with applicant's counsel.

No. MC-F-11772 (sub-No. 2). Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: TIME-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408 (MC-35320) with fifteen (15) carriers, namely, DYERSBURG EXPRESS, INC., P.O. Box 2762, Memphis, Tenn. 38102 (MC-3872), HARPETH FREIGHT LINES, INC., P.O. Box 444, Franklin, Tenn. 37064 (MC-97344), WILLIAM HAYES LINES, INC., P.O. Box 610, Lebanon, Tenn. 37087 (MC-121499), HUMBOLDT EXPRESS, INC., 1220 Fay-

dur Court, Nashville, Tenn. 37211 (MC-120663), LEXINGTON-PARIS MOTOR FREIGHT, INC., P.O. Box 439, Milan, Tenn. 38358 (MC-99467), MEADOR'S MOTOR LINES, INC., P.O. Box 101, Bolivar, Tenn. 38008 (MC-114391), MILAN EXPRESS, INC., P.O. Box 439, Milan, Tenn. 38358 (MC-121649), MURFREESBORO FREIGHT LINE CO., P.O. Box 1113, Murfreesboro, Tenn. 37130 (MC-36448), POTTER FREIGHT LINES, INC., P.O. Box 428, Sparta, Tenn. 38583 (MC-28893), SARTAIN TRUCK LINE, INC., P.O. Box 7237, N. Station, Memphis, Tenn. 38107 (MC-85970), SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. 37410 (MC-97974), THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201 (MC-105457), WAGNER FREIGHT LINES, INC., 200 East 28th, Chattanooga, Tenn. 37410 (MC-121158), WAVERLY TRANSFER COMPANY, INC., 111 Treco Avenue, Nashville, Tenn. 37211 (MC-120693), and WEST TENNESSEE MOTOR EXPRESS, INC., P.O. Box 7265, Nashville, Tenn. 37210 (MC-96961), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Allens Station, Atwood, Bradford, Brentwood, Brownsville, Cades, Camden, Camp Forrest, Churchton, Como, Cookeville, Cowan, Crossville, Dyer, Dyersburg, Friendship, Fruitland, Fruitvale, Gadsden, Gardner, Gates, Gibbs, Gibson, Gleason, Greenfield, Guild, Hales Bar Dam, Henry, Hollow Rock, Huntingdon, Idlewild, Jasper, Kenton, Lebanon, McConnell, McKenzie, McMoresville, Martin, Medina, Milan, Murfreesboro, Newbern, Obion, Perryville, Puryear, Rives, Rosser, Rutherford, Sharon, Signal Mountain, S. Pittsburg, Terrell, Trezevant, Trimble, Troy, N. Bleneman, Suite 1700—One Woodward Avenue, Detroit, Mich. 48226. TIME-DC, INC., is authorized to operate as a common carrier in Texas, Oklahoma, Arkansas, Tennessee, Missouri, and Kansas.

No. MC-F-11842. (correction) (LOUIS GROVER—CONTROL—MERLE J. TAGGERT), published in the April 11, 1973, issue of the FEDERAL REGISTER on page 9200. Prior notice should be modified to read: (LOUIS GROVER—PURCHASE—MERLE J. TAGGERT).

No. MC-F-11847. Authority sought for control and merger by BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, Ind. 46901, of the operating rights and property of COLUMBIANA STORAGE WAREHOUSE COMPANY, P.O. Box 51, Columbiana, Ohio 44408, and for acquisition by MOHIO LEASING CORPORATION, also of Kokomo, Ind. 46901, of control of such rights through the transaction. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: General commodities, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a common carrier over irregular routes, between Columbi-

ana County, Ohio, on the one hand, and, on the other, points in New York on and west of U.S. Highway 62, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 40; household goods as defined by the Commission, between points in Columbiana County, Ohio (except Salem, Lisbon, East Palestine, and East Liverpool, Ohio), on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219 and those in West Virginia on or north of U.S. Highway 40. BRADA MILLER FREIGHT SYSTEM, INC., is authorized to operate as a common carrier in Michigan, Ohio, Illinois, Indiana, Kentucky, Pennsylvania, Missouri, West Virginia, Iowa, Wisconsin, Tennessee, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Application has been filed for temporary authority under section 210a(b).

## NOTICE

SEABOARD COAST LINE RAILROAD CO., represented by Mr. Phil C. Beverly of 500 Water Street, Jacksonville, Fla. 32202, hereby gives notice that on the 23d day of March 1973, it filed with the Interstate Commerce Commission at Washington, D.C., application under section 5(2) of the Interstate Commerce Act seeking authority to lease and operate the municipal docks railway of the Jacksonville port authority; and to also lease and operate certain other trackage owned by the Jacksonville Port Authority. Approval of this application would permit the Seaboard Coast Line to operate some 8.06 miles of track of the Jacksonville Port Authority, including yard and sidetracks, which serve the Jacksonville Port Authority's port facilities on an island in the St. Johns River known as Elount Island and located 6 air miles northeast of midtown Jacksonville, Fla., and to serve industries locating on the port authority's property or privately owned adjoining property. The proposed services to be performed by SCL over the port authority tracks at both locations are switching operations incident to traffic moving to and from the port facilities and to and from industries located on the port authority's property. This application has been assigned F.D. 27340.

In the opinion of the applicant, approval of this application will have no significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in ex parte No. 55 (sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in ex parte No. 55 (sub-No. 4), supra, part (B) (1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any

protests submitted shall be filed with the Commission on or before May 25, 1973.

By the Commission.

SEABOARD COAST LINE RAILROAD CO.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8038 Filed 4-24-73;8:45 am]

### MOTOR CARRIER INTRASTATE APPLICATIONS

#### Notice of Filing

APRIL 20, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York docket No. case T-15 M-5, extension filed March 30, 1973, Applicant: FONDA, JOHNSTOWN & GLOVERSVILLE RAILROAD CO., 111 West Fulton Street, Gloversville, N.Y. 12078. Applicant's representative: Maider, Smith & Maider, 7 South Main Street, Gloversville, N.Y. 12078. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* as defined in 16 NYCRR 800.1, supplemental to applicant's rail service, and having a prior or subsequent movement by rail, between the village of Fonda and the city of Gloversville via NY 30-A serving no intermediate points. Intrastate, interstate, and foreign commerce authority sought.

**HEARING.**—Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to New York State Department of Transportation, Office of Regulatory Affairs, building No. 5, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should not be directed to the Interstate Commerce Commission.

Maine docket No. X-102, filed April 5, 1973. Applicant: ANDRE LEFEBVRE, doing business as MERCHANTS EXPRESS, 606 Alfred Road, Biddeford, Maine 04005. Applicant's representatives: John J. Flaherty or David M. Cohen, 443 Congress Street, Portland, Maine 04111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporta-

tion of *general freight*. Applicant presently holds a certificate of public necessity and convenience issued by the State of Maine Public Utilities Commission authorizing him to operate motor vehicles as a common carrier upon the highways of the State of Maine from Portland-South Portland to Biddeford, passing through and serving: Portland-South Portland; Cash Corner; Thornton Heights; Oak Hill; Scarborough; Dunstan; Pine Point; Old Orchard; Saco; Biddeford. Applicant is now seeking to extend his present service to include the following additional route or routes, via: Route 111 between Biddeford-Saco and Sanford-Springvale and all. Both intrastate and interstate authority sought.

**HEARING.**—May 14, 1973, in the offices of the Commission, Capitol Shopping Center, Western Avenue, Augusta, Maine, at 10 a.m., d.s.t. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Maine Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04330, and should not be directed to the Interstate Commerce Commission.

Michigan docket No. C-160 case No. 4, filed February 27, 1973. Applicant: ALVAN MOTOR FREIGHT, INC., 3600 Alvan Road, Kalamazoo, Mich. 49001. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities* (except classes A and B explosives, commodities in bulk, commodities which because of their size or weight require the use of special equipment and household goods as defined by the Interstate Commerce Commission), between Grand Rapids and Holland, Mich., serving all intermediate points and all points as off-route points within the territory described as: From Grand Rapids, Mich., via Michigan Highway 21 to Holland, Mich., thence via Ottawa Beach Road to Junction Lakeshore Avenue, thence via Lakeshore Avenue to Junction Lake Michigan Drive, thence via Lake Michigan Drive to Grand Rapids, (1) from Grand Rapids over Michigan Highway 21 to Holland, Mich., and return over the same route, and (2) from Grand Rapids over Lake Michigan Drive to Junction Lakeshore Avenue, thence over Lakeshore Avenue to Junction Ottawa Beach Road, thence over Ottawa Beach Road to Holland, Mich., and return over the same route.

**NOTE.**—Applicant intends to tack the foregoing requested authority to its existing authority. Intrastate, interstate and/or foreign commerce authority sought.

**HEARING.**—May 22 and 23, 1973, at the Law Building, 525 West Ottawa Street, Lansing, Mich., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Law Building, fifth floor, 525 West Ottawa Street, Lansing, Mich.,

48913, and should not be directed to the Interstate Commerce Commission.

Texas docket No. 2625, filed February 20, 1973, to amend limited common carrier certificate. Applicant: LIBERTY EXPRESS, INC., 1066 West Mockingbird Lane, Dallas, Tex. 75247. Applicant's representatives: Austin L. Hatchell, 102 Perry Brooks Building, Austin, Tex. Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, to, from and between all points along the routes appearing below subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. (1) State Highway 34 between Honey Grove and Greenville, Tex., serving the intermediate points of Wolfe City and Ladonia. (2) State Highway 37 between Mineola and Winnsboro, Tex., serving the intermediate point of Quitman, Tex. Applicant also proposes to operate over the following highways as alternate routes only without service to any intermediate point except as otherwise authorized. (1) State Highway 11 between Commerce and Wolfe City. (2) Interstate Highway 30 between Dallas and Mount Pleasant, serving all intermediate points now authorized to be served over U.S. Highway 67. (3) State Highway 121 between Bonham and McKinney, Tex. (4) U.S. Highway 82 between Honey Grove and Paris, Tex. (5) U.S. Highway 271 between Tyler and Gladewater, Tex. (6) U.S. Highway 59 between Marshall and Carthage, Tex. (7) State Highway 43 between Henderson and Marshall, Tex. (8) State Highway 154 between Marshall and Gilmer, Tex. (9) State Highway 110 between Tyler and Troup, Tex. (10) State Highway 19 between Sulphur Springs, Tex., and its intersection with State Highway 24 south of Paris, Tex. (11) U.S. Highway 380 between Greenville, Tex., and its intersection with State Highway 289 south of Celina, Tex. (12) State Highway 154 between Cooper, Tex., and its intersection with State Highway 19 north of Sulphur Springs. (13) State Highway 37 between Bogota, and its intersection with Interstate Highway 30 near Mount Vernon, Tex. (14) U.S. Highway 259 between Longview, Tex., and its intersection with State Highway 155 near Ore City, Tex. (15) U.S. Highway 289 between Celina, Tex., and its intersection with U.S. Highway 82 near Sherman, Tex. (16) State Highway 300 between Longview and Gilmer, Tex. Applicant proposes to coordinate its service applied for here with service performed under existing certificates and to interline with other carriers at appropriate interline points. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Application will be set for hearing 30 days after publication in the FEDERAL REGISTER. Requests for procedural information including the time for

filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

Oklahoma docket No. MC 31849, filed April 5, 1973. Applicant: HAROLD L. MANNING, doing business as MANNING FREIGHT LINES, 200 East Garvin, Pauls Valley, Okla. Applicant's representative: Glen Ham, Box 198, Pauls Valley, Okla. 73075. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from Paoli via U.S. 77 to Marietta, thence to Ardmore, thence over U.S. 70 to Dickson, thence over State Highway 177 to Sulphur, thence over State Highway 7 to Davis, thence over U.S. 77 to Paoli, serving the points of Paoli, Pauls Valley, Wynnewood, Davis, Springer, Ardmore, Overbrook, Marietta, Dickson, Baum, Nebo, Drake and Sulphur, Okla. No points to be passed through and not served. Terminals to be at Pauls Valley and Ardmore. Service to be on a daily basis. Mileage: 131. Both intrastate and interstate authority sought.

**HEARING:** May 14, 1973, in the commission court room, Oklahoma City, Okla., at 9 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

California docket No. 53947, filed April 9, 1973. Applicant: CAL-COAST CARRIERS, INC., P.O. Box 21454, San Jose, Calif. 95151. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* between points and places in the San Francisco territory described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway-101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right-of-way at Arastadero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and

the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Miles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate,

interstate and foreign commerce authority sought.

**HEARING:** Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53952, filed April 9, 1973. Applicant: RELIABLE DELIVERY SERVICE, INC., 7701 East Rosecrans Avenue, Paramount, Calif. 90723. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except: (1) Used household and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10-C of Minimum Rate Tariff No. 4-A; (2) automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, when such commodities require special equipment; (3) livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, sows, steers, stags or swine; (4) commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles;

(6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) furniture, new or used, as described under that heading in the Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, stoves, refrigerators and lamp standards or electric lamps and shades when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped); (10) all commodities in bulk; (11) articles of extraordinary value as set forth in rule 3 of Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof; (12) commodities injurious or contaminating to other lading; (13) commodities which, because of size or weight, require special equipment or handling; and (14) explosives (as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10), between: (1) Between all points and places in the Los Angeles Basin Territory, as described below, on the one hand, and all points and places and within 20 miles laterally of the following highways:

(a) State Highway 74 between the city of Hemet and its junction with Monterey Avenue, and Monterey Avenue between its junction with State Highway 74 and its junction with Park View Drive, inclusive. (b) State Highway 71 between its intersection with State Highway 79 near Aguanga and its intersection with State Highway 74 near Anza, inclusive. (c) Applicant may use State Highway 79 between its junction with U.S. Highway 395 and its junction with State Highway 71 as a route traversed but not served.

Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Ferris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwestwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Te-

mecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

**NOTE.**—Applicant alleges that the proceeding herein will have no adverse effect on the quality of human environment. Intrastate, interstate and foreign commerce authority sought.

**Hearing:** Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8040 Filed 4-24-73; 8:45 am]

[Notice 259]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 15, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74247. By order of April 12, 1973, the Motor Carrier Board approved the transfer to Larry W. Conner Trucking, Inc., Chardon, Ohio, of the operating rights in Permits Nos. MC-127497, MC-127497 (sub-No. 1), MC-127497 (sub-No. 2), and MC-127497 (sub-No. 4), issued January 26, 1968, October 31, 1968, April 28, 1970, and January 20, 1972, respectively, to J. E. Dodson, Inc., Kirtland, Ohio, authorizing the transportation of various commodities from and to specified points in Illinois, Ohio, and Pennsylvania. Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-74302. By order of April 11, 1973, the Motor Carrier Board approved the transfer to Haggard Heavy Hauling, Inc., Kansas City, Mo., of Certificate No. MC-119738 (sub-No. 1), issued October 27, 1970, to John Haggard, Jr., doing business as Haggard Heavy Hauling, Kansas City, Mo., authorizing the transportation of heavy machinery and construction materials between points in Missouri and Kansas. Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101, applicants' attorney.

No. MC-FC-74344. By order of April 11, 1973, the Motor Carrier Board approved the transfer to Harry F. Guenther & Sons, Inc., Pittsburgh, Pa., of Certificate No. MC-72914 issued January 17, 1958, to Harry F. Guenther, Harry J. Guenther, and William Guenther, a partnership, doing business as Harry F. Guenther & Sons, Inc., Pittsburgh, Pa., authorizing the transportation of household goods, as defined, between points in Beaver, Allegheny, Westmoreland, and Butler Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, New Jersey, Illinois, Wisconsin, Tennessee, Virginia, Indiana, Missouri, Massachusetts, Kentucky, Michigan, Connecticut, Rhode Island, Delaware, Iowa, Kansas, Maryland, New Hampshire, North Carolina, Oklahoma, and the District of Columbia. Jerome Solomon, 3131 U.S. Steel Building, Pittsburgh, Pa. 15219, John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorneys for applicants.

No. MC-FC-74345. By order of April 19, 1973, the Motor Carrier Board approved the transfer to The Snyder Brothers Moving, Inc., doing business as Terry Woods Moving & Storage Co., Pittsburgh, Pa., of the operating rights in Certificate No. MC-37898 issued February 13, 1957, to Robert Lee, doing business as South Hills Movers, Bethel Park, Pa., authorizing the transportation of household goods, as defined by the Commission, between Swissvale, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia. Jerome Solomon, 3131 U.S. Steel Building, Pittsburgh, Pa. 15219, attorney for transferor. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for transferee.

No. MC-FC-74360. By order of April 11, 1973, the Motor Carrier Board approved the transfer to Leo R. Dusek, doing business as Dusek & Son, Amery, Wis., of Certificates Nos. MC-39112 and MC-39112 (sub-No. 1) issued October 17, 1967, and August 12, 1970, to Allan L. Moltzer, Amery, Wis., authorizing the transportation of general commodities, with exceptions, and livestock and farm products, from, to, and between specified points in Minnesota and Wisconsin. F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114, applicants' representative.

No. MC-FC-74363. By order entered April 10, 1973, the Motor Carrier Board

approved the transfer to Longueil Transportation, Inc., East Longmeadow, Mass., of the operating rights set forth in Certificates Nos. MC-50862 and MC-50862 (sub-No. 5), issued by the Commission December 28, 1970, and February 17, 1960, respectively, to White Circle Line, Inc., Enfield, Conn., authorizing the transportation of passengers and their baggage, between Enfield, Conn., and Springfield, Mass., over a specified route, serving all intermediate points; passengers and their baggage, in seasonal operations, between Enfield, Conn., and Riverside Park (near Agawam), Mass., over specified routes, serving all intermediate points; and passengers, in special operations, who, at the time, are traveling for the purpose of participating in games commonly known as Beano and Bingo games, beginning and ending at Springfield, Westfield, and Ludlow, Mass., and extending to Enfield (including Thompsonville), Conn. David M. Marshall, 135 State Street, Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8036 Filed 4-24-73;8:45 am]

[Notice 51]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 1973.

The following are notices of filing of applications, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67, (49 CFR 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 an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before May 10, 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 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 720 (sub-No. 11 TA), filed April 9, 1973. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, 433 Main Street, Waupun, Wis. 53963. Applicant's representative: Allan B. Torhorst, 217 East Jefferson Street, P.O. Box 190, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Frozen and refrigerated foodstuffs*, from Beaver Dam, Wis., to points in Illinois on and north of U.S. Highway 36, and *materials and supplies* used in the manufacture and production of foodstuffs, from points in Illinois on and north of U.S. Highway 36 to Beaver Dam, Wis., for 180 days. Supporting shipper: Specialities, Inc., 121 Industrial Drive, Beaver Dam, Wis., 53916 (Ronald R. Falkinham, office manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 11207 (sub-No. 328 TA), filed April 11, 1973. Applicant: DEATON, INC., P.O. Box 938, 317 Avenue West, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Georgia, Kentucky, South Carolina, Tennessee, and Sparta, Ill., to the plant and storage facilities of National Gypsum Co. near Anniston (Calhoun County), Ala., for 180 days. Supporting shipper: Gold Bond Building Products, Division National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 52704 (sub-No. 96 TA), filed March 11, 1973. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Putnam County, Fla., to points in Arkansas, Louisiana, Mississippi, and Texas; and (2) *equipment, materials and supplies* used in the process and manufacture of paper and paper products, except commodities in bulk and commodities requiring special equipment, from points in Arkansas, Louisiana, Mississippi, and Texas, to points in Putnam County, Fla., for 180 days. Supporting shipper: Central States Paper and Bag Co., Palatka, Fla. 32077. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 59640 (sub-No. 32 TA), filed March 9, 1973. Applicant: PAULS TRUCKING CORP., 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment ma-*

*terials and supplies* used in the conduct of such business, for the account of Supermarkets General Corporation, between Woodbridge Township, N.J., on the one hand, and, on the other, East Haven, Conn. for 180 days.

Note: Supermarkets General Corporation is opening a new supermarket at East Haven in its chain of Pathmark Supermarkets, and this authority is merely to permit applicant, which now carries all its other stores, to serve this new facility. Supporting shipper: Supermarkets General Corporation, 301 Blair Road, Woodbridge, N.J. 07095. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 82861 (sub-No. 17 TA), filed April 11, 1973. Applicant: BROOKS TRUCK LINE, INC., P.O. Box 40 (Box ZIP 98372), 609 SE. 14th Street, Puyallup, Wash. 98371. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and forest products*, from points in Oregon, to points in King and Pierce Counties, Wash., for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 SW. Fifth Avenue, Portland, Ore. 97204. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 103051 (sub-No. 274 TA), filed April 11, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, animal fats and blends thereof*, from Chattanooga, Tenn., to points in New Jersey, for 180 days. Supporting shipper: Swift Edible Oil Co., Division of Swift & Company, Chicago, Ill. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 109397 (sub-No. 284 TA), filed April 10, 1973. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste material*, from Carswell AFB, Tex., to points in Barnwell County, S.C., for 180 days. Supporting Shipper: Chem-Nuclear Systems, Inc., P.O. Box 1866, Bellevue, Wash. 98009. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 109515 (sub-No. 11 TA), filed April 11, 1973. Applicant: OSELLA HARRINGTON, P.O. Box 604, Benson, Ariz. 85602. Applicant's representative: Earl

Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prilled ammonium nitrate*, from Curtiss, Ariz., to Marion, Ill., for 180 days. Supporting shipper: Apache Powder Company, Curtiss, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 111170 (sub-No. 202 TA), filed April 11, 1973. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 North West Avenue, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound* (NOIBN), in bulk, from plantsite of Transvaal, Inc., at or near Jacksonville, Ark., to points in Indiana, Pennsylvania, West Virginia, Maryland, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Oklahoma, South Dakota, New Mexico, Montana, California, Wisconsin, Michigan, North Dakota, Wyoming, Idaho, Utah, Nevada, Arizona, New York, Delaware, and New Jersey, for 180 days. Supporting Shipper: Transvaal, Inc., P.O. Box 69, Marshall Road, Jacksonville, Ark. 72076. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111401 (sub-No. 382 TA), filed April 12, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Hoyt C. Gabbard, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste materials*, in bulk, in tank vehicle, from points in Arkansas, to Tulsa and Dover, Okla., for 180 days. Supporting shipper: Wesley W. Smith, Vice President, United States Pollution Control, Inc., 2000 Classen Center, Suite 200 South, Oklahoma City, Okla. 73106. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 112184 (sub-No. 41 TA), filed March 11, 1973. Applicant: THE MANSFREDI MOTOR TRANSIT CO., 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank or hopper type vehicles, from the plantsite of Cargill, Inc., located at Dayton, Ohio, to (1) Points in Alabama on and north of U.S. Route 78, (2) points in Delaware, (3) points in Georgia on and north of U.S. Route 78, also Augusta, Ga., (4) points in Kentucky on and east of Interstate Route 65, also Bowling Green, Ky., (5) points in Maryland, (6) points in Michigan on and east of State

Route 66, (7) points in New Jersey, (8) points in New York, (9) points in North Carolina, (10) points in Pennsylvania, (11) points in South Carolina on and north of U.S. Route 1, (12) points in Tennessee on and east of Interstate Route 65, (13) points in Virginia; and (14) points in West Virginia, for 180 days. Supporting shipper: Cargil, Incorporated, 3201 Needmore Road, P.O. Box 1400A, Dayton, Ohio 45414. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 116133 (sub-No. 10 TA), filed March 13, 1973. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, D.C. 20001. Applicant's representative: Joseph Earley (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 which because of size or weight require special equipment), between Dulles International Airport, Chantilly, Va., Washington National Airport, Gravelly Point, Va., and Friendship International Airport, Anne Arundel County, Md., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa. Newark Airport, Newark, N.J., and John F. Kennedy International Airport, New York, N.Y., for 180 days. Supporting shipper: Air Express International Corp., JFK International Airport, Building 89, Jamaica, N.Y. 11430. Send protests to: Robert D. Caldwell, district supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 123048 (sub-No. 250 TA), filed April 11, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A (Box ZIP 53401), Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, (2) *parts* for commodity named in (1) above, and (3) *attachments and accessories* for commodities named in (1) and (2) above, from the ports of entry on the United States/Canada boundary line located in Michigan and New York, at or near Detroit, Mich. and Buffalo, N.Y., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Badger Dynamics, Inc., Port Washington, Wis. 53074 (Alan J. Kastelic, manufacturing manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 126038 (sub-No. 10 TA), filed April 11, 1973. Applicant: PENINSULA

PRODUCTS, INC., Route 1, Box 143, Scappoose, Ore. 97056. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, for the account of Wesco Cedar, Inc., from points in Clallam, Jefferson, Grays Harbor, and Snohomish Counties, Wash., to points in California, for 180 days. Supporting shipper: Wesco Cedar Inc., P.O. Box 2566, Eugene, Ore. 97204. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, Ore. 97204.

No. MC 127337 (sub-No. 8 TA), filed April 11, 1973. Applicant: CHET'S TRANSPORT, INC., Charlotte, West Pembroke, Maine 04666. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Kearny, N.J.; Boston, Mass.; and Somerville, Mass., to ports of entry on the boundary line between the United States and Canada at or near Houlton, Calais, Vanceboro, and Portland, Maine, for 90 days. Supporting shippers: Swift Processed Meats Co., 1215 Harrison Avenue, Kearny, N.J. 07032, and Agar Supply Co., Inc., 6 Foodmart Road, Boston, Mass. 02118. Send protests to: Donald G. Weiler, district supervisor, Bureau of Operations, Interstate Commerce Commission, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 127774 (sub-No. 5 TA), filed April 11, 1973. Applicant: HAINES TRANSPORT, INC., P.O. Box 207, Greenfield, Iowa 50849. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, from Fremont, Nebr., to Greenfield, Iowa, for 180 days. Supporting shipper: Feeders Service, Inc., P.O. Box 197, Greenfield, Iowa 50849. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 129631 (sub-No. 34 TA), filed April 10, 1973. Applicant: PACK TRANSPORT, INC., 3975 South Second West Street, Salt Lake City, Utah 84107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sea Coal*, from points in Summit County, Utah, to points in Idaho, Montana, Oregon, and Washington, for 180 days. Supporting shipper: Utelite Corp., Coalville, Utah (Fred D. Mortensen, superintendent). Send protests to: District Supervisor Lyle D. Helfter, Interstate Commerce Commission,

Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. 129631 (sub-No. 35 TA), filed April 13, 1973. Applicant: PACK TRANSPORT, INC., 3975 South Second West Street, Salt Lake City, Utah 84107. Applicant's representative: Gwyn Davidson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, shakes, plywood, and particle board*, from points in Oregon and Washington, to points in Utah, for 180 days. Supporting shippers: 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: Lyle D. Helfter, district supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 129663 (sub-No. 7 TA), filed April 6, 1973. Applicant: BORIGHT TRUCKING CO., INC., Boright Avenue, Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Avenel, N.J., to points in the United States (except Alaska and Hawaii), under continuing contract with Container Packaging Corp., subsidiary of Gilbert Plastics, Inc., Avenel, N.J., for 180 days. Supporting Shipper: Container Packaging Corp., P.O. Box 130, Kenilworth, N.J. 07033. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129675 (sub-No. 2TA), filed April 9, 1973. Applicant: CHEESE EXPRESS, INC., 6815 West 98th Street, Shawnee Mission, Kans. 66212. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *dairy products*, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time, from Ord, Nebr., to points in Nebraska, Colorado, Wyoming, New Mexico, Missouri (except Springfield and Neosho), Oklahoma, Texas, Iowa, Illinois, Arizona, California, Kansas and Provo, Utah, except that no service is authorized within Kansas and within Missouri; and (3) *materials, supplies and equipment* used in the manufacture of (1) above on return, under a continuing contract with Ord Cheese Plant, a Division of Tesco Cheese, Inc., of Ord, Nebr., for 180 days. Supporting

shipper: Ord Cheese Plant, Division of Tesco Cheese, Inc., Ord, Nebr. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134890 (sub-No. 2 TA), filed April 11, 1973. Applicant: MARION'S TRANSFER, INC., 2380 North 124th Street, Wauwatosa, Wis. 53226. Applicant's representative: William C. Dineen, 412 Empire Building, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, paint products, lacquers and enamels* (except in bulk, in tank vehicles), from the plantsite of Midland Division, the Dexter Corp., Waukegan, Ill., to points in Alabama, Georgia, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas and (2) *materials and supplies* used in the manufacture of commodities named in (1) above, except commodities in bulk, in tank vehicles, from points named in (1) above to the plantsite of Midland Division, the Dexter Corp., Waukegan, Ill., for the account of Midland Division, the Dexter Corp., for 180 days. Supporting Shipper: Midland Division, the Dexter Corp., East Water Street, Waukegan, Ill. 60085 (Ronald T. Kytasaari, traffic manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, room 307, Milwaukee, Wis. 53203.

No. MC 135233 (sub No. 3 TA), filed April 13, 1973. Applicant: JOYCE H. MORTON and ROYCE C. MORTON, doing business as MORTON BROTHERS, Route 1, Box 2000, Las Cruces, N. Mex. 88001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores*, (a) from points in Sierra County, N. Mex., to points in Gila County, Ariz., and (b) from points in Sierra County, N. Mex., to points in Dona Ana County, N. Mex., for 180 days. Supporting shipper: Allied Chemical Corp., P.O. Box 228, Boulder, Colo. 80302. Send protests to: District Supervisor Murdoch, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 138441 (sub-No. 1 TA), filed April 11, 1973. Applicant: CARL N. SHEFFIELD, doing business as S & S TRANSPORT CO., Imeson Industrial Park, 1001 North Main Street, Jacksonville, Fla. 32218. Applicant's representative: O. C. Beakes, Barnett National Bank Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' grain, schoene sludge, spent liquor and brewers' yeast* (byproducts of Beer Brewing Process), in pneumatic tank trucks, from Jacksonville, Fla., to points in Georgia on or south of U.S. Highway

80, for 180 days. Supporting shipper: Williamson Feed Mills, Inc., Jacksonville, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 138575 (sub-No. 1 TA), filed April 10, 1973. Applicant: GWINNER OIL CO., INC., Gwinner, N. Dak. 58040. Applicant's representative: James B. Howland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chisel plows*, for the account of Clark Equipment Company-Melroe Division, from the plantsite and facilities of Clark Equipment Co.-Melroe Division at Fort Benton, Mont., to the ports of entry on the International Boundary Line between the United States and Canada located on the Montana-Saskatchewan border, for 180 days. Supporting shipper: Clark Equipment Co., Melroe Division, Gwinner, N. Dak. 58040. Send protests to: District Supervisor J. H. Ambs, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138593 (sub-No. 1 TA), filed April 10, 1973. Applicant: R.A.P. TRANSPORTATION, INC., 174 Eastern Parkway, Newark, N.J. 07106. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Port Newark, N.J., and Brooklyn, N.Y., to points in Fairfield, Hartford, New Haven, and Litchfield Counties, Conn., points in Pennsylvania east of the Susquehanna River, points in New Jersey, points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster and Westchester Counties, N.Y., for 180 days. Supporting shippers: Baisley Lumber Corp., 193 Horton Avenue, Lynbrook, L.I. N.Y. 11663; Triangle Pacific South Plainfield Corp., 700 Metuchen Road, South Plainfield, N.J. 07080; Peter Gold Associates, Inc., 239 First Street, Elizabeth, N.J., and Futter & Co. Lumber Corp., 15 Maiden Lane, New York, N.Y. 10038. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 138596 TA, filed April 11, 1973. Applicant: EDWARD HUEBNER, doing business as ED'S TOWING & REPAIR, 1831 East North Street, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, stolen or repossessed vehicles*, between points in South Dakota and points in Wyoming, Colorado, Iowa, Nebraska, Minnesota, Montana, and North Dakota, for 180 days. Supporting shippers: Ringsby United, P.O. Box 1631, Rapid City, S. Dak. 57701, J. Maurice Andren & Barber Transportation Co., P.O. Drawer

2047, Rapid City, S. Dak. 57701, John J. Fisel, vice president, acting general manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369 Federal Building, Pierre, S. Dak. 57501.

No. MC 138597 TA, filed April 9, 1973. Applicant: EDWARD ROBERT DIXON, doing business as H & D TRANSPORT SERVICE, P.O. Box 555, 5222 Tiden Road, Hyattsville, Md. 20782. Applicant's representative: Arthur E. Neuman, suite 304, World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed and distressed motor vehicles*, in driveway operations, between points in West Virginia, New York, New Jersey, Delaware, South Carolina, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Florida, and the District of Columbia, for 180 days. Supporting shippers: Franklin Investment Co., Inc., suite 100, Railway Labor Building, 400 First Street NW., Washington, D.C. 20001, and Industrial Bank of Washington, 4812 Georgia Avenue NW., Washington, D.C. 20011. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8037 Filed 4-24-73;8:45 am]

[Ex parte No. 263 sub-No. 1]

**RULES, REGULATIONS & PRACTICES OF REGULATED CARRIERS WITH RESPECT TO THE PROCESSING OF LOSS AND DAMAGE CLAIMS—TARIFF CIRCULAR MF NO. 4**

**Notice of Filing of Petition for Declaratory Order**

APRIL 20, 1973.

Petitioner: Contract Carrier Conference of the American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036. Petitioner's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. By petition filed April 11, 1973, the above-named petitioner, on behalf of its motor contract carrier members, requests the Commission to issue a declaratory order in

accordance with the provisions of the Administrative Procedure Act. The specific question sought to be determined is whether the claims-processing rules and practices of motor contract carriers must be incorporated in tariff schedules which, under the provisions of 49 CFR part 1053 and Tariff Circular MF No. 4, must be filed with the Commission. Petitioner states purpose in seeking such order is to clarify the filing requirements of the tariff circular in the light of the Commission's decision in Ex parte No. 263, *Loss and Damage Claims*, 340 I.C.C. 515 (1972). Petitioner alleges that under section 218 of the Interstate Commerce Act motor contract carriers are not required to standardize their rules and practices for all shippers.

It believes, therefore, that the order entered July 7, 1972, in Ex parte No. 263, by which the Commission dismissed its petition for clarification of the filing requirements set forth in the fourth ordering paragraph of the order entered in that proceeding on February 3, 1972, has obscured the intended application of the tariff circular to the claims-processing practices of motor contract carriers. As pertinent, the order entered in Ex parte No. 263 on July 7, 1972, stated that the provisions of the fourth ordering paragraph of the order entered therein on February 3, 1972, were not intended to require motor contract carriers to file and post tariffs containing their claims-processing practices. The order provided further, however, that such carriers are, instead, required to incorporate their claims practices in contracts they file with the Commission. Because of the desire of its member carriers to avoid making unnecessary filings and the belief, said to be based upon advice received from the Commission's staff, that motor contract carriers may elect to publish their claims-processing practices either in their contracts or schedules, petitioner asserts that there is confusion as to whether Tariff Circular MF No. 4 now allows motor contract carriers some discretion as to the content of schedules.

In seeking a determination of the question stated above, petitioner maintains that the Commission first must resolve an underlying question: That question is whether the claims-processing practices of motor contract carriers affect rates and charges or the value of services of such carriers within the meaning of section 187.4(a) of Tariff Circular MF No. 4. The relief sought in this petition

will not have an adverse effect upon the environment. Any interested person (including petitioner) desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the relief sought on or before June 11, 1973. A copy of such representations should be served upon petitioner's representative at the address indicated above. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-8042 Filed 4-24-73;8:45 am]

[Revised I.C.C. Order No. 79; under Rev. S.O. 994; Amdt. 2]

**ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD**

**Retrouting and Diversion of Traffic**

Upon further consideration of revised I.C.C. Order No. 79 (St. Johnsbury & Lamoyille County Railroad) and good cause appearing therefor:

*It is ordered*, That:

Revised I.C.C. Order No. 79 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., July 15, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., April 15, 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., April 13, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.73-8035 Filed 4-24-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

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PART II

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## **DEPARTMENT OF THE INTERIOR Fish and Wildlife Service**

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**TAKING, POSSESSION,  
TRANSPORTATION, SALE,  
PURCHASE, BARTER,  
EXPORTATION, AND  
IMPORTATION OF  
WILDLIFE**

**Proposed Rules**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## [ 50 CFR Subchapter B ]

## TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

## Notice of Proposed Rulemaking

The Fish and Wildlife Service proposes to reorganize its regulations contained in subchapter B and restructure the various parts into appropriate subparts and sections for clarity and ease of understanding. This proposed rulemaking consists mainly in the presentation of existing regulations in a more logical arrangement and format, however, editorial and substantive changes are proposed.

A general description of the proposed new parts and how they relate to current regulations follow:

"Subchapter A—General Provisions, Part I—Definitions", is amended by deleting §§ 1.9, 1.10, and 1.11. These three sections define the terms "take," "wildlife," and "migratory birds" respectively. Each of these three terms are separately defined in new § 10.12 of this proposed rulemaking.

**Part 10.**—Definitions that relate to all parts in this subchapter are grouped together in this part. Included are some definitions which are in current part 10 which is redesignated part 20. A list of migratory birds is provided for reference purposes. Mailing addresses for certain permit applications or for information concerning law enforcement is included.

**Part 11.**—Administrative procedures and guidelines for assessment of civil penalties and holding property seized under certain statutes are proposed in this part. These are redrafts of current 50 CFR 17.13, 17.14, and 17.15 with some substantive modifications, including a voluntary abandonment provision to expedite administration and relieve persons from the more formal procedure in cases where the individual desires to follow this procedure.

**Part 12.**—Uniform rules and procedures for all permits issuable under this subchapter B, are proposed in this part. Portions of current parts which are common have been incorporated to provide standard rules and improve administration of the various permit systems. Certain sections refer to permit fees; however, no additional fees are proposed except for marine mammal permits.

**Part 13.**—Uniform rules and procedures for the importation, exportation, and interstate transportation of wildlife are proposed in this part. Most of these rules are revisions of current part 17 that relate to this area. Current part 15 is deleted and included in proposed subpart G of this part.

**Part 14.**—Proposed part 14 is the same as current part 14 with the exception of a change in the title and certain provisions to conform with the proposed part 12 and overall concept of this proposal.

**Part 15.**—[Reserved].

**Part 16.**—Under this proposal current "Part 13—Importation of Wildlife or Eggs Thereof", would be redesignated "Part 16—Injurious Wildlife", and section numbers changed accordingly. Conforming modifications in this part will be proposed at a later date.

**Part 17.**—Under this proposal current "Part 17—Conservation of Endangered Species and Other Fish and Wildlife", would be redesignated "Part 17—Endangered Wildlife". In addition to the title change, certain proposed conforming provisions and permit standards and criteria are made, but no additions or deletions to the lists of endangered wildlife are included.

**Part 18.**—No changes are proposed at this time. Part 18 will be included in the republication of subchapter B.

**Part 19.**—[Reserved]. (This part will be published at a later date.)

**Part 20.**—Current "Part 10—Migratory Birds", is proposed to be redesignated "Part 20—Migratory Bird Hunting". Certain conforming modifications are also proposed at this time.

**Part 21.**—Current "Part 16—Migratory Bird Permits", is proposed to be redesignated "Part 21" with the same title. In addition to certain conforming modifications, it is proposed to clarify the Bureau's policy with regard to migratory birds acquired prior to Federal protection under the Migratory Bird Treaty Act, 16 U.S.C. 703-711.

**Part 22.**—Current "Part 11—Protection of Bald Eagles and Golden Eagles", is proposed to be redesignated "Part 22—Eagle Permits", along with certain conforming modifications.

Accordingly it is proposed to reorganize and retitle subchapter B as follows:

## SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

- Part 10—General Provisions.
- Part 11—Civil Procedures.
- Part 12—General Permit Procedures.
- Part 13—Import, Export and Interstate Transportation of Wildlife.
- Part 14—Feather Import Quotas.
- Part 15—[Reserved].
- Part 16—Injurious Wildlife.
- Part 17—Endangered Wildlife.
- Part 18—Marine Mammals.
- Part 19—[Reserved].
- Part 20—Migratory Bird Hunting.
- Part 21—Migratory Bird Permits.
- Part 22—Eagle Permits.
- Part 23—[Reserved].
- Part 24—[Reserved].

## PART 10—GENERAL PROVISIONS

## Subpart A—Introduction

- Sec. 10.1 Purpose of regulations.
- 10.2 Other applicable laws.

## Subpart B—Definitions

- 10.11 Scope of definitions.
- 10.12 Definitions.
- 10.13 List of migratory birds.

## Subpart C—Addresses

- 10.21 Director.
- 10.22 Law enforcement districts.

**AUTHORITY.**—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281; Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846; Migratory Bird Treaty Act, sec. 3, 40 Stat. 755, Bald Eagle

Protection Act, sec. 2, 54 Stat. 251; Tariff Classification Act of 1962, sec. 102, 76 Stat. 73-74, 19 U.S.C. 1202, Schedule 1, Part 15D, Headnote. 2(d), "Tariff Schedules of the United States"; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278; Fish and Wildlife Act of 1956, sec. 13(d), 80 Stat. 905 amending 85 Stat. 480; Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042.

## Subpart A—Introduction

## § 10.1 Purpose of regulations.

The regulations of this subchapter B are promulgated to implement the following statutes enforced by the U.S. Fish and Wildlife Service which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Lacey Act, 18 U.S.C. 42-44.  
Black Bass Act, 16 U.S.C. 851-850.  
Migratory Bird Treaty Act, 16 U.S.C. 703-711.  
Bald Eagle Protection Act, 16 U.S.C. 668-668d.  
Tariff Classification Act of 1962, 19 U.S.C. 1202, (Schedule 1, Part 15D, Headnote 2, T.S.U.S.).  
Endangered Species Conservation Act of 1969, 16 U.S.C. 668aa-668cc-8.  
Fish and Wildlife Act of 1956, 16 U.S.C. 742a-1.  
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1384, 1401-1407.

## § 10.2 Other applicable laws.

Nothing in this subchapter B, nor any permit issued under this subchapter B, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other Bureau enforced statutes or regulations. The various parts of this subchapter B are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

## Subpart B—Definitions

## § 10.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of this subchapter B, words or their variants shall have the meanings ascribed in this subpart. Throughout this subchapter B words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

## § 10.12 Definitions.

"Aircraft" means any contrivance used for flight in the air.

"Amphibians" means a member of the class, Amphibia, including, but not limited to, frogs, toads, and salamanders; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Animal" means an organism of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a

manufactured product or in a processed food product.

"Birds" means a member of the class, Aves; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Bureau" means the Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service of the U.S. Department of the Interior.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Crustacean" means a member of the class, Crustacea, including but not limited to, crayfish, lobsters, shrimps, crabs, barnacles, and some terrestrial forms; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Director" means the Director of the Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service of the U.S. Department of the Interior or his authorized representative.

"Endangered wildlife" means any wildlife listed in § 17.11 or § 17.12 of this chapter.

"Fish" means a member of any of the following classes: (1) Cyclostomata, including, but not limited to, hagfishes and lampreys; (2) Elasmobranchii, including but not limited to, sharks, skates, and rays; and (3) Pisces, including but not limited to, trout, perch, bass, minnows, and catfish; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Fish or wildlife" means any wild mammal, bird, fish, amphibian, reptile, mollusk, or crustacean, whether or not raised in captivity, and including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

"Injurious wildlife" means any wildlife which is subject to regulation under part 16 of this chapter.

"Mammal" means a member of the class, Mammalia; including any part, product, egg, or offspring, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Migratory birds" means all birds, whether or not raised in captivity, included in the terms of conventions between the United States and any foreign country for the protection of migratory birds and the Migratory Bird Treaty Act, 16 U.S.C. 703-711. (For reference purposes a list of migratory birds by species appears in § 10.13.)

"Migratory game birds": See § 20.11 of this chapter.

"Mollusk" means a member of the phylum, Mollusca, including but not limited to, snails, mussels, clams, oysters, scallops, abalone, squid, and octopuses; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"Permit" means any document so designated as a permit by the Bureau and signed by an authorized official of the Bureau.

"Person" means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Public" as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit.

"Reptile" means a member of the class, Reptilia, including but not limited to, turtles, snakes, lizards, crocodiles, and alligators; including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Secretary" means the Secretary of the Interior or his authorized representative.

"Shellfish" means an aquatic invertebrate animal having a shell, including,

but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. (With reference to marine mammals, see part 18 of this chapter.)

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or received for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

§ 10.13 List of migratory birds.

The following is a list of migratory birds by species, shown by the most widely used common name or names followed by the scientific name in italic. The birds are listed alphabetically by common name in two categories, "Game Birds" and "Nongame Birds," except that all ducks are groups under the heading "Ducks" in "Game Birds" and are alphabetical within that group.

GAME BIRDS

- Avocet: American *Recurvirostra americana*.
- Brant:
  - Branta bernicla* (173).
  - Black *Branta nigricans* (174).
- Coot: American *Fulica americana* (221).
- Crane:
  - Sandhill (Greater, Lesser or Little Brown, and Florida) *Grus canadensis* (205).
  - Whooping *Grus americana* (204).
- Curllew:
  - Bristle-thighed *Numentus tahitiensis* (268).
  - Eskimo *Numentus borealis* (266).
  - Long-billed *Numentus americanus*.
- Dotterel *Eudromias morinellus* (269.1).
- Dove:
  - Ground *Columbigallina passerina*.
  - Inca *Scardafella inca* (321).
  - Mourning *Zenaidura macroura* (31).
  - White-fronted *Leptotila verreauxi* (318).
  - White-winged *Zenaida asiatica* (319).
  - Zenaida Zenaida aurita* (317).
- Dowitcher:
  - Long-billed *Limnodromus scolopaceus*.
  - Short-billed *Limnodromus griseus* (231).
- Ducks:
  - Black Duck *Anas rubripes* (133a).
  - Bufflehead *Bucephala albeola* (153).
  - Canvasback *Aythya valisineria* (147).
- Elder:
  - Common (Northern, American, and Pacific) *Somateria mollissima* (159).
  - King *Somateria spectabilis* (162).
  - Spectacled *Lampronetta fischeri* (158).
  - Steller's *Polysticta stelleri* (157).
- Gadwall *Anas strepera* (135).

- Goldeneye:**  
 Barrow's *Bucephala islandica* (152).  
 Common *Bucephala clangula* (151).  
**Harlequin Duck** *Histrionicus histrionicus* (155).  
**Hawaiian Duck** (Koloa) *Anas wyvilliana*  
**Laysan Duck** (Laysan teal) *Anas laysanensis*.  
**Mallard** *Anas platyrhynchos* (132).  
**Masked Duck** *Oxyura dominica* (168).  
**Merganser:**  
 Common (American) *Mergus merganser* (129).  
 Hooded *Lophodytes cucullatus* (131).  
 Red-breasted *Mergus serrator* (130).  
**Mexican Duck** (New Mexican) *Anas diazi* (133.1).  
**Mottled Duck** (Florida and Louisiana) *Anas fulvigula* (134).  
**Oldsquaw** *Clangula hyemalis* (154).  
**Pintail** *Anas acuta* (143).  
**Redhead** *Aythya americana* (146).  
**Ring-necked Duck** *Aythya collaris* (150).  
**Ruddy Duck** *Oxyura jamaicensis* (167).  
**Scap:**  
 Greater *Aythya marila* (148).  
 Lesser *Aythya affinis* (149).  
**Scoter:**  
 Common *Oidemia nigra* (163).  
 Surf *Melanitta perspicillata* (166).  
 White-winged *Melanitta deglandi* (165).  
**Shoveler** *Spatula clypeata* (142):  
**Teal:**  
 Blue-winged *Anas discors* (140).  
 Cinnamon *Anas cyanoptera* (141).  
 Common (European) *Anas crecca*.  
 Green-winged *Anas carolinensis* (139).  
**Tree Duck:**  
 Black-bellied *Dendrocygna autumnalis*.  
 Fulvous *Dendrocygna bicolor* (178).  
**Widgeon:**  
 American *Mareca americana* (137).  
 European *Mareca penelope* (136).  
 Wood Duck *Aix sponsa* (144).  
**Dunlin** (Red-backed Sandpiper) *Erolia alpina*.  
**Gallinule:**  
 Common *Gallinula chloropus* (219).  
 Purple *Porphyrio martinica* (218).  
**Godwit:**  
 Bar-tailed *Limosa lapponica* (250).  
 Hudsonian *Limosa haemastica*.  
 Marbled *Limosa fedoa* (2—).  
**Goose:**  
 Barnacle *Branta leucopsis* (—).  
 Blue *Chen caerulescens* (169.1).  
 Canada (Lesser and Cackling) *Branta canadensis* (—).  
 Emperor *Phylactes canagica* (176).  
 Hawaiian (Nene) *Branta sandvicensis*.  
 Ross' *Chen rossii* (170).  
 Snow *Chen hyperborea* (169).  
 White-fronted (Tule) *Anser albifrons*.  
**Jacana** *Jacana spinosa*.  
**Killdeer** *Charadrius vociferus*.  
 Knot *Calidris canutus* (234).  
**Oystercatcher:**  
 American *Haematopus palliatus* (—).  
 Black *Haematopus bachmani* (28—).  
**Phalarope:**  
 Northern *Lobipes lobatus* (223).  
 Red *Phalaropus fulicarius* (222).  
 Wilson's *Steganopus tricolor* (224).  
**Pigeon:**  
 Band-tailed *Columba fasciata* (312).  
 Red-billed *Columba flavirostris*.  
 White-crowned *Columba leucocephala*.  
**Plover:**  
 American Golden (Atlantic and Pacific) *Pluvialis dominica*.  
 Black-bellied *Squatarola squatarola* (270).  
 Mongolian *Charadrius mongolus* (279).  
 Mountain *Eupoda montana* (281).  
 Piping *Charadrius melodus* (277).  
 Semipalmated *Charadrius semipalmatus*.  
 Snowy *Charadrius alexandrinus* (278).  
 Upland *Bartramia longicauda* (261).  
 Wilson's *Charadrius wilsonia* (280).  
**Rail:**  
 Black *Laterallus jamaicensis* (216).  
 Clapper *Rallus longirostris* (210).  
 King *Rallus elegans* (208).  
 Sora *Porzana carolina* (214).  
 Virginia *Rallus himicola* (212).  
 Yellow *Coturnicops noveboracensis* (215).  
**Ruff** *Phillomachus pugnax* (260).  
**Sanderling** *Crocethia alba* (248).  
**Sandpiper:**  
 Baird's *Erolia bairdii* (241).  
 Buff-breasted *Tryngites subruficollis*.  
 Curlew *Erolia ferruginea* (244).  
 Least *Erolia minutilla* (242).  
 Pectoral *Erolia melanotos* (239).  
 Purple *Erolia maritima* (235).  
 Rock (Aleutian) *Erolia pilocnemis* (—).  
 Semipalmated *Ereunetes pusillus* (—).  
 Sharp-tailed *Erolia acuminata* (23—).  
 Solitary *Tringa solitaria* (256).  
 Spotted *Actitis macularia* (263).  
 Stilt *Micropalama himantopus* (—).  
 Western *Ereunetes mauri* (247).  
 White-rumped *Erolia fuscicollis*.  
**Snipe:** Common (Wilson's) *Capella gallinago*.  
**Stilt:** Black-necked *Himantopus mexicanus* (—).  
**Surfbird:** *Aphriza virgata*.  
**Swan:**  
 Trumpeter *Olor buccinator* (181).  
 Whistling *Olor columbianus* (180).  
 Whooper *Olor cygnus* (179).  
**Tattler:**  
 Polynesian *Heteroscelus brevipes* (259.1).  
 Wandering *Heteroscelus incanum* (259).  
**Turnstone:**  
 Black *Arenaria melanocephala* (284).  
 Ruddy *Arenaria interpres* (283).  
**Whimbrel** (Hudsonian curlew) *Numenius phaeopus*.  
**Willet** *Catoptrophorus semipalmatus* (258).  
**Woodcock:**  
 American *Philohela minor* (228).  
 European *Scolopax rusticola* (227).  
**Yellowlegs:**  
 Greater *Totanus melanoleucus* (254).  
 Lesser *Totanus flavipes* (255).  

**NONGAME BIRDS**

**Albatross:**  
 Black-footed *Diomedea nigripes*.  
 Laysan *Diomedea immutabilis*.  
 Short-tailed *Diomedea albatrus*.  
**Anhinga** *Anhinga anhinga*.  
**Ani:**  
 Groove-billed *Crotophaga sulcirostris*.  
 Smooth-billed *Crotophaga ani* (383).  
**Auklet:**  
 Cassin's *Ptychoramphus aleutica* (—).  
 Crested *Aethia cristatella* (18).  
 Least *Aethia pusilla* (20).  
 Parakeet *Cyclorhynchus psittacula*.  
 Rhinoceros *Cerorhinca monocerata*.  
 Whiskered *Aethia pygmaea* (19).  
**Beard:** Rose-throated *Platyparis aglaiae*.  
**Bittern:**  
 American *Botaurus lentiginosus* (190).  
 Least *Irobrychus exilis* (191).  
**Blackbird:**  
 Brewer's *Euphagus cyanocephalus* (510).  
 Red-winged *Agelaius phoeniceus* (498).  
 Rusty *Euphagus carolinus* (509).  
 Tricolored *Agelaius tricolor* (500).  
 Yellow-headed *Xanthocephalus xanthocephalus*.  
**Bluebird:**  
 Eastern *Sialia sialis* (766).  
 Mountain *Sialia currucoides* —.  
 Western *Sialia mexicana* (767).  
**Bluethroat** *Luscinia svecica* (764).  
**Bobolink:** *Dolichonyx oryzivorus* (494).  
**Booby:**  
 Blue-faced *Sula dactylatra* (114).  
 Blue-footed *Sula nebouxi*.  
 Brown *Sula leucogaster*.  
 Red-footed *Sula sula* (—).  
**Bunting:**  
 Indigo *passerina cyanea* (508).  
 Lark *Calamospiza melanocorys* (605).  
 Lazuli *passerina amoena* (590).  
 McKay's *Plectrophenax hyperboreus*.  
 Painted *Passerina ciris* (601).  
 Snow *Plectrophenax nivalis* (534).  
 Varied *Passerina versicolor* (600).  
**Bushtit:**  
 Black-eared (Lloyd's) *Psaltriparus melanotis* (745).  
 Common (Coast, California, and other subspecies) *Psaltriparus minimus* (743).  
**Caracara** *Caracara cheriway*.  
**Cardinal** *Richmondia cardinalis*.  
**Catbird** *Dumetella carolinensis* (704).  
**Chat**, Yellow-breasted *Icteria virens* (683).  
**Chickadee:**  
 Black-capped *Parus atricapillus* (735).  
 Boreal (Hudsonian) *Parus hudsonius*.  
 Carolina *Parus carolinensis* (736).  
 Chestnut-backed *Parus rufescens* (741).  
 Gray-headed (Alaska) *Parus cinotus* (—).  
 Mexican *Parus sclateri* (737).  
 Mountain *Parus gambelli* (738).  
**Chuck-will's-widow** *Caprimulgus carolinensis* (416).  
**Condor**, California *Gymnogyps californianus*.  
**Cormorant:**  
 Brandt's *Phalacrocorax pentellatus*.  
 Double-crested *Phalacrocorax auritus*.  
 Great *Phalacrocorax carbo*.  
 Olivaceous *Phalacrocorax olivaceus*.  
 Pelagic *Phalacrocorax pelagicus*.  
 Red-faced *Phalacrocorax urile*.  
**Cowbird:**  
 Bronzed (Red-eyed) *Tangavittus aeneus* (496).  
 Brown-headed (Eastern, Nevada, California, and Dwarf) *Molothrus ater* (495).  
**Creepers**, Brown *Certhia familiaris* (726).  
**Crossbill:**  
 Red (Bendire's and other subspecies) *Loxia curvirostra*.  
 White-winged *Loxia leucoptera* (523).  
**Crow:**  
 Common *Corvus brachyrhynchos*.  
 Fish *Corvus ossifragus*.  
 Hawaiian *Corvus tropicalis*.  
 Northwestern *Corvus caurinus*.  
**Cuckoo:**  
 Black-billed *Coccyzus erythrophthalmus*.  
 Mangrove (Maynard's) *Coccyzus minor*.  
 Yellow-billed *Coccyzus americanus*.  
**Dickcissel** *Spiza americana* (604).  
**Dipper** (Water Ouzel) *Olinus mexicanus* (7).  
**Dovekie** *Plautus alle* (34).  
**Eagle:**  
 Bald *Haliaeetus leucocephalus* (352).  
 Golden *Aquila chrysaetos* (349).  
**Egret:**  
 Cattle *Bubulcus ibis* (200.1).  
 Common *Gasmerodius albus* (190).  
 Little *Egretta garzetta* (190.1).  
 Reddish *Dichromanassa rufescens* (108).  
 Snowy *Leucophoyx thula* (197).  
**Finch:**  
 Black Rosy *Leucosticte atrata* (525).  
 Brown-capped Rosy *Leucosticte australis* (—).  
 Cassin's *Carpodacus cassinii* (518).  
 Gray-crowned Rosy *Leucosticte tephrocotis*.  
 House *Carpodacus mexicanus* (519).  
 Purple *Carpodacus purpureus* (517).  
**Falcon:**  
 Aplomado *Falco femoralis*.  
 Peregrine *Falco peregrinus*.  
 Prairie *Falco mexicanus*.  
**Flamingo**, American *Phoenicopterus ruber*.  
**Flicker:**  
 Gilded *Colaptes chrysoides* (414).  
 Red-shafted *Colaptes cafer* (413).  
 Yellow-shafted (Northern and Southern) *Colaptes auratus*.

## Flycatcher:

- Acadian *Empidonax virescens* (465).  
 Ash-throated *Myiarchus cinerascens* (454).  
 Beardless *Campioptoma imberbe* (472).  
 Buff-breasted *Empidonax fulvifrons* (470a).  
 Coues' *Contopus pertinax* (460).  
 Dusky *Empidonax oberholseri* (469).  
 Gray *Empidonax wrightii*.  
 Great Crested (Northern and Southern) *Myiarchus crinitus*.  
 Hammond's *Empidonax hammondi* (468).  
 Kiskadee (Derby) *Pitangus sulphuratus* (449).  
 Least *Empidonax minimus* (467).  
 Nutting's *Myiarchus nuttingi*.  
 Oliveaceous *Myiarchus tuberculifer*.  
 Olive-sided *Nuttallornis borealis* (—).  
 Scissor-tailed *Muscivora forficata* (—).  
 Sulphur-bellied *Myiodynastes luteiventris* (451).  
 Traill's (Little and Alder) *Empidonax traillii*.  
 Vermillion *Pyrocephalus rubinus* (471).  
 Western *Empidonax difficilis* (464).  
 Wied's Crested *Myiarchus tyrannulus* (453).  
 Yellow-bellied *Empidonax flaviventris* (463).

## Frigatebird:

- Great *Fregata minor*.  
 Magnificent *Fregata magnificens*.  
 Fulmar (Atlantic and Pacific) *Fulmarus glacialis*.

Gannet *Morus bassanus* (117).

## Gnatcatcher:

- Black-capped *Poliophtila nigriceps*.  
 Black-tailed (Plumbeous and other subspecies) *Poliophtila melanura* (752).  
 Blue-gray *Poliophtila caerulea* (751).

## Goldfinch:

- American *Spinus tristis* (529).  
 Lawrence's *Spinus lawrencei* (531).  
 Lesser (Arkansas) *Spinus psaltria* (530).  
 Goshawk *Accipiter gentilis*.

## Grackle:

- Boat-tailed *Cassida mexicana* (513).  
 Common (Purple, Bronzed, and Florida) *Quiscalus quiscula*.

## Grebe:

- Eared *Podiceps caspicus* (4).  
 Horned *Podiceps auritus* (3).  
 Least (Tigua) *Podiceps dominicus* (5).  
 Pied-billed *Podilymbus podiceps* (6).  
 Red-necked (Holboell's) *Podiceps grise-gena* (—).  
 Western *Aechmophorus occidentalis* (1).

## Grosbeak:

- Black-headed *Pheucticus melanocephalus*.  
 Blue *Guiraca caerulea* (597).  
 Evening *Hesperiphona vespertina* (514).  
 Pine *Pinicola enucleator* (515).  
 Rose-breasted *Pheucticus ludovicianus* (5).

Ground-chat *Chamaethlypis poliocephala* (682.1).

## Gullemot:

- Black *Cephus grylle* (27).  
 Pigeon *Cephus columba* (29).

## Gull:

- Bonaparte's *Larus philadelphia* (60).  
 California *Larus californicus* (53).  
 Franklin's *Larus pipixcan* (59).  
 Glaucous *Larus hyperboreus* (42).  
 Glaucous-winged *Larus glaucescens*.  
 Great Black-backed *Larus marinus*.  
 Heermann's *Larus heermanni* (57).  
 Herring *Larus argentatus* (51a).  
 Iceland *Larus glaucoides* (43).  
 Ivory *Pagophila eburnea* (39).  
 Laughing *Larus atricilla* (58).  
 Lesser Black-backed *Larus fuscus* (—).  
 Little *Larus minyus* (60.1).  
 Mew *Larus canus* (55).  
 Ring-billed *Larus delawarensis* (54).  
 Ross' *Rhodostethia rosea* (61).  
 Sabine's *Xema sabini* (62).  
 Slaty-backed *Larus schistisagus* (48).  
 Western *Larus occidentalis* (49).  
 Gyrfalcon *Falco rusticolus*.

## Hawk:

- Black *Buteogallus anthracinus*.  
 Board-winged *Buteo platypterus*.  
 Cooper's *Accipiter cooperii*.  
 Ferruginous *Buteo regalis*.  
 Gray *Buteo nitidus*.  
 Harlan's *Buteo harlani*.  
 Harris' *Parabuteo unicinctus*.  
 Hawaiian *Buteo solitarius*.  
 Marsh *Circus cyaneus*.  
 Red-shouldered *Buteo lineatus*.  
 Red-tailed *Buteo jamaicensis*.  
 Rough-legged *Buteo lagopus*.  
 Sharp-shinned *Accipiter striatus*.  
 Short-tailed *Buteo brachyurus*.  
 Sparrow *Falco sparverius*.  
 Swainson's *Buteo swainsoni*.  
 White-tailed *Buteo albicaudatus*.  
 Zone-tailed *Buteo albonotatus*.

## Heron:

- Black-crowned Night *Nycticorax nycticorax*.  
 Great Blue *Ardea herodias* (194).  
 Great White *Ardea occidentalis* (192).  
 Green *Butorides virescens* (201).  
 Little Blue Florida *caerulea* (200).  
 Louisiana *Hydranassa tricolor* (199).  
 Yellow-crowned Night *Nyctanassa violacea*.

## Hummingbird:

- Allen's *Selasphorus sasin* (—).  
 Anna's *Calypte anna* (431).  
 Black-chinned *Archilochus alexandri* (—).  
 Blue-throated *Lampornis clemenciae* (—).  
 Broad-billed *Cyananthus latirostris* (44—).  
 Broad-tailed *Selasphorus platycercus* (—).  
 Buff-bellied *Amazilia yucatanensis* (4—).  
 Calliope *Stellula calliope* (436).  
 Costa's *Calypte costae* (430).  
 Heloise's *Atthis heloisa* (435).  
 Lucifer *Calothorax lucifer* (437).  
 Rivoll's *Eugenes fulgens* (426).  
 Ruby-throated *Archilochus colubris* (—).  
 Rufous *Selasphorus rufus* (433).  
 Violet-crowned *Amazilia verticillata* (4—).  
 White-eared *Hylocharis leucotis* (440).

## Ibis:

- Glossy *Plegadis falcinellus* (—).  
 White *Eudocimus albus* (—).  
 White-faced *Plegadis chilit* (—).  
 Wood *Mycteria americana* (—).

## Jaeger:

- Long-tailed *Stercorarius longicaudus* (—).  
 Parasitic *Stercorarius parasiticus* (37—).  
 Pomarine *Stercorarius pomarinus* (36—).

## Jay:

- Blue *Cyanocitta cristata*.  
 Gray *Perisoreus canadensis*.  
 Green *Cyanocorax yncas*.  
 Mexican *Aphelocoma ultramarina*.  
 Pinon *Gymnorhinus cyanocephalus*.  
 San Blas *Cissitophya san-blasiana*.  
 Scrub *Aphelocoma coerulescens*.  
 Steller's *Cyanocitta stelleri*.

## Junco:

- Gray-headed *Junco canteceps* (570b).  
 Mexican *Junco phaeonotus* (570).  
 Oregon (Shufeldt's, Pink-sided, and other subspecies) *Junco oreganus* (567a).  
 Slate-colored *Junco hyemalis* (567).  
 White-winged *Junco aiwenti* (566).

## Kingbird:

- Cassin's *Tyrannus vociferans* (448).  
 Eastern *Tyrannus tyrannus* (444).  
 Gray *Tyrannus dominicensis* (445).  
 Tropical (Couch's) *Tyrannus melancholicus*.  
 Western (Arkansas) *Tyrannus verticalis* (447).

## Kingfisher:

- Belted *Megascyle alcyon*.  
 Green *Chloroceryle americana*.

## Kinglet:

- Golden-crowned *Regulus satrapa*.  
 Ruby-crowned *Regulus calendula*.

## Kite:

- Everglade *Rostrhamus sociabilis*.  
 Mississippi *Ictinia mississippiensis*.  
 Swallow-tailed *Elanoides forficatus*.  
 White-tailed *Klanus leucurus*.

## Kittiwake:

- Black-legged (Atlantic and Pacific) *Rissa tridactyla*.

- Red-legged *Rissa brevirostris* (41).

## Lark:

- Horned *Eremophila alpestris* (474).  
 Limpkin *Aramus guarauna*.

## Longspur:

- Chestnut-collared *Calcarius ornatus*.  
 Lapland *Calcarius lapponicus* (536).  
 McCown's *Rhynchophanes mccownii*.  
 Smith's *Calcarius pictus* (537).

## Loon:

- Arctic (Pacific) *Gavia arctica* (10).  
 Common *Gavia immer* (7).  
 Red-throated *Gavia stellata* (11).  
 Yellow-billed *Gavia adamsii* (8).

## Magpie:

- Black-billed *Pica pica*.  
 Yellow-billed *Pica nuttalli*.

## Martin:

- Gray-breasted *Progne chalybea* (611.2).  
 Purple *Progne subis* (611).

## Meadowlark:

- Eastern (Southern and Rio Grande) *Sturnella magna*.  
 Western *Sturnella neglecta* (501.1).

Merlin *Falco columbarius*.Millerbird *Acrocephalus familiaris*.Mockingbird *Mimus polyglottos* (703).

## Murre:

- Common (Atlantic and California) *Uria aalge*.  
 Thick-billed (Brünnich's) *Uria lomvia* (31).

## Murrelet:

- Ancient *Synthliboramphus antiquum* (21).

Craveri's *Endomychura craveri* (26).Kittlitz's *Brachyramphus brevirostre* (24).Marbled *Brachyramphus marmoratum* (23).Xantus' *Endomychura hypoleuca* (25).

## Nighthawk:

- Common (Eastern) *Chordeiles minor* (420).  
 Lesser (Texas) *Chordeiles acutipennis* (421).

Nuthatch, Clark's *Nucifraga columbiana*.

## Nuthatch:

- Brown-headed *Sitta pusilla* (729).  
 Pigmy *Sitta pygmaea* (730).  
 Red-breasted *Sitta canadensis* (7—).  
 White-breasted *Sitta carolinensis*.

## Oriole:

- Baltimore, *Icterus galbula* (507).  
 Black-headed (Audubon's) *Icterus gradu-cauda*.  
 Bullock's *Icterus bullockii* (508).  
 Fuertes' *Icterus fuertesi*.  
 Hooded (Sennett's) *Icterus cucullatus* (505).

Lichtenstein's (Altamira) *Icterus gularis* (503.1).Orchard *Icterus spurius* (506).Scott's *Icterus parisorum*.Osprey *Pandion haliaetus*.

## Owl:

- Barn *Tyto alba*.  
 Barred *Strix varia*.  
 Boreal *Aegolius funereus*.  
 Burrowing *Speotyto cunicularia*.  
 Elf *Micrathene whitneyi*.  
 Ferruginous *Glaucidium brasilianum*.  
 Flammulated *Otus flammeolus*.  
 Great Gray *Strix nebulosa*.  
 Great Horned *Bubo virginianus*.  
 Hawk *Surnia ulula*.  
 Long-eared *Asio otus*.  
 Pigmy *Glaucidium gnomia*.  
 Saw-whet *Aegolius acadicus*.  
 Screech *Otus asio*.  
 Short-eared, *Asio flammeus*.  
 Snowy *Nyctea scandiaca*.  
 Spotted *Strix occidentalis*.  
 Whiskered *Otus trichopsis*.

Orenbird *Scotus aurocapillus* (674).Pauraque *Nyctidromus albigularis* (419).

- Petrel:**  
 Ashy *Oceanodroma homochroa* (—).  
 Black *Loomelania melania* (10 —).  
 Bonin *Pterodroma hypoleuca* (—).  
 Bulwer's *Bulweria bulwerii* (—).  
 Dark-rumped (Uau) *Pterodroma phaeopygia* (—).  
 Fork-tailed *Oceanodroma furcata* (105).  
 Harcourt's (Hawaiian) *Oceanodroma castro* (—).  
 Leach's *Oceanodroma leucorhoa*.  
 Least *Haloccyptena microsoma* (—).  
 Scaled *Pterodroma inexpectata* (99).  
 Sooty Storm *Oceanodroma markhami*.  
 Wilson's *Oceanites oceanicus* (109).
- Pewee:**  
 Eastern Wood *Contopus virens* (461).  
 Western Wood *Contopus sordidulus*.
- Pelican:**  
 Brown *Pelecanus occidentalis*.  
 White *Pelecanus erythrorhynchos*.
- Phalacropepla** *Phalacropepla nitens* (—).
- Phoebe:**  
 Black *Sayornis nigricans*.  
 Eastern *Sayornis phoebe*.  
 Say's *Sayornis saya* (457).
- Pipit:**  
 Sprague's *Anthus spragueii* (700).  
 Water (American) *Anthus spinoletta*.  
 Poor-will *Phalaenoptilus nuttallii* (418).
- Puffin:**  
 Common *Fratercula arctica* (13).  
 Horned *Fratercula corniculata* (14).  
 Tufted *Lunda cirrhata* (12).
- Pyrrhuloxia** *Pyrrhuloxia sinuata* (294).
- Raven:**  
 Common *Corvus corax*.  
 White-necked *Corvus cryptoleucus*.
- Razorbill** *Alca torda*.
- Redpoll:**  
 Common *Acanthis flammea* (—).  
 Hoary *Acanthis hornemanni* (—).
- Redstart:**  
 American *Setophaga ruticilla*.  
 Painted *Setophaga picta* (688).
- Roadrunner**, *Geococcyx californianus* (385).
- Robin:**  
*Turdus migratorius* (761).  
 Rufous-backed *Turdus rufopalliatu*s.  
 Ruby-throat, Siberian *Luscinia calliope* (764.1).
- Sapsucker:**  
 Williamson's *Sphyrapicus thyroideus* (404).  
 Yellow-bellied (Red-naped and Red-breasted) *Sphyrapicus varius* (402).
- Seed-eater:** White-collared *Sporophila torqueola* (602).
- Shearwater:**  
 Audubon's *Puffinus lherminieri* (92).  
 Christmas Island *Puffinus nativitatus*.  
 Cory's *Puffinus diomedea* (88).  
 Greater *Puffinus gravis* (89).  
 Manx *Puffinus puffinus* (90).  
 New Zealand *Puffinus bulleri* (96.2).  
 Pale-footed *Puffinus carneipes* (95.1).  
 Pink-footed *Puffinus creatopus* (91).  
 Slender-billed *Puffinus tenuirostris* (96).  
 Sooty *Puffinus griseus* (95).  
 Wedge-tailed *Puffinus pacificus* (96.1).
- Shrike:**  
 Loggerhead *Lanius ludovicianus* (622).  
 Northern *Lanius excubitor* (621).
- Siskin Pine** *Spinus pinus*.
- Skua** *Catharacta skua* (35).
- Skimmer:** Black *Rynchops nigra*.
- Solitaire:** Townsend's *Myadestes townsendi*.
- Sparrow:**  
 Bachman's *Aimophila aestivalis* (575).  
 Baird's *Ammodramus bairdii* (545).  
 Black-chinned *Spizella atrogularis* (565).  
 Black-throated *Amphispiza bilineata* (57—).  
 Botteri's *Atmophila botteri* (576).  
 Brewer's *Spizella breweri* (562).  
 Cape Sable *Ammodramus mirabilis* (551.1).  
 Cassin's *Aimophila cassinii* (578).  
 Chipping *Spizella passerina* (560).  
 Clay-colored *Spizella pallida* (561).  
 Dusky Seaside *Ammodramus nigrescens* (5—).  
 Field *Spizella pusilla* (563).  
 Fox *Passerella iliaca* (585).  
 Golden-crowned *Zonotrichia atricapilla*.  
 Grasshopper *Ammodramus savannarum*.  
 Harris' *Zonotrichia querula* (553).  
 Henslow's *Passerherbulus henslowii* (547).  
 Ipswich *Passerculus princeps* (541).  
 Lark *Chondestes grammacus* (552).  
 Le Conte's *Passerherbulus caudatus* (—).  
 Lincoln's *Melospiza lincolni* (583).  
 Olive (Texas) *Arremonops rufivirgata* (586).  
 Rufous-crowned *Aimophila ruficeps* (580).  
 Rufous-winged *Aimophila carpalis* (579).  
 Sage (Bell's) *Amphispiza belli* (574).  
 Savannah (Belding's and Large-billed) *Passerculus sandwichensis* (542).  
 Seaside *Ammodramus maritima* (550).  
 Sharp-tailed *Ammodramus caudatus* (549).  
 Song *Melospiza melodia* (581).  
 Swamp *Melospiza georgiana* (584).  
 Tree *Spizella arborea* (559).  
 Vesper *Poocetes gramineus* (540).  
 White-crowned *Zonotrichia leucophrys* (554).  
 White-throated *Zonotrichia albicollis* (558).  
 Worthen's *Spizella wortheni* (564).
- Spoonbill:** Roseate *Ajaja ajaja*.
- Swallow:**  
 Bahama *Callipepla cyaneoviridis* (615.1).  
 Bank *Riparia riparia* (616).  
 Barn *Hirundo rustica* (613).  
 Cave *Petrochelidon fulva*.  
 Cliff *Petrochelidon pyrrhonota* (612).  
 Rough-winged *Stelgidopteryx ruficollis* (617).  
 Tree *Iridoprocne bicolor* (614).  
 Violet-green *Tachycineta thalassina* (615).
- Swift:**  
 Black *Cypseloides niger* (422).  
 Chimney *Chaetura pelagica* (423).  
 Vaux's *Chaetura vauxi*.  
 White-throated *Aëronautes saxatalis*.
- Tanager:**  
 Hepatic *Piranga flava* (609).  
 Scarlet *Piranga olivacea*.  
 Summer *Piranga rubra* (610).  
 Western *Piranga ludoviciana* (607).
- Tern:**  
 Aleutian *Sterna aleutica* (73).  
 Artic *Sterna paradisaea* (71).  
 Black *Chlidonias niger* (77).  
 Blue-gray Noddy *Procelsterna cerulea*.  
 Bridled (Gaviota Oscura) *Sterna anaethetus*.  
 Caspian *Hydroprogne caspia* (64).  
 Common *Sterna hirundo* (70).  
 Elegant *Thalasseus elegans* (66).  
 Fairy (White) *Gygis alba*.  
 Forster's *Sterna forsteri* (69).  
 Gray-backed *Sterna lunata*.  
 Gull-billed *Gelochelidon nitotica* (63).  
 Least *Sterna albifrons* (74).  
 Noddy (Nolo Kaha) *Anous stolidus* (79).  
 Roseate *Sterna dougallii* (72).  
 Royal *Thalasseus maximus* (65).  
 Sandwich (Cabot's) *Thalasseus sandwicensis*.  
 Sooty *Sterna fuscata* (75).  
 White-capped Noddy (Hawaiian Tern, Nolo) *Anous minutus*.
- Thrasher:**  
 Bendire's *Toxostoma bendirei* (708).  
 Brown *Toxostoma refulum* (705).  
 California *Toxostoma redivivum* (710).  
 Crissal *Toxostoma dorsale* (712).  
 Curve-billed *Toxostoma curvirostre* (707).  
 Le Conte's *Toxostoma lecontei* (711).  
 Long-billed (Sennett's) *Toxostoma longirostre*.  
 Sage *Oreoscoptes montanus*.
- Thrush:**  
 Gray-checked *Hylocichla minima* (757).  
 Hawaiian (Omao) *Phacornis obscurus*.  
 Hermit *Hylocichla guttata* (759).  
 Small Kaula (Pualohi) *Phacornis palmeri*.  
 Swainson's (Russet-backed and Olive-backed) *Hylocichla ustulata* (759).  
 Varied *Ixoreus naevius* (763).  
 Wood *Hylocichla mustelina* (755).
- Titmouse:**  
 Black-crested *Parus atricristatus* (732).  
 Bridled *Parus wollweberi* (734).  
 Plain *Parus inornatus* (733).  
 Tufted *Parus bicolor* (731).
- Towhee:**  
 Abert's *Pipilo aberti* (592).  
 Brown *Pipilo fuscus* (591).  
 Green-tailed *Chlorura chlorura* (592.1).  
 Rufous-sided *Pipilo erythrophthalmus* (587).
- Trogon:**  
 Coppery-tailed *Trogon elegans*.
- Tropicbird:**  
 Red-billed *Phaethon aethereus*.  
 Red-tailed *Phaethon rubricauda*.  
 White-tailed *Phaethon lepturus*.  
 Veery *Hylocichla fuscescens* (760).  
 Verdin *Auriparus flaviceps* (746).
- Vireo:**  
 Bell's *Vireo bellii* (633).  
 Black-whiskered *Vireo altiloquus* (—).  
 Black-capped *Vireo atricapilla* (63 —).  
 Gray *Vireo vicinior* (634).  
 Hutton's *Vireo huttoni* (632).  
 Philadelphia *Vireo philadelphicus*.  
 Red-eyed *Vireo olivaceus* (624).  
 Solitary (Blue-headed and other subspecies) *Vireo solitarius*.  
 Warbling *Vireo gilvus* (627).  
 White-eyed *Vireo griseus* (631).  
 Yellow-throated *Vireo flavifrons*.
- Vulture:**  
 Black *Coragyps atratus*.  
 Turkey *Cathartes aura*.
- Wagtail:**  
 White *Motacilla alba*.  
 Yellow *Motacilla flava*.
- Warbler:**  
 Arctic *Phylloscopus borealis* (747).  
 Audubon's *Dendroica auduboni* (—).  
 Bachman's *Vermivora bachmanii*.  
 Bay-breasted *Dendroica castanea*.  
 Black-and-white *Mniotilta varia*.  
 Blackburnian *Dendroica fusca* (6—).  
 Blackpoll *Dendroica striata* (681).  
 Black-throated Blue *Dendroica caerulescens*.  
 Black-throated Gray *Dendroica nigrescens* (—).  
 Black-throated Green *Dendroica virens* (667).  
 Blue-winged *Vermivora pinus* (641).  
 Canada *Wilsonia canadensis* (686).  
 Cape May *Dendroica tigrina* (650).  
 Cerulean *Dendroica cerulea* (658).  
 Chestnut-sided *Dendroica pensylvanica* (659).  
 Collina *Vermivora crissalis* (647.1).  
 Connecticut *Oporornis agilis* (678).  
 Golden-cheeked *Dendroica chrysoparia*.  
 Golden-winged *Vermivora chrysoptera* (—).  
 Grace's *Dendroica graciae* (664).  
 Hermit *Dendroica occidentalis* (660).  
 Hooded *Wilsonia citrina* (684).  
 Kentucky *Oporornis formosus* (677).  
 Kirtland's *Dendroica kirtlandii* (670).  
 Lucy's *Vermivora luciae* (643).  
 MacGillivray's *Oporornis tolmiei* (680).  
 Magnolia *Dendroica magnolia* (657).  
 Mourning *Oporornis philadelphia* (679).  
 Myrtle *Dendroica coronata* (655).  
 Nashville *Vermivora ruficapilla* (645).

- Olive *Peucedramus taeniatus* (651).
- Olive-backed (Sennett's) *Parula pitiayumi* (649).
- Orange-crowned *Vermivora celata* (646).
- Palm *Dendroica palmarum* (672).
- Parula Parula americana* (648).
- Pine *Dendroica pinus* (671).
- Prairie *Dendroica discolor* (673).
- Prothonotary *Protonotaria citrea* (637).
- Red-faced *Cardellina rubrifrons* (690).
- Swainson's *Limnithlypis swainsonii* (638).
- Tennessee *Vermivora peregrina* (647).
- Townsend's *Dendroica townsendi* (668).
- Virginia's *Vermivora virginiae* (644).
- Wilson's *Wilsonia pusilla* (685).
- Worm-eating *Helmitheros vermivorus* (639).
- Yellow *Dendroica petechia* (652).
- Yellow-throated *Dendroica dominica* (663).
- Waterthrush:
  - Louisiana *Seiurus motacilla* (676).
  - Northern (Grinnell's) *Seiurus noveboracensis*.
- Waxwing:
  - Bohemian *Bombycilla garrulus* (618).
  - Cedar *Bombycilla cedrorum* (619).
- Wheatear *Oenanthe oenanthe* (765).
- Whip-poor-will *Caprimulgus vociferus* (417).
- Woodpecker:
  - Acorn (California and other subspecies) *Melanerpes formicivorus* (407).
  - Arizona *Dendrocopos arizonae* (398).
  - Black-backed Three-toed *Picoides arcticus* (400).
  - Downy *Dendrocopos pubescens* (394).
  - Gla *Centurus uropygialis* (411).
  - Golden-fronted *Centurus aurifrons* (410).
  - Hairy *Dendrocopos villosus* (393).
  - Ivory-billed *Campyphylus principalis* (392).
  - Ladder-backed (Texas, Cactus, and other subspecies) *Dendrocopos scalaris* (396).
  - Lewis' *Asyndesmus lewis* (408).
  - Northern Three-toed *Picoides tridactylus* (401).
  - Nuttall's *Dendrocopos nuttallii* (397).
  - Pileated *Dryocopus pileatus* (405).
  - Red-bellied *Centurus carolinus* (409).
  - Red-cockaded *Dendrocopos borealis* (395).
  - Red-headed *Melanerpes erythrocephalus*.
  - White-headed *Dendrocopos albolavatus*.
- Wren:
  - Bewick's *Thryomanes bewickii* (719).
  - Brown-throated *Troglodytes brunneicollis* (721.1).
  - Cactus *Campylorhynchus brunneicapillus* (713).
  - Cañon *Catherpes mexicanus* (717).
  - Carolina *Thryothorus ludovicianus* (718).
  - House *Troglodytes aedon* (721).
  - Long-billed Marsh *Telmatodytes palustris* (725).
  - Rock *Salpinctes obsoletus* (715).
  - Short-billed Marsh *Gistothorus platensis* (724).
  - Winter *Troglodytes troglodytes* (722).
- Wren-tit *Chamaea fasciata*.
- Yellowthroat *Geothlypis trichas*.

Subpart C—Addresses

§ 10.21 Director.

Mail forwarded to the Director with reference to law enforcement or permits should be addressed:

Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

§ 10.22 Law enforcement districts.

Bureau law enforcement districts and their area of jurisdiction follow. Mail should be addressed:

Special Agent in Charge, Bureau of Sport Fisheries and Wildlife (appropriate address below).

Area of jurisdiction:

- Alabama -----
- Alaska: Except that portion lying in election districts 1-6.
- Alaska: Southeastern part of State which includes only election districts 1-6.
- Arizona -----
- Arkansas -----
- California: That part of the State lying north of a line forming the southern boundaries of the counties of: Alpine, Calaveras, San Joaquin, and Santa Clara.
- California: That part of the State lying south of a line forming the southern boundaries of the counties of: Alpine, Calaveras, San Joaquin, and Santa Clara and north of a line forming the southern boundaries of the counties of Mono, Fresno, and Monterey.
- California: That part of the State lying south of the southern boundaries of the counties of Mono, Fresno, and Monterey.
- Colorado -----
- Connecticut and Rhode Island -----
- Delaware -----
- Florida -----
- Georgia -----
- Hawaii -----
- Idaho -----
- Illinois -----
- Indiana -----
- Iowa -----
- Kansas -----
- Kentucky -----
- Louisiana -----
- Maine -----
- Maryland -----
- Massachusetts, New Hampshire, and Vermont -----
- Michigan -----
- Minnesota -----
- Mississippi -----
- Missouri -----
- Montana and Wyoming -----
- Nebraska -----
- Nevada -----
- New Jersey -----
- New Mexico -----
- New York -----
- North Carolina -----
- North Dakota -----
- Ohio -----
- Oklahoma -----

Address

- 474 South Court St., Montgomery, Ala. 36104.
- 813 D St., Anchorage, Alaska 99501.
- P.O. Box 1287, Juneau, Alaska 99801.
- 2721 North Central Ave., Phoenix, Ariz. 95004.
- 311 Post Office and Courts Bldg., Little Rock, Ark. 72201.
- 650 Capitol Mall, Sacramento, Calif. 95814.
- 1130 O St., Fresno, Calif. 93721.
- 125 South Grand Ave., Pasadena, Calif. 91105.
- Building 45, Denver Federal Center, Denver, Colo. 80225.
- 450 Main Street, Hartford, Conn. 06103.
- P.O. Box 632, Dover, Del. 19901.
- P.O. Box 190, Tallahassee, Fla. 32302.
- 17 Executive Park Dr. NE., Atlanta, Ga. 30329.
- 337 Ulukou St., Ealua, Oahu, Hawaii 96734.
- P.O. Box 031, Boise, Idaho 83702.
- 600 East Monroe, Springfield, Ill. 62704.
- 38 South Pennsylvania St., Indianapolis, Ind. 46204.
- 627 New Federal Bldg., Des Moines, Iowa 50303.
- P.O. Box 10, Hutchinson, Kans. 67501.
- P.O. Box 1003, Paducah, Ky. 42001.
- P.O. Box 3473, Baton Rouge, La. 70821.
- P.O. Box 800, Augusta, Maine 04364.
- 1409 Forest Dr., Annapolis, Md. 21403.
- U.S. Post Office and Courthouse, Boston, Mass. 02109.
- 106 Manly Miles Bldg., 1405 South Harrison Rd., East Lansing, Mich. 48823.
- 608 Federal Building and Courthouse, St. Paul, Minn. 55101.
- P.O. Box 1104, Jackson, Miss. 39205.
- P.O. Box 815, Jefferson City, Mo. 65101.
- P.O. Box 897, Helena, Mont. 59601.
- P.O. Box 7, Lincoln, Nebr. 68505.
- 300 Booth St., Reno, Nev. 89502.
- P.O. Box 232, Trenton, N.J. 08602.
- P.O. Box 14324, Albuquerque, N. Mex. 87111.
- P.O. Box 717, Albany, N.Y. 12201.
- P.O. Box 506, Washington, N.C. 27889.
- P.O. Box 1612, Bismarck, N. Dak. 58501.
- P.O. Box 15002, Columbus, Ohio 43215.
- 200 Northwest Fourth St., Oklahoma City, Okla. 73102.
- 1775 32d Place NE., Salem, Oreg. 97303.
- P.O. Box 1154, Harrisburg, Pa. 17108.
- G.P.O. 3708, San Juan, Puerto Rico 00934.
- 1100 Laurel St., Columbia, S.C. 29201.
- P.O. Box 254, Pierre, S. Dak. 57501.
- P.O. Box 1033, Nashville, Tenn. 37202.
- P.O. Box 61161, Houston, Tex. 77061.

## Area of Jurisdiction—Continued

Texas: That part of the State of Texas other than above.	P.O. Box 518, Corpus Christi, Tex. 78403.
Utah -----	125 South State St., Salt Lake City, Utah 84111.
Virginia -----	301 Parcel Post Bldg., Richmond, Va. 23219.
Washington -----	495 Tyee Dr., Tumwater, Wash. 98502.
Wisconsin -----	1406 East Washington Ave., Madison, Wis. 53703.

## Address—Continued

objections to the proposed assessment, and he may ask that no penalty be assessed or that the amount be reduced. He must set forth in full the reasons for the relief that he seeks, including a statement of all facts supporting his request, which shall not be considered privileged admissions.

## PART 11—CIVIL PROCEDURES

## Subpart A—Introduction

- Sec.  
11.1 Purpose of regulations.  
11.2 Scope of regulations.  
11.3 Filing deadlines and extensions of time.  
11.4 Definitions.
- Subpart B—Assessment Procedure
- 11.11 Notice of proposed assessment.  
11.12 Petitions for remission or mitigation of a proposed assessment.  
11.13 Decision by the Director.  
11.14 Request for a hearing.  
11.15 Assignment of an administrative law judge.  
11.16 Hearing procedure.  
11.17 Payment of final assessment.

## Subpart C—Holding, Return, and Disposal of Seized Property

- 11.21 Notification of seizure.  
11.22 Bonded release of certain seized property.  
11.23 Return of seized property.  
11.24 Abandonment and forfeiture of property subject to seizure.

**AUTHORITY.**—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281; Bald Eagle Protection Act, sec. 2, 54 Stat. 251; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278; Marine Mammal Protection Act of 1972, sec. 112 (a), 86 Stat. 1042.

## Subpart A—Introduction

## § 11.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties and the handling of seized property in connection with violations of certain laws and regulations enforced by the U.S. Fish and Wildlife Service.

## § 11.2 Scope of regulations.

The regulations contained in this part apply only to the following laws and regulations issued thereunder:

- Lacey Act, 18 U.S.C. 43.  
Bald Eagle Protection Act, 16 U.S.C. 668–668d.  
Endangered Species Conservation Act of 1969, 16 U.S.C. 668cc–1 to 668cc–6.  
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1384 and 1401–1407.

## § 11.3 Filing deadlines and extensions of time.

(a) Whenever a document or other paper is required in this part to be filed within a certain time, the postmark or the date of personal service upon the Director shall constitute the date of filing.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability

or failure to file within the time period required: *Provided*, That, the time period fixed by § 11.14 for filing of a request for a hearing may not be extended. All such grants shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

## § 11.4 Definitions.

“Seized property” means anything seized under the authority of statutes referred to in § 11.2.

## Subpart B—Assessment Procedure

## § 11.11 Notice of proposed assessment.

(a) A Notice of Proposed Assessment (hereinafter “notice”), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to liability for a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice shall inform the respondent that he shall have 30 calendar days from the date of receipt of the notice within which to file a petition with the Director for the remission or mitigation of the proposed assessment, in the manner set forth in § 11.12. The notice shall inform the respondent that if he does not file a petition within the 30 days allowed, he shall be deemed thereby to have waived his right to request a hearing, and to have agreed that the decision of the Director, made pursuant to § 11.13, shall be the final decision of the Secretary in the case. The notice shall advise the respondent that, subject to the foregoing waiver, and upon receipt of the Director's decision as provided in § 11.13, he is entitled to request a hearing before the assessment is made final.

(b) Nothing in this section shall preclude the Director from referring a case to an administrative law judge for a hearing, despite the waiver of a hearing by the respondent, where the Director believes there are material facts at issue which cannot otherwise be satisfactorily resolved.

## § 11.12. Petitions for remission or mitigation of a proposed assessment.

If the respondent chooses to contest either the legal sufficiency of the charge or the amount of the proposed assessment set forth in the notice, he shall petition the Director for remission or mitigation of said charge or proposed assessment. The petition for remission or mitigation shall be in writing and addressed to the Director at the address specified in the notice. He may submit his

## § 11.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for remission or mitigation, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 11.12, or upon further request of the Director. The Director shall notify the respondent in writing, by personal service or by registered or certified mail, return receipt requested, of any rescission of the proposed assessment, or of any change in the amount proposed to be assessed, or that the proposed assessment remains unchanged. Where no request for a hearing is filed as provided in § 11.14, the Director's assessment or revised assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 30th calendar day from the date of respondent's receipt of notice thereof: *Provided*, That where a right to request a hearing is deemed to have been waived, as provided in § 11.11, the Director's decision shall become effective and shall constitute the final administrative decision of the Secretary upon the date of respondent's receipt of notice thereof.

## § 11.14 Request for a hearing.

Except in cases where the proposed assessment is rescinded by the Director pursuant to § 11.13, or where a right to request a hearing is deemed to have been waived as provided in § 11.11, the respondent may, within 30 calendar days of the date of receipt of notice of the Director's decision referred to in § 11.13, file a dated, written request for a hearing with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. The request must enclose a copy of the notice. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice. Upon receipt of such service, the Director shall enter his appearance as “petitioner” and file all petitions or correspondence exchanged with the respondent pursuant to this subpart, which shall become part of the hearing record.

## § 11.15 Assignment of an administrative law judge.

Where a request for a hearing has been timely made pursuant to § 11.14, the Hearings Division shall assign an administrative law judge appointed pursuant to 5 U.S.C. 3105. Notice of the assignment will be given promptly to the parties and thereafter all pleadings, papers, and other documents in the proceeding shall be filed directly with the

Administrative Law Judge with copies served on all parties in the case.

§ 11.16 Hearing procedure.

(a) Promptly after conclusion of the hearing, the Administrative Law Judge shall render a written decision, a copy of which shall be served personally or by registered or certified mail, upon each party unless appealed in accordance with paragraph (b) of this section. The said judge's decision shall constitute the final administrative decision of the Secretary in the case and shall become effective upon the date of the respondent's receipt of notice thereof.

(b) All hearings shall be conducted in accordance with the administrative procedure provisions of chapter 5 of title 5 of the United States Code, and procedures set forth in 43 CFR, "Part 4, Department Hearings and Appeals Procedures." Decisions of administrative law judges in such proceedings shall be subject to a right of appeal to the Director, Office of Hearings and Appeals, in accordance with subpart G of Department Hearings and Appeals Procedures in 43 CFR part 4. The determination of the Director, Office of Hearings and Appeals, on an appeal from a decision of an administrative law judge, shall become effective and shall constitute the final administrative determination of the Secretary in the proceeding upon the expiration of 30 days from the date of receipt of notice of the determination by the respondent.

§ 11.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this subpart, the respondent shall have 20 calendar days from the effective date of the decision within which to pay the penalty to the Director. Upon a failure to pay the penalty, the Secretary may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Holding, Return, and Disposal of Seized Property

§ 11.21 Notification of seizure.

Except where the owner or consignee is personally notified, the Director shall, as soon as practicable following his receipt of seized property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee. Such notification shall describe the seized property, and shall state the time, place, and reason for the seizure.

§ 11.22 Bonded release of certain seized property.

The Director may, upon the request of any person or persons suspected of a civil penalty violation of the Lacey Act, 18 U.S.C. 43, or a criminal or civil penalty violation of the Endangered Species Conservation Act of 1969, 16 U.S.C. 668cc-4, accept an appearance and judgment bond in place of property seized, under authority of these provisions. Said bond or surety may contain such additional conditions as may be

appropriate. Such bond or surety may be in an amount up to \$10,000 per offense and shall only be allowed where the Director reasonably believes either that the health or safety of any wildlife so requires, or that the seized property is of such a nature that its release will not hamper the aims of the statute.

§ 11.23 Return of seized property.

If, at the conclusion of the appropriate proceedings, the seized property is to be returned to the owner or consignee, the Director shall issue a letter authorizing its return. This letter shall be sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter and proper identification, the seized property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 11.24 Abandonment and forfeiture of property subject to seizure.

When any wildlife, product, property, or item is subject to seizure in connection with a violation of the statutes set forth in § 11.2, a blank assent to forfeiture form (Customs form 4607, or a similar form) may be given, or sent with the notification required by § 11.21, to the owner thereof. Upon receipt of the assent to forfeiture duly executed by the owner, the case shall be closed.

PART 12—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

- Sec. 12.1 General.
- 12.2 Purpose of regulations.
- 12.3 Scope of regulations.
- 12.4 Emergency variation from requirements.

Subpart B—Application for Permits

- 12.11 Procedure for obtaining a permit.
- 12.12 Information requirements on permit applications.
- 12.13 Abandoned application.
- 12.14 Insufficient fee.

Subpart C—Permit Administration

- 12.21 Issuance of permits.
- 12.22 Duration of permit.
- 12.23 Amendment of applications or permits.
- 12.24 Renewal of permit.
- 12.25 Permits not transferable.
- 12.26 Right of succession by certain persons.
- 12.27 Change of mailing address.
- 12.28 Change in name.
- 12.29 Official endorsement of changes required.
- 12.30 Certain continuance of activity.
- 12.31 Discontinuance of activity.

Subpart D—Conditions

- 12.41 Recall and amendment of permit during its term.
- 12.42 Permits are specific.
- 12.43 Alteration of permits.
- 12.44 Display of permit.
- 12.45 Filing of reports.
- 12.46 Maintenance of records.
- 12.47 Inspection requirement.

Subpart E—Violations of the Permit

Sec. 12.51 Penalties for violation of a permit.

Authority.—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 763, and 83 Stat. 281; Black Bear Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846; Migratory Bird Treaty Act, sec. 3, 40 Stat. 755; Bald Eagle Protection Act, sec. 2, 54 Stat. 251; Tariff Classification Act of 1962; 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States"; 54 Stat. 251; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278; Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 480; Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042.

Subpart A—Introduction

§ 12.1 General.

Each person intending to engage in an activity for which a permit is required by this subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by this subchapter B must make application for such permit in accordance with the requirements of this part 12 and those regulations which set forth the additional requirements for the specific permit desired.

§ 12.2 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for application, issuance, renewal, conditions, revocation, and general administration of permits issuable pursuant to this subchapter B.

§ 12.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter B and apply to all permits issued thereunder, including "Import and Marking" (part 13), "Feather Imports" (part 14), "Injurious Wildlife" (part 16), "Endangered Wildlife" (part 17), "Marine Mammals" (part 18), "Migratory Birds" (part 21), and "Eagles" (part 22).

§ 12.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations (a) are necessary, (b) will not hinder effective administration of this subchapter B, and (c) will not be unlawful.

Subpart B—Application for Permits

§ 12.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted on an appropriate Bureau application form, except for those applications for which the regulations provide that a letter application which contains all necessary information, attachments, certification, and signature is acceptable. In no case will oral or telephoned applications be accepted.

(b) *Forwarding instructions.*—Applications must be submitted to the Special Agent in Charge of the Law Enforce-

ment District in which the applicant resides, unless otherwise required in the section which applies to the specific permit desired. Persons not residing in the United States must submit applications to the Director. The address of such officials are listed in §§ 10.21 and 10.22 of this subchapter.

(c) *Time requirement.*—Unless otherwise required, applications must be received by the appropriate official of the Bureau at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. The Bureau will, in all cases, attempt to process applications in the shortest possible time, and most complete and properly addressed applications will be acted on within 30 days. The Bureau does not, however, guarantee 30 day issuance and some permits cannot be issued within that time frame.

(d) *Permit fees.*—Applications must be accompanied by a permit fee in the form of a check or money order made payable to "Bureau of Sport Fisheries and Wildlife" for those permits for which a fee is shown on the following schedule. Such permit fees shall be refunded if that application is denied.

Type of permit:	Fee
Feather import quota (part 14 of this subchapter):	
Importation or entry.....	\$10
Marine mammals permits (part 18 of this subchapter):	
Scientific research.....	Individual basis.
Public display.....	Individual bases.

§ 12.12 Information requirements on permit applications.

(a) *General information required for all permit applications.*—All applications for permits must contain the following information:

- (1) Applicant's name, mailing address, and phone number;
- (2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit;
- (3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer;
- (4) Location where the permitted activity is to be conducted;
- (5) Part and section of this subchapter B under which the permit is requested and such additional information and justification, including supporting documents from appropriate authorities, as required by that section (Paragraph (b) of this section hereinafter contains a list of sections of this subchapter B where the additional information needed on applications for various permits may be found.)
- (6) Certification in the following language: "I hereby certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief, I understand that any false statement hereon

may subject me to the criminal penalties of 18 U.S.C. 1001."

(7) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(8) Date;

(9) Signature of the applicant; and

(10) Such other information as the Director may request.

(b) *Additional information required on permit applications.*—As stated in paragraph (a) (5) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

Type or permit:	Section
Importation at nondesignated ports:	
Scientific .....	13.31
Deterioration prevention.....	13.32
Economic hardship.....	13.33
Marking of package or container:	
Symbol marking.....	13.83
Feather import quota:	
Importation or entry.....	14.21
Injurious wildlife:	
Importation .....	16.
Endangered wildlife permits:	
Importation for zoological, educational, scientific or propagation purposes.....	17.23
Economic hardship.....	17.23
Marine mammals permits:	
Scientific research.....	18.31
Public display.....	18.32
Migratory bird permits:	
Import or export.....	21.21
Banding or marking.....	21.22
Scientific collecting.....	21.23
Taxidermy .....	21.24
Waterfowl sale and disposal.....	21.25
Special aviculturist.....	21.26
Special purpose.....	21.27
Depredation control.....	21.41
Eagle permits:	
Scientific or exhibition.....	22.21
Indian religious use.....	22.22
Depredation control.....	22.23

§ 12.13 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered as having been abandoned and the permit fee returned.

§ 12.14 Insufficient fee.

Upon receipt of an application filed with an insufficient fee, or without fee where one is required, the application and any fee submitted will be returned to the applicant.

Subpart C—Permit Administration

§ 12.21 Issuance of permits.

(a) Upon receipt of a properly executed application for a permit, the Director may issue the appropriate permit if—

- (1) The applicant has not been convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed;

(2) It has not been determined that the applicant has knowingly failed to disclose any material information required, or has not knowingly made any false statement as to any material fact, in connection with his application;

(3) The applicant has demonstrated a valid justification for the permit and a showing of responsibility;

(4) The authorization requested, in the judgment of the issuing official, does not potentially threaten a wildlife population, or otherwise portend damage in an area of legitimate government responsibility; and

(5) The official issuing the permit finds through further inquiry or investigation, or otherwise, that the applicant is entitled thereto.

(b) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

§ 12.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in this subchapter B, for the period stated on the permit, unless sooner terminated.

§ 12.23 Amendment of applications or permits.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 12.21.

§ 12.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 12.25 Permits not transferable.

Permits issued under this part are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However,

certain limited rights of succession are provided by § 12.26.

**§ 12.26** Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

- (1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and
- (2) A receiver or trustee in bankruptcy or a court designated a signee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

**§ 12.27** Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained in accordance with § 12.23.

**§ 12.28** Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

**§ 12.29** Official endorsement of changes required.

Any change in a permit must be made by endorsement of the Director or issuing officer. Any modification or change in an issued permit, other than those specifically provided for in this subpart, may be granted or denied in the discretion of the Director.

**§ 12.30** Certain continuancy of activity.

A permittee who furnishes his permit to the issuing official for endorsement or correction in compliance with the provisions of this subpart may continue his operations pending its return.

**§ 12.31** Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for

any reason, discontinued during the tenure of an issued permit.

**Subpart D—Conditions**

**§ 12.41** Recall and amendment of permit during its term.

All permits are issued subject to the condition that the Bureau reserves the right to recall and amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

**§ 12.42** Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

**§ 12.43** Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to this subpart be displayed, offered for inspection, or otherwise used for any official purpose.

**§ 12.44** Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

**§ 12.45** Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of this subchapter B or the provisions of the permit set forth other reporting requirements.

**§ 12.46** Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

**§ 12.47** Inspection requirement.

Any person holding a permit under this subchapter B shall allow the Direc-

tor's agent to enter his premises at any reasonable hour to inspect any wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of this subchapter B.

**Subpart E—Violations of the Permit**

**§ 12.51** Penalties for violation of a permit.

Any violation of the regulations of this part 12, or of the statute or regulations under which the permit was issued, or of a condition or time which appears in a permit, may subject the permittee to liability for the following penalties:

- (1) The penalty provided in the act under which the permit was issued;
- (2) Temporary suspension of the permit for a specified period of time; or during a hearing; and
- (3) Revocation of the permit for an indefinite period of time, but in no case less than any period specifically provided for elsewhere in this subchapter B. When revoked, permits must be surrendered to the Director on demand.

**PART 13—IMPORT, EXPORT, AND INTER-STATE TRANSPORTATION OF WILDLIFE**

**Subpart A—Introduction**

- Sec.
- 13.1 Purpose of regulations.
- 13.2 Scope of regulations.
- Subpart B—Importation at Designated Ports**
- 13.11 General restrictions.
- 13.12 Designated ports.
- 13.13 Emergency direction.
- 13.14 In-transit shipments.
- 13.15 Personal and household effects.
- 13.16 Canadian and Mexican wildlife.
- 13.17 Oceanic sport fishermen.
- 13.18 Marine mammals.
- 13.19 Imports into Alaska, Puerto Rico, or the Virgin Islands.
- 13.20 Exceptions by permit.
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- 13.22 Tropical, ornamental, and aquarium fish.

**Subpart C—Designated Port Exception Permits**

- 13.31 Permits to import wildlife at non-designated port for scientific purposes.
- 13.32 Permits to import wildlife at non-designated ports to minimize deterioration or loss.
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**Subpart D—Foreign Documentation**

- 13.41 Foreign documentation requirement.
- 13.42 Definition of foreign documentation.
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- 13.51 Inspection of imported wildlife.
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- 13.61 Declaration requirement.
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**Subpart H—Making Requirements for Certain**

- 13.71 Permit to export game mammals to the United Mexican States.

**Subpart H—Making Requirements for Certain Shipments**

Sec.

- 13.81 Marking package or container.  
 13.82 Exceptions to the marking requirement.  
 13.83 Symbol marking permit.

**AUTHORITY.**—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278; Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042; Eagle Act, sec. 254 Stat. 251.

**Subpart A—Introduction**

**§ 13.1 Purpose of regulations.**

The regulations contained in this Part provide uniform rules and procedures for the importation, exportation, and interstate transportation of wildlife.

**§ 13.2 Scope of regulations.**

The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

**Subpart B—Importation at Designated Ports**

**§ 13.11 General restrictions.**

Except as otherwise provided in this part, no person shall import or cause to be imported any wildlife into the United States at any place other than a Customs port of entry designated in § 13.12.

**§ 13.12 Designated ports.**

The following Customs ports of entry are designated for the importation of wildlife and shall be referred to hereinafter as "designated ports":

- (a) New York, N.Y.;
- (b) Miami, Fla.;
- (c) Chicago, Ill.;
- (d) San Francisco, Calif.;
- (e) Los Angeles, Calif.;
- (f) New Orleans, La.;
- (g) Seattle, Wash.; and
- (h) Honolulu, Hawaii.

**§ 13.13 Emergency diversion.**

Wildlife which has been imported into the United States at any port or place other than a designated port solely as a result of a diversion due to an aircraft or vessel emergency may proceed as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful entry.

**§ 13.14 In-transit shipments.**

Wildlife destined for a point within or outside the United States may be imported into the United States at any port if such wildlife proceeds as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful entry.

**§ 13.15 Personal and household effects.**

(a) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal bag-

gage may be imported into the United States at any Customs port of entry, *Provided*, That this exception to the designated port requirement shall not apply to any raw, green, salted or crusted fur, hide or skin, game trophy, or to any item of endangered wildlife.

(b) Wildlife products or manufactured articles, including mounted game trophies or tanned hides, which are not intended for sale and are part of a shipment of the household effects of persons moving their residence to the United States may be imported at any Customs port of entry, *Provided*, That this exception to the designated port requirement shall not apply to raw, green, salted or crusted fur, hides, skins, or to any item of endangered wildlife.

**§ 13.16 Canadian and Mexican wildlife.**

(a) Except for endangered or injurious wildlife, wildlife lawfully taken by U.S. sportsmen in Canada or Mexico, and imported for noncommercial purposes, may be imported at any Customs port of entry.

(b) In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, whose country of origin is Canada, or which was previously exported from the United States to Canada, may be imported into the United States at any of the following Customs ports of entry:

- (1) State of Alaska—Tok Junction;
- (2) State of Washington—Blaine, Sumas, Oroville;
- (3) State of Idaho—Eastport;
- (4) State of Montana—Sweetgrass, Raymond;
- (5) State of North Dakota—Portal, Pembina, Dunseith;
- (6) State of Minnesota—Noyes, International Falls, Grand Portage, Minneapolis—St. Paul;
- (7) State of Michigan—Sault Sainte Marie, Detroit, Port Huron;
- (8) State of Ohio—Cleveland;
- (9) State of New York—Buffalo-Niagara Falls, Champlain, Ogdensburg, Rouses Point;
- (10) State of Vermont—Highgate Springs, Derby Line;
- (11) State of Maine—Houlton, Calais;

or

- (12) State of Massachusetts—Boston.

(c) In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, whose country of origin is Mexico, or which was previously exported from the United States to Mexico, may be imported into the United States at any of the following Customs ports of entry:

- (1) State of California—Calxico, San Diego—San Ysidro;
- (2) State of Arizona—Nogales, San Luis; or
- (3) State of Texas—El Paso, Laredo, Brownsville.

**§ 13.17 Oceanic sport fishermen.**

Fish lawfully taken by sport fishermen on the high seas, or within the territorial seas or fisheries zones of any country may be imported into the United States at any port or place.

**§ 13.18 Marine mammals.**

Any person under the jurisdiction of the United States who has lawfully taken a marine mammal on the high seas and is authorized to import such marine mammal in accordance with the Marine Mammal Protection Act of 1972 and the regulations issued pursuant thereto (parts 18 and 216 of this subchapter) may import such marine mammal at any port or place.

**§ 13.19 Imports into Alaska, Puerto Rico, or the Virgin Islands.**

In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, which is imported for final destination in Alaska, Puerto Rico, or the Virgin Islands may be imported through those Customs ports of entry named hereinafter for the respective State or territory:

- (a) Alaska—Juneau, Anchorage, Fairbanks, Tok Junction;
- (b) Puerto Rico—San Juan;
- (c) Virgin Islands—San Juan, Puerto Rico.

**§ 13.20 Exceptions by permit.**

Wildlife may be imported into the United States at any Customs port of entry designated in the terms of a valid permit issued pursuant to subpart C of this part 13.

**§ 13.21 Shellfish and fishery products.**

Except for endangered wildlife, the following shellfish and fishery products, as further defined in the "Tariff Schedules of the United States," imported for commercial purposes, may enter the United States at any Customs port of entry:

- (a) Frogs (T.S.U.S. No. 106.60).
- (b) Frog meat (T.S.U.S. No. 107.65).
- (c) Fish, fresh, chilled, or frozen (T.S.U.S. Nos. 110.10–110.70)—trout and salmon to conform to § 13.61, concerning form 3-177, and part 16 of this subchapter, concerning injurious species.
- (d) Fish, dried, salted, pickled, smoked, or kippered (T.S.U.S. Nos. 111.10–111.92).
- (e) Fish in airtight containers (T.S.U.S. Nos. 112.01–112.94).
- (f) Other fish products (T.S.U.S. Nos. 113.01–113.60).
- (g) Shellfish (T.S.U.S. Nos. 114.01–114.55).
- (h) Fish oils (T.S.U.S. Nos. 177.02–177.26).
- (i) Sod oil (T.S.U.S. No. 178.05).
- (j) Products of American fisheries (T.S.U.S. Nos. 180.00–180.20).
- (k) Edible preparations (T.S.U.S. Nos. 182.05, 182.11, 182.48, 182.50).
- (l) Animal feeds (T.S.U.S. Nos. 184.54, 184.55).

**§ 13.22 Tropical, ornamental and aquarium fish.**

In addition to the other exceptions contained in this part, other than endangered or injurious wildlife, tropical, ornamental, and aquarium fish may be imported at the Customs port of entry at Tampa, Fla.

### Subpart C—Designated Port Exception Permits

#### § 13.31 Permits to import wildlife at nondesignated port for scientific purposes.

The Director may, upon receipt of an application which shows a valid and substantial cause, issue a permit authorizing a scientist to import wildlife, other than endangered wildlife, for scientific purposes at any Customs port of entry. Such permits may authorize a single importation, a series of importations, or importation into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit.

(a) *Application procedure.*—Applications for permits to import wildlife, other than endangered wildlife, at a nondesignated port for scientific purposes shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

(1) Description of purpose or uses of the scientific specimens to be imported.

(2) Number and kinds of wildlife to be imported, described by species and subspecies.

(3) Country or place of origin.

(4) Method of shipment.

(5) Port or ports of entry at which importation is requested.

(6) Whether exception is being requested for a single shipment, a series of shipments, or importations over a specific period of time.

(7) Statement of the reasons why importation should be allowed at the requested port or ports of entry rather than at a designated port.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following condition:

(1) Permittee shall file such reports as may be specified on the permit, and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 for the preceding year and shall itemize importations by: Date, port, method of shipment, country of origin, and numbers and kinds of wildlife.

(c) *Tenure of permits.*—The tenure of permits to import wildlife, other than endangered wildlife, at nondesignated ports for scientific purposes shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

#### § 13.32 Permits to import wildlife at nondesignated ports to minimize deterioration or loss.

The Director may, upon a finding that importation at a designated port will result in a substantial deterioration or loss to wildlife, issue a permit authorizing any person to import wildlife at any

Customs port of entry. Such permits may authorize a single importation, a series of importations, or importations into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit required with respect to that wildlife.

(a) *Application procedure.*—Applications for permits issuable under this section shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth in § 12.12(a) of this subchapter plus the following information:

(1) Number and kinds of wildlife to be imported, described by species and subspecies;

(2) Country or place of origin;

(3) Date or dates of intended importation;

(4) Method of shipment, including names of carriers, if any;

(5) Port or ports of entry which importation is requested;

(6) Purpose for which wildlife is being imported;

(7) Statement as to whether exception is being requested for a single shipment, a series of shipments, or importations over a specified period of time; and

(8) Statement of the reasons why the importation should be allowed at the requested port or ports of entry rather than at a designated port, including evidence that an importation at a designated port by any method at the time in question would result in a substantial deterioration or loss to the wildlife.

(b) *Additional permit conditions.*—In addition to the general condition set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 of the preceding year and shall itemize importations by: Date, port of entry, method of shipment, country or origin, and numbers and kinds of wildlife.

(2) Permittee shall pay any reasonable costs incurred by the Director in inspecting permittees importations at nondesignated ports.

(c) *Tenure of permits.*—The tenure of permits to import wildlife at nondesignated ports to minimize injury or deterioration shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

#### § 13.33 Permits to import wildlife at nondesignated ports to alleviate undue economic hardship.

The Director may, upon receipt of an application which demonstrates to the satisfaction of the Director that importation of wildlife at the ports required by the regulations of this part

would subject the applicant to undue economic hardship, issue a permit authorizing the importation of wildlife, other than endangered wildlife, at any Customs port of entry. Such permits may authorize a single importation, a series of importations, or importation into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit.

(a) *Application procedures.*—Applications for permits to import wildlife other than endangered wildlife, at a nondesignated port to alleviate undue economic hardship shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth in § 12.12(a) of this subchapter, plus the following additional information:

(1) Number and kinds of wildlife to be imported, described by species and subspecies, and a description of the form in which it is to be imported, as "live," "frozen," "raw hides," or a full description of any manufactured product;

(2) Country or place of origin;

(3) Name and address of supplier;

(4) Method of shipment;

(5) Port or ports of entry at which importation is requested;

(6) Purpose for which wildlife is being imported;

(7) Statement as to whether exception is being requested for a single shipment, a series of shipments, or for importations over a specified period of time. If the permit is being requested for a series of shipments over a period of time include a narrative statement of circumstances including the attachment of documentary evidence showing a pattern of such importations for a period of at least 1 year, or other documentary evidence to support the need for period requested; and

(8) Cost data showing the monetary difference between the cost of importation at the port requested and the lowest cost of importation at the port through which importation is permitted by these regulations without a permit.

(b) *Permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits to import wildlife at nondesignated ports to alleviate undue economic hardship are subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit, and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 for the preceding year and shall itemize importations by: Date, port, method of shipment, country of origin, and numbers and kinds of wildlife.

(2) Permittee shall pay any reasonable costs incurred by the Director in inspecting permittees importations at nondesignated ports.

(c) *Issuance criteria.*—Application for permits to import wildlife at nondesignated ports to alleviate undue economic

hardship shall be denied where the applicant fails to demonstrate to the satisfaction of the Director, that the difference between the cost of importing wildlife at the port requested and the lowest cost of importing such wildlife at a port permitted by these regulations without a permit would amount to an unreasonable economic hardship on the importer.

(d) *Tenure of permits.*—The tenure of permits to import wildlife at non-designated ports to alleviate undue economic hardship beyond that already contemplated by the requirements of 16 U.S.C. 668cc-4(d) shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

#### Subpart D—Foreign Documentation

##### § 13.41 Foreign documentation requirement.

If the laws or regulations of the country of origin, the country of export, or a subdivision thereof, restrict the taking, possession, transportation, exportation, or sale of wildlife, no such wildlife shall be imported into the United States unless accompanied by foreign documentation showing that such laws or regulations have not been violated.

##### § 13.42 Definition of foreign documentation.

The foreign documentation which will satisfy the requirements of § 13.41 may be either of the following:

(a) Official permits or other documents showing legal taking, possession, transportation, exportation, and sale issued by an appropriate agency or official of the country of origin, and where applicable, from the country of export; if such permits and documents are not written in English, the original documents and certified English translations thereof; or

(b) A consular certificate from the appropriate U.S. consul which shows that an appropriate foreign government official has certified to the U.S. consul the information required in paragraph (a) of this section for the country of origin and, where applicable, the country of export; or

(c) For wildlife lawfully taken in Canada or the United Mexican States by sportsmen, valid Canadian or Mexican export permits, fishing, or hunting licenses.

##### § 13.43 Exceptions to foreign documentation requirement.

Notwithstanding the provisions of § 13.41, except for endangered wildlife, foreign documentation shall not be required for importation of the following wildlife:

(a) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage, except raw, green, salted, or crusted furs, hides, or skins, game, or game trophies;

(b) Wildlife products or manufactured articles which are not intended for sale and are a part of a shipment of the

household effects of persons moving their residence to the United States, except raw, green, salted, or crusted furs, hides, or skins; and

(c) Shellfish and fishery products as defined in § 13.21.

#### Subpart E—Inspection and Clearance of Importations

##### § 13.51 Inspection of imported wildlife.

All wildlife shall be subject to inspection by Bureau agents and Customs officers upon importation into the United States. Such inspection may include examination of the wildlife, the package or container in which such wildlife was shipped or transported, foreign documentation, declarations, Bureau or other permits, and invoices, waybills, manifests, or other documents relating to such wildlife importation.

##### § 13.52 Clearance of imported wildlife.

Except as otherwise provided by this subpart, all wildlife imported into the United States must be cleared by a Bureau agent prior to final clearance by Customs officers for entry into the United States for domestic consumption or use. Such clearance shall not be construed as a certification of the legality of an importation under the laws or regulations of the United States.

##### § 13.53 Clearance procedure.

(a) Bureau agents, or Customs officers, pursuant to § 13.54, may refuse clearance of imported wildlife when they have reasonable grounds to believe:

(1) A Federal law or regulation has been violated;

(2) That the correct identity of the wildlife has not been established. In such cases the burden shall be upon the owner, importer, or consignee to prove such identity.

(3) That any foreign documentation required to accompany such wildlife is not authentic.

(4) That the importer or his broker has filed an incorrect or incomplete declaration for importation as provided in subpart F of this part 13.

(b) Where clearance of imported wildlife has been refused, the wildlife may be:

(1) Seized;

(2) Returned by the owner to the country of export or the country of origin, at his expense;

(3) Abandoned pursuant to the provisions of § 11.24 of this subchapter; or

(4) Released to the owner, at the discretion of the Bureau agent or Customs officer, under such bond as may be required, and/or subject to recall until clearance requirements have been satisfied. If the owner fails to meet such requirements within 60 days of a release subject to recall, the wildlife may be disposed of in accordance with paragraphs (b) (1) through (3) of this section.

##### § 13.54 Unavailability of Bureau agents.

Whenever Bureau agents are not available, within a reasonable time, to inspect and clear imported wildlife at a designated port or other port at which wildlife may be imported pursuant to the

regulations of this part, any Customs officer may inspect and clear such wildlife subject to recall, and, in the case of in-transit shipments, may do so at either the port of entry or the port of destination.

##### § 13.55 Exceptions to clearance requirements.

Except for endangered wildlife, the clearance procedures of § 13.53 shall not be required for importation of the following wildlife:

(a) Shellfish and fishery products as defined in § 13.21;

(b) Fish lawfully taken by fishermen on the high seas, or within the territorial seas or fishery zones of any country;

(c) Marine mammals lawfully taken on the high seas by U.S. residents.

#### Subpart F—Declaration for Importation of Wildlife

##### § 13.61 Declaration requirement.

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation of Fish or Wildlife (form 3-177) shall be filed with the District Director of Customs at the Customs port of entry where inspection or clearance occurs. The Declaration for Importation of Fish or Wildlife shall include the following information:

(1) Name and address of the importer;

(2) Name and address of the consignor or shipper;

(3) Name of broker, if any;

(4) Name of the carrier, if any;

(5) Permit number under which the wildlife is imported, if any;

(6) Common name, scientific name, country of origin, and number of each species or subspecies imported;

(7) Form in which imported, i.e., live, fully mounted, trophy, hide, manufactured product, freshly killed, etc.; and

(8) Certification in the following language: "I hereby certify that the information submitted for the importation of wildlife is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001."

##### § 13.62 Exceptions to declaration requirement.

Except for endangered or injurious wildlife, a Declaration for Importation of Fish or Wildlife (form 3-177) shall not be required to be filed for importation of the following wildlife:

(a) Fish lawfully taken by sport fishermen on the high seas or within the territorial seas or the fishery zones of any country;

(b) Fish taken by U.S. sport fishermen in Canada or Mexico;

(c) Shellfish or fishery products imported for commercial purposes as defined in § 13.21;

(d) Game mammals or birds from Canada or Mexico on which a Declaration for Free Entry of Game Mammals or Birds Killed by United States Residents (Customs form 3315) has been filed;

(e) Marine mammals lawfully taken on the high seas by U.S. residents;

(f) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage, except that a declaration will be required for raw, green, salted, or crusted furs, hides, or skins; and game or game trophies where the exception in paragraph (d) of this section does not apply; and

(g) Wildlife products or manufactured articles which are not intended for sale and are a part of a shipment of the household effects of persons moving their residence to the United States, except that a declaration will be required for raw, green, salted, or crusted furs, hides, or skins.

**Subpart G—Export of Wildlife to Mexico**

§ 13.71 Permit to export game mammals to the United Mexican States.

Persons exporting to the United Mexican States, antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, or hare, or the dead body or parts thereof, whether or not included in a manufactured product or a processed food product, shall be required to present to the U.S. Customs official at the port of exit, on request, a certificate of a warden, agent, or other official of the State game department of the State of origin. Such certificate shall list the game animals by species and number, or other appropriate specific description, and certify they were taken or acquired and are being exported in compliance with the statutes and regulations of the State of origin.

**Subpart H—Marking Requirements for Certain Shipments**

§ 13.81 Marking package or container.

Except as otherwise provided in this subpart, no person shall import, export, or otherwise transport any wildlife in interstate or foreign commerce unless the package or container in which such wildlife is contained has the name and address of the shipper and the consignee and an accurate statement of the contents by species and numbers of each species of wildlife therein contained clearly and conspicuously marked on the outside thereof.

§ 13.82 Exceptions to the marking requirement.

(a) *Commercial shellfish or fishery products.*—The requirements of § 13.81 do not apply to packages or containers holding shellfish or fishery products imported for commercial purposes as defined in § 13.21.

(b) *Mink, chinchilla, silver fox, blue fox, rabbit, and nutria.*—The requirements of § 13.81 do not apply to packages or other containers holding mink, chinchilla, silver fox, blue fox, rabbit, and nutria that have been bred and born in captivity: *Provided*, That a separate signed statement certifying the animals were bred and born in captivity accompanies the shipping document.

(c) *Furs, hides, and skins—interstate commerce.*—The requirements of § 13.81

do not apply to packages or containers holding furs, hides, and skins shipped interstate: *Provided*, That the names and addresses of the shipper and consignee are clearly marked on the outside thereof.

(d) *Symbol markings.*—The requirements of § 13.81 do not apply to packages or containers holding furs, hides, or skins imported, exported, or otherwise transported in foreign commerce where such packages are clearly marked with a symbol in accordance with the terms of a valid permit issued pursuant to § 13.83.

§ 13.83 Symbol marking permit.

The Director may, upon a finding that the marking or other identification required by § 13.81 would create a significant possibility of the theft of the package or its contents, issue a permit authorizing the use of an identification symbol in lieu of the marking required by § 13.81.

(a) *Application procedures.*—Applications for permits issuable under this section shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter, plus the following additional information:

(1) Common and scientific names, and estimated numbers of wildlife to be shipped;

(2) Form in which imported or exported, as "raw skins," "fur garments," etc.;

(3) Type of packaging method of shipment, and carrier or carriers, if known;

(4) Country or countries of origin for imports, and country or countries of destination for exports.

(5) Port or ports of importation and export;

(6) Estimated frequency of shipments;

(7) Detailed statements of the reasons why the marking required by § 13.81 would create a significant possibility of theft of the package or its contents;

(8) Description of and evidence showing actual thefts incurred by applicant which can be ascribed to marking requirements of § 13.81, including dates, description of goods, place if known, value, including affidavits, invoices, correspondence, and insurance claims relative thereto to conclusively show actual losses by applicant; and

(9) At the option of the applicant, a suggested symbol which is desired with the understanding that such suggested symbol may or may not be assigned at the discretion of the Director.

(b) *Permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) When using the symbol in lieu of another marking required in § 13.81, the entire symbol must be plainly marked on the outside of every package and the symbol, together with other identifying numbers or characters, must also appear on all shipping documents relating

to such packages or containers and on all documents required by §§ 13.41 and 13.61.

(2) The permittee shall, from the effective date of the permit maintain complete and accurate records of all furs, hides, and skins which are imported, exported, or otherwise transported in foreign commerce and which are identified by means of such symbol. The records shall include the number, species or subspecies, description of the package or container, method of shipment, time and place of shipment, including the air waybill or bill of lading number, and general description of the items. Such records shall be open to inspection, auditing, or copying by any authorized employee of the Bureau at any time during regular business hours.

(c) *Tenure of permits.*—The tenure of permits to use symbol marking shall be from the date of issue to June 30 of the first full year following the year of issue.

**PART 14—FEATHER IMPORT QUOTAS**

**Subpart A—Introduction**

- Sec. 14.1 Purpose of regulations.
  - 14.2 Scope of regulations.
- Subpart B—Import Quotas and Permit Requirement**
- 14.11 Import quotas established.
  - 14.12 Permit requirement.
- Subpart C—Application for and Allocation of Quotas**
- 14.21 Application for quota allocation and permit.
  - 14.22 Filing dates for applications.
  - 14.23 Allocation of calendar year quotas.
  - 14.24 Reallocation of unused calendar year quotas.
  - 14.25 Issuance of permits.
  - 14.26 Tenure of importation permits.

**AUTHORITY.**—Tariff Classification Act of 1962, sec. 102, 76 Stat. 73-74, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States."

**Subpart A—Introduction**

§ 14.1 Purpose of regulations.

The regulations contained in this part establish annual quotas on importation of skins bearing feathers of the mandarin duck, and five species of pheasants. These regulations also govern applications for and issuance of permits for the entry of such birdskins and establish the method which will be used to allocate and reallocate any unused portions of the annual quotas among the several applicants.

§ 14.2 Scope of regulations.

(a) The regulations of this part apply only to the feathers or skins of those species of birds named in § 14.11:

- (1) Whether raw or processed;
- (2) Whether the whole plumage or skin or any part of either;
- (3) Whether or not attached to a whole bird or any part thereof; and
- (4) Whether or not forming part of another article.

(b) The regulations of this part 14 do not apply:

- (1) To any importation for scientific or educational purposes.

(2) To the importation of fully manufactured artificial flies used for fishing.

(3) To the importation of game birds killed by United States hunters abroad, and imported by such persons for non-commercial purposes.

(4) To the importation of live birds.

#### Subpart B—Import Quotas and Permit Requirement

##### § 14.11 Import quotas established.

During any calendar year, beginning January 1 and ending December 31, the following quotas are established for the entry of skins bearing feathers. For the purpose of these quotas any part of a skin which has been severed shall be considered a whole skin.

(a) For use in the manufacture of artificial flies used for fishing:

Mandarin duck ( <i>Dendrocygna galericulata</i> )	1000
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(b) For use in the manufacture of artificial flies used for fishing or for millinery purposes:

Lady Amherst pheasant ( <i>Chrysolophus amherstiae</i> )	45,000 in the aggregate
Golden pheasant ( <i>Chrysolophus pictus</i> )	
Silver pheasant ( <i>Lophura nycthemera</i> )	
Reeves pheasant ( <i>Syrmatiscus reevesii</i> )	
Blue-eared pheasant ( <i>Crossoptilon auritum</i> )	

##### § 14.12 Permit requirement.

Except as otherwise provided in this section, no person shall import, enter, or cause to be imported or entered, feathers, skins, or skins bearing feathers of any species listed in § 14.11 without a permit issued pursuant to this part: *Provided*, That any person may import without a permit, for storage in warehouse under customs bond, skins bearing feathers of species for which a quota is provided in the preceding § 14.11. When so imported and stored, such skins shall not be removed from the warehouse or entered into the United States for use without a permit issued pursuant to this part. No person shall import for warehouse storage or other purpose skins bearing feathers of any species on which the quota has been eliminated.

#### Subpart C—Application for and Allocation of Quotas

##### § 14.21 Application for quota allocation and permit.

All persons desiring to share in the allocation of annual import quotas and to obtain a permit to enter skins bearing feathers shall submit an application to the Director during the period set forth by § 14.22. Each such application shall contain the general information and certification required by § 12.12(a) of this subchapter plus the following additional information:

(a) Quantity of each species of birdskin or part thereof for which an importation permit is requested;

(b) Port at which entry will be made, or in the case of warehouse storage under bond, port at which importation was

made and location and amount of birdskins presently in storage;

(c) Statement of the purpose (use) for which the skins bearing feathers are sought to be imported or entered; and

(d) Statement as to whether application is being made for an initial allocation of a calendar year quota, or for reallocation of an unused portion of a calendar year quota.

##### § 14.22 Filing dates for applications.

Each application for a quota allocation and permit must be postmarked during the dates set forth in paragraphs (a) and (b) of this section in order to be considered.

(a) Applicants desiring to participate in the allocation of calendar year quotas shall submit applications from September 1 through September 30 of the year preceding the calendar year for which quota allocations are to be made.

(b) Applicants desiring to participate in the reallocation of such portions of the established annual quotas as may become available for reallocation, shall submit applications from July 1 through July 31 of the calendar year during which the unused portion of the quota becomes available for reallocation.

##### § 14.23 Allocation of calendar year quotas.

As promptly as possible after the closing date for filing, all applications timely filed will be considered and tentative quotas allocated by the method set forth in paragraphs (a) through (e) of this section. For the purposes of this section, the species of pheasants for which quotas have been provided shall be grouped together and considered as one species.

(a) The number of eligible applicants for skins of mandarin duck and pheasants, respectively, shall be divided into the quotas of skins available for the ensuing calendar year for the respective species, to determine the number of skins of each species the several applicants would be entitled to import on an equal basis.

(b) Any applicant for an allocation in an amount equal to or less than the average quantity established for all applicants pursuant to paragraph (a) of this section is entitled to receive an allocation of the quantity for which he applied.

(c) After the allocations are made under paragraph (b) of this section, all remaining unallocated quantities of skins of the respective species shall be allocated equally among those applicants who applied for more than the average quantities determined under paragraph (a) of this section. However, no applicant shall be allocated a quantity of skins in excess of the number applied for.

(d) Each applicant shall then be furnished a tabulation by registered or certified mail, return receipt requested, of the quantities of each species requested and the quantities proposed to be allocated to each applicant. Each applicant must then report by letter addressed to the Director, postmarked not later than 30 days after date of receipt of the notice of proposed allocations, that

he accepts the proposed allocation. The letter must contain satisfactory proof, such as a copy of a currently confirmed order, that orders have been placed for the importing of his allocation of birdskins and must be accompanied by the prescribed fee in the form of a postal money order or a check made payable to the Bureau of Sport Fisheries and Wildlife. Applicants failing to respond to the notice of proposed allocations or failing to furnish the prescribed fee shall be deemed to have withdrawn their applications. Applicants who submit the required showing and fee by other than registered or certified mail, do so at their own risk.

(e) Any quantities of birdskins of the respective species which become available for allocation through the failure of applicants to submit the proper showing as required in paragraph (d) of this section, shall promptly be allocated among those applicants whose requests were not satisfied in full, using the methods prescribed in paragraphs (a) through (c) of this section to determine the additional quantity of skins allowable to each such applicant.

##### § 14.24 Reallocation of unused calendar year quotas.

Any portion of the calendar year quotas which may become available for reallocation through surrender or nonuse, in whole or in part, of permits expiring on June 30 of any year, shall be reallocated as promptly as possible after the closing date for filing among applicants who have submitted proper applications in accordance with § 14.21. Such reallocations shall be made by the method prescribed in § 14.23 (a) through (c). If the quantities of the respective species of birdskins are insufficient to permit reallocation among all applicants by such method, preference shall be given to those applications bearing the earliest postmark.

##### § 14.25 Issuance of permits.

As soon as practicable after the annual quota allocations or reallocations have been determined, the quotas allocated to successful applicants shall be evidenced by permits issued to the applicant with copies forwarded to the respective District Directors of Customs at the ports of entry specified in the applications. Such permits shall authorize the importation and entry for limited use, of the quantities of birdskins allocated to each applicant. Until such time as it shall be found necessary to reduce the import quota established for pheasants, permits will authorize the entry of a stated number in the aggregate of those species of pheasant for which a quota is provided.

##### § 14.26 Tenure of importation permits.

(a) Permits covering the calendar year quota allocations are issued as of January 1 and remain in effect through June 30 of the year of issue. No extension of time shall be granted on such permits and any portion of the quota allocations which become available through surrender or nonuse, in whole

or in part, of a permit expiring on June 30, shall be reallocated among applicants who submit proper applications.

(b) Permits covering the reallocations made pursuant to § 14.24 shall be issued as promptly as possible after July 31 and remain in effect through December 31 of the year of issue. No extension of time shall be granted on such permits, and any portion of the quotas so reallocated which are not imported through surrender or nonuse of reallocation permits, in whole or in part, on or before December 31 of the year of issue, shall lapse and no further allocation thereof shall be made.

**PART 15—[RESERVED]**

**PART 16—INJURIOUS WILDLIFE<sup>1</sup>**

**PART 17—ENDANGERED WILDLIFE**

**Subpart A—Introduction**

- Sec.
- 17.1 Purpose of regulations.
- 17.2 Scope of regulations.

**Subpart B—Endangered Wildlife Lists**

- 17.11 Endangered foreign wildlife.
- 17.12 Endangered native wildlife.
- 17.13 Amendments of the lists of endangered wildlife.

**Subpart C—Endangered Wildlife Importation Permits**

- 17.21 General permit requirement.
- 17.22 Economic hardship permits.
- 17.23 Zoological, educational, scientific, or propagation permits.

**AUTHORITY.**—Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278.

**Subpart A—Introduction**

**§ 17.1 Purpose of regulations.**

The regulations contained in this part identify the species or subspecies of native and foreign wildlife determined by the Secretary to be threatened with extinction, establish procedures and criteria for issuance of permits for importation of endangered foreign wildlife, and provide for public participation in the amendment of the endangered wildlife lists. The regulations of this part implement the Endangered Species Preservation Act of 1966 (16 U.S.C. 668aa-cc) and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668-cc-1-6).

**§ 17.2 Scope of regulations.**

The regulations of this part apply only to endangered wildlife.

**Subpart B—Endangered Wildlife Lists**

**§ 17.11 Endangered foreign wildlife.**

After reviewing scientific and commercial data available to him, and after consulting with representatives of the governments of nations in which such wildlife normally are found and, to the extent practicable, with interested persons, organizations, and other Federal agencies, the Secretary has determined that the species or subspecies of wildlife listed below are threatened with worldwide extinction due to one or more of the fac-

<sup>1</sup> Will be proposed at a later date.

tors listed in 16 U.S.C. 668-cc-3(a). The presence of a trinomial (third word) in the "scientific name" column identifies that animal as a subspecies. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are. The "common and commercial name" column contains the most generally accepted common or commercial name or names in the English language; the public should be aware that local names may vary.

**NOTE.**—The U.S. list of endangered foreign fish and wildlife appearing in present appendix A of part 17 of title 50, CFR, will appear here except that the "where found" column will be eliminated because it is not required by 16 U.S.C. 668cc-3(a) and has caused confusion regarding importation requirements.

**§ 17.12 Endangered native wildlife.**

After consultation with the appropriate States and after having reviewed the advice and recommendations of interested persons and organizations as appropriate, the Secretary has determined, in accordance with the provisions of 16 U.S.C. 668aa(c), the following species or subspecies of native wildlife to be threatened with extinction within the territory of the United States. The presence of a trinomial (third word) in the "scientific name" column identifies that animal as a subspecies. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are.

**NOTE.**—The U.S. list of endangered native fish and wildlife appearing in present appendix D of part 17 of title 50, CFR, will appear here.

**§ 17.13 Amendments of the lists of endangered wildlife.**

(a) The lists of endangered foreign wildlife (§ 17.11) and endangered native wildlife (§ 17.12) may be revised from time to time as additional data become available which show, to the Secretary's satisfaction, that a species or subspecies should be added to or removed from either list.

(b) The Director shall receive and maintain data regarding endangered species and subspecies of wildlife and at least once every 5 years, will conduct a thorough review of the lists of endangered wildlife. Any revisions of the lists which are proposed by the Secretary as the result of such review or otherwise will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(1) At any time any interested person may submit a request for a review of any particular listed or nonlisted species or subspecies. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

- (i) Name and address of the person making the request;
- (ii) Association, organization, or business, if any, represented by the person making the request;

(iii) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person;"

(iv) Designation of the particular species or subspecies in question by common and scientific name;

(v) Narrative explanation of the request for review and justification for a change in the status of the species or subspecies as aforesaid in question;

(vi) Scientific, commercial, or other data believed to support the request; and

(vii) Signature of the person making the request.

(2) If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the species or subspecies under review in such form or manner as may be specified.

**Subpart C—Endangered Wildlife Importation Permits**

**§ 17.21 General permit requirement.**

No person shall import from any foreign country any species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (§ 17.11, as amended), without a valid permit issued pursuant to this subpart C.

**§ 17.22 Economic hardship permits.**

Upon receipt of an application which demonstrates to his satisfaction that the applicant will suffer an undue economic hardship, the Director may issue a permit authorizing importation of endangered foreign wildlife.

(a) **Application procedure.**—Applications for permits to import endangered foreign wildlife to prevent undue economic hardship shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, and description (e.g., tanned hides), of the wildlife to be covered in the permit;

(2) Purpose of the importation;

(3) A full statement of the facts, circumstances and reasons why failure to grant a permit under this section would lead to undue economic hardship, together with all supporting documents, including certified copies of all relevant contracts, correspondence, financial commitments, and current and historical financial data which show the dollar amount of anticipated loss or economic hardship;

(4) A full statement of the applicant's involvement with the importation of the same or similar species or subspecies of wildlife during the calendar year immediately preceding the date the proposal to list such species or subspecies as endangered was published in the FEDERAL REGISTER and the same information.

for the period between the date the proposed listing was published in the FEDERAL REGISTER and the date the actual determination that the species or subspecies was endangered. This statement should include certified copies of all relevant contract, correspondence, and financial data pertaining to such importations;

(5) The economic and legal alternatives available to the applicant;

(6) Method of shipment;

(7) If live wildlife is involved, a detailed description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States must be included;

(8) Date the importation is expected to occur; and

(9) Designated port of entry through which the importation will be made.

(b) *Permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits to import endangered wildlife to prevent undue economic hardship shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importations made under authority of such permit shall be submitted in writing to the Director within 10 days following such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities (phone 202-343-5687) immediately. The carcass of any such wildlife which die or are killed shall be retained in such a manner as not to impair their use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider, among other criteria, the following in determining whether to issue a permit to import endangered foreign wildlife to prevent undue economic hardship:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of the wildlife;

(2) The severity of the economic hardship that likely would result should the permit not be issued;

(3) Evidence that the applicant had entered into a valid, binding contract to import into the United States the wildlife in question and that such contract had been concluded prior to the date on which the wildlife was listed as endangered pursuant to § 17.11;

(4) Whether the contract referred to in paragraph (c) (3) of this section had been entered into during the period between publication in the FEDERAL REGISTER of the proposal to list such species as endangered and the date of actual determination that the species or subspecies was endangered or during a period when the applicant would otherwise likely have known the wildlife in question would be determined to be endangered;

(5) Whether it appears the applicant can reasonably effect the importation within 1 year from the date on which the wildlife in question was listed as endangered pursuant to § 17.11; and

(6) The economic, legal or other alternatives or relief available to the applicant.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife to prevent undue economic hardship shall be designated on the face of the permit, but in no case shall extend beyond 1 year following the addition of that species or subspecies to the list of endangered foreign wildlife pursuant to § 17.11.

#### § 17.23 Zoological, educational, scientific, or propagation permits.

The Director may issue permits authorizing the importation of endangered foreign wildlife for zoological, scientific, or educational purposes, or for the propagation of such wildlife in captivity.

(a) *Application procedures.*—Application for permits to import endangered foreign wildlife for zoological, educational, scientific, or propagational purposes shall be submitted by letter of application to the Director. Each such application shall contain the general information and certification set forth in § 12.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered by the permit;

(2) Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans on utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

(5) A statement that at the time of application the wildlife to be imported is still in the wild, bred and born in captivity, or has been removed from the wild;

(6) A resume of attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate; and

(7) If live wildlife is to be imported, include:

(i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported; and

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

(b) *Permit condition.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of captive propagation shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importation made under authority of any such permit shall be submitted in writing to the Director within 10 days following such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities (phone 202-343-5687) immediately. The carcass of any such wildlife which die or are killed shall be retained in such a manner as not to impair their use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider, among other criteria, the following in determining whether to issue a permit to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of captive propagation:

(1) The direct or indirect effect which issuing such a permit would be likely to have upon the wild populations of the wildlife;

(2) Whether the purpose for which the permit is being requested would likely reduce the severity of the threat to extinction facing the subject species or subspecies;

(3) Opinions or views of scientists or other persons or organizations knowledgeable of the wildlife to be imported or of other matters germane to the application;

(4) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application; and

(5) Whether the purpose for which the permit is being requested is adequate to justify the removal of the wildlife from the wild or otherwise change its status.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of captive propagation shall be designated on the face of the permit.

#### PART 19—[RESERVED]

#### PART 20—MIGRATORY BIRD HUNTING

##### Subpart A—Introduction

- Sec. 20.1 Scope of regulations.  
20.2 Relation to other provisions.

##### Subpart B—Definitions

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Subpart C—Taking

- Sec. 20.21 Hunting methods.
- 20.22 Closed seasons.
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Subpart M—Wildlife Development Areas

- 20.141 Approval of area development program.
- 20.142 Revocation of program approval.
- 20.143 Notice and hearing.

AUTHORITY.—Migratory Bird Treaty Act, section 3, 40 Stat. 755.

As redesignated, part 20 reads as follows:

Subpart A—Introduction

§ 20.1 Scope of regulations.

(a) *In general.*—The regulations contained in this part relate to the hunting of migratory game birds, and common crows (*Corvus brachyrhynchos*).

(b) *Procedural and substantive requirements.*—Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Com-

mon crows (*Corvus brachyrhynchos*) may be taken, possessed, transported, exported, or imported only in accordance with subpart H of this part and the restrictions, conditions, and requirements prescribed in § 20.133.

(c) *Authority.*—The regulations in this part are promulgated under authority of the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703-711).

§ 20.2 Relation to other provisions.

(a) *Migratory bird permits.*—The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to part 16 of this chapter.

(b) *Migratory bird hunting stamps.*—The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.*—The provision of law respecting migratory to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State laws for the protection of migratory birds.*—Nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions

§ 20.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Migratory game birds.*—Those game birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed, are listed as follows:

- (1) Anatidae (wild ducks, geese, brant, and swans);
- (2) Columbidae (wild doves and pigeons);
- (3) Gruidae (little brown cranes);
- (4) Rallidae (ralls, coots, and gallinules); and
- (5) Scolopacidae (woodcock and snipe).

A list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in § 10.13 of this chapter.

(b) *Open season.*—Calendar days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(c) *Closed season.*—Calendar days on which migratory game birds shall not be taken.

(d) *Daily bag limit.*—The maximum number permitted to be taken by one

person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(e) *Aggregate daily bag limit.*—The maximum number permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

(f) *Possession limit.*—The maximum number permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(g) *Aggregate possession limit.*—The maximum number, lawfully taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

(h) *Personal abode.*—One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(i) *Commercial preservation facility.*—Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

Subpart C—Taking

§ 20.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, pump gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

## PROPOSED RULES

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided*, That a hunter may retrieve dead or crippled birds from a craft under power, and may shoot crippled birds from such craft under power.

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl.

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

(i) By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

#### § 20.22 Closed seasons.

No person shall take migratory game birds during the closed season.

#### § 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in subpart K of this part.

#### § 20.24 Daily limit.

No person shall take in any 1 day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

#### § 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

#### Subpart D—Possession

#### § 20.31 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

#### § 20.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

#### § 20.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

#### § 20.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

#### § 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a commercial preservation facility; or (d) a post office; or (e) a common carrier facility.

#### § 20.36 Tagging requirement.

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

#### § 20.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

#### § 20.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

#### § 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

#### Subpart E—Transportation Within the United States

#### § 20.41 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, transport any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

#### § 20.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

#### § 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

#### § 20.44 Marking package or container.

No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

#### Subpart F—Exportation

#### § 20.51 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

#### § 20.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing

remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

§ 20.53 Marking package or container.

No person shall export migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart G—Importations

§ 20.61 Importation limits.

No person shall import during any 1 calendar week beginning on Sunday migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.*—Not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species from any foreign country.

(b) *Waterfowl.*—(1) From any foreign country except Canada, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

§ 20.62 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

§ 20.63 Foreign export permits.

No person shall import, possess or transport, any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 20.64 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 20.62), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 21.24 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 20.65 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of

each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.

§ 20.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 20.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, or transport, any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Commercial Preservation Facilities

§ 20.81 Tagging requirement.

No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

§ 20.82. Records required.

No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were received; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

§ 20.83 Inspection of premises.

No commercial preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

Subpart J—Feathers or Skins

§ 20.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing files, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (wild ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

§ 20.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules [Reserved]

Subpart L—Administrative and Miscellaneous Provisions

§ 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 20.132 Native use in Alaska.

In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murre, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

§ 20.133 Hunting regulations for common crows.

(a) Common crows (*Corvus brachyrhynchos*) may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the States of Hawaii and Alaska where no crows shall be taken, States may by statute or regulation prescribe a hunting season on the common crow (*Corvus brachyrhynchos*). Such State statutes or regulations may set forth the methods of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

#### Subpart M—Wildlife Development Areas

##### § 20.141 Approval of area development program.

With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

##### § 20.142 Revocation of program approval.

Approval of any such program may be revoked by the Secretary upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

##### § 20.143 Notice and hearing.

Prior to any determination by the Secretary that the terms of an approved area development program have been or are being violated by the proponent thereof, a notice shall be sent to said proponent specifying the character, time, and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement of understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of 60 days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon, the provisions of § 20.21 shall be fully applicable to the area in question.

## PART 21—MIGRATORY BIRD PERMITS

### Subpart A—Introduction

- Sec.  
21.1 Purpose of regulations.  
21.2 Scope of regulations.

### Subpart B—General Requirements

- Sec.  
21.11 General permit requirements.  
21.12 General exception to permit requirements.  
21.13 Permit exceptions for captive-reared mallard ducks.  
21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.  
21.15 Permit noncompliance.

### Subpart C—Specific Permit Provisions

- 21.21 Import and export permits.  
21.22 Bird banding or marking permits.  
21.23 Scientific collecting permits.  
21.24 Taxidermist permits.  
21.25 Waterfowl sale and disposal permits.  
21.26 Special aviculturist permit.  
21.27 Special purpose permits.

### Subpart D—Control of Depredating Birds

- 21.41 Depredation permits.  
21.42 Authority to issue depredating orders to permit the killing of migratory game birds.  
21.43 Depredation order for blackbirds, cowbirds, grackles, common crows and magpies.  
21.44 Depredation order for designated species of depredating birds in California.  
21.45 Depredation order for depredating purple gallinules in Louisiana.

AUTHORITY.—Migratory Bird Treaty Act, sec. 3, 40 Stat. 755.

### Subpart A—Introduction

#### § 21.1 Purpose of regulations.

The regulations contained in this part supplement the general permit regulations of part 12 of this subchapter with respect to permits for the taking, possession, transportation, sale, purchase, barter, export, import, banding and marking of migratory birds. This part also provides certain exceptions to permit requirements for public, scientific or educational institutions, and establishes depredation orders which provide certain limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703-711).

#### § 21.2 Scope of regulations.

(a) Migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703-711) may be possessed or transported without a Federal permit, but may not be imported, exported, purchased, sold, bartered, or offered for purchase, sale, trade, or barter, and all shipments of such birds must be marked as provided by 18 U.S.C. 44 and § 13.81 of this subchapter: *Provided*, That no exemption from any statute or regulation shall accrue to any offspring of such birds.

(b) This part 21 does not apply to the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*) for which regulations are provided in part 22 of this subchapter.

### Subpart B—General Requirements

#### § 21.11 General permit requirements.

Except as permitted by regulations under this part or under part 20 of this subchapter (the hunting regulations), a permit is required for any person to im-

port, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of migratory birds of their progeny, parts, nests, or eggs.

#### § 21.12 General exception to permit requirements.

The following exceptions to the permit requirement are allowed.

(a) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(b) State game departments, municipal game farms or parks, and public museums, zoological parks, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of 5 years following the end of the calendar year covered by the records.

#### § 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, exported (but not imported), and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Nothing in this section shall be construed to permit the taking of live mallard ducks or their eggs from the wild.

(b) All mallard ducks possessed in captivity, without a permit, shall have been physically marked by removal of the hind toe from the right foot prior to 4 weeks of age and all such ducks hatched, raised, and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age.

(c) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and trans-

ported in any number at any time or place: *Provided*, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 4 weeks of age.

(d) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided*, That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: *Provided further*, That the provisions of the hunting regulations (part 20 of this subchapter) and the Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations, as provided for in this paragraph, or to bona fide dog training or field trial operations.

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot when either the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

**§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.**

Any person may, without a permit, lawfully acquire captive-reared and properly market migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid Federal waterfowl sale and disposal permits except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, raised, and retained in captivity must be physically marked by removal of the hind toe from the right foot prior to reaching 4 weeks of age.

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any

other person unless a special Federal permit has first been secured authorizing such disposal: *Provided*, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcasses of any such birds which they have acquired from the holder of a valid Federal waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See pt. 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass unless such carcasses were otherwise properly marked and the food removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a Federal waterfowl sale and disposal permittee, the permittee will furnish a copy of form 3-186, notice of waterfowl sale or transfer, to be retained on file by the buyer during his possession of such birds or eggs or progeny or eggs thereof.

**§ 21.15 Permit noncompliance.**

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn if the activities of the permittee, involving live birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 20.21 of this subchapter) on the premises covered by the permit, or where such activities on the premises of the permittee would preclude the legal hunting of migratory game birds on adjacent premises not under control of the permittee. Any person whose permit has been revoked shall not be issued a like permit until at least 1 year after the date of revocation.

**Subpart C—Specific Permit Provisions**

**§ 21.21 Import and export permits.**

(a) *Permit requirement.*—(1) A permit from the U.S. Department of Agriculture is required before any live migratory birds or eggs of the family Anatidae (wild ducks, geese, brant, and swans) may be imported. The permit required by this paragraph may be obtained by letter of application addressed to USDA—ARS—ANE, Import-Export Animals and Products, Hyattsville, Md. 20782.

(2) An importation permit is required before any live birds, other than waterfowl or their eggs, or dead migratory birds, or their parts, nests, or eggs may be imported. Excepted from the permit required by this paragraph are: (1) Live birds of the family Anatidae, the impor-

tation of which is regulated by the preceding paragraph; and (2) migratory birds taken pursuant to the migratory bird hunting regulations, part 20 of this subchapter.

(3) A permit is required before any migratory birds, or their parts, nests, or eggs may be exported. Provided that pen-reared mallards may be exported without a permit as provided in § 21.13.

(b) *Application procedures.*—Applications for permits to import or export migratory birds shall be submitted to the appropriate special agent in charge (see § 12.11(b) or this subchapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

- (1) Specify whether importation or exportation is requested;
- (2) Species and numbers of migratory birds or their parts, nests, or eggs to be imported or exported;
- (3) Name and address of the person from whom such birds are being imported or to whom they are being exported;
- (4) Purpose for which importation or exportation is being made;
- (5) Estimated date of arrival or departure of shipment, and the port of entry or exit through which the shipment will be imported or exported; and
- (6) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds, their parts, nests, or eggs where such a permit is required.

**§ 21.22 Bird banding or marking permits.**

(a) *Permit requirement.*—A banding or marking permit is required before any person may capture migratory birds for banding or marking purposes or use official bands issued by the Bureau for banding or marking any species of bird.

(b) *Application procedures.*—Applications for banding or marking permits shall be submitted by letter of application addressed to the Bird Banding Laboratory, Migratory Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md. 20810. Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

- (1) Species and numbers proposed to be banded;
- (2) Purpose of banding;
- (3) State or States in which authorization is requested;
- (4) Copies of any State permits authorizing such banding where such permits are required by State law; and
- (5) Name and address of the public, scientific, or educational institution to which any specimens will be donated that are salvaged pursuant to paragraphs (c) (3) and (4) of this section.

(c) *Additional permit conditions and authorizations.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions: (1) The banding of migratory birds shall be by official num-

bered leg bands issued by the Bureau. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the banding permit.

(2) All traps or nets used to capture migratory birds for banding purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (form 3-1155, available upon request from the Bird Banding Laboratory, Migratory Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md. 20810) which shall bear the name and address of the permittee and the number of his permit.

(3) The holder of a banding permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee's normal banding operations, and casualties from other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to a public scientific or educational institution at least every 6 months or within 60 days of the time such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(4) Banders must keep accurate records of their operations and file reports as set forth in the U.S. Fish and Wildlife Service's Bird Banding Manual, or supplements thereto, in accordance with instructions contained therein.

(d) *Tenure of permits.*—Banding permits are valid for a period of 2 years from the date of issue, unless otherwise stated on the face of the permit.

#### § 21.23 Scientific collecting permits.

(a) *Permit requirement.*—A scientific collecting permit is required before any person may take, transport, or possess migratory birds, their parts, nests, or eggs for scientific research or educational purposes.

(b) *Application procedures.*—Applications for scientific collecting permits shall be submitted to the appropriate Special Agent in Charge (See: § 12.11(b) of this subchapter). Each such application shall contain the general information and certification required by § 12.12(a) of this subchapter plus the following additional information:

(1) Species and numbers of migratory birds or their parts, nests, or eggs to be taken or acquired when it is possible to determine same in advance;

(2) Statement of the purpose and justification for granting such a permit, including an outline of any research project involved; and

(3) Name and address of the public, scientific, or educational institution to which all specimens will ultimately be donated.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B,

permits issued under this section shall be subject to the following conditions:

(1) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(d) *Tenure of permit.*—The tenure of scientific collecting permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

#### § 21.24 Taxidermist permits.

(a) *Permit requirement.*—A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself.

(b) *Application procedures.*—Application for taxidermist permits shall be submitted to the appropriate Special Agent in Charge (See: § 12.11(b) of this subchapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

(1) The address of premises where taxidermist services will be provided;

(2) A statement of the applicants qualifications and experience as a taxidermist; and

(3) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Permit authorizations.*—A permit authorizes a taxidermist to:

(1) Receive, transport, hold in custody or possession, mount or otherwise prepare, migratory birds, and their parts, nests, or eggs, and return them to another.

(2) Sell properly marked, captive reared migratory waterfowl which he has lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by such consignee for the purpose of sale.

(d) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to the other records required by this paragraph, the permittee must maintain in his files, the original of the completed form 3-186, Notice of Waterfowl Sale or Transfer, confirming his acquisition of captive reared, properly marked migratory waterfowl from the holder of a current Federal waterfowl propagating permit.

Permittees must retain such records for a period of 5 years following the end of the calendar year covered by the records.

(2) Notwithstanding the provisions of paragraph (c) of this section, the receipt, possession, and storage by a taxidermist of any migratory game birds taken by another by hunting is not authorized unless they are tagged as required by § 20.36 of this subchapter. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

(e) *Tenure of permit.*—The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

#### § 21.25 Waterfowl sale and disposal permits.

(a) *Permit requirement.*—A waterfowl sale and disposal permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs, except that such a permit is not required for such sales or disposals of captive-reared and properly marked mallard ducks or their eggs.

(b) *Application procedures.*—Applications for waterfowl sale and disposal permits shall be submitted to the appropriate Special Agent in Charge (see: § 12.11(b) of this subchapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

(1) A description of the area where waterfowl are kept;

(2) Species and numbers of waterfowl now in possession and a statement showing from whom these were obtained; and

(3) A statement as to whether or not all such waterfowl are marked as required by the provisions of this part 21.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild, and may not acquire such birds or their eggs from any person not authorized by a valid permit issued pursuant to this part to dispose of such birds or their eggs.

(2) All live migratory waterfowl possessed in captivity under authority of a valid waterfowl sale or disposal permit shall have been, physically prior to 4 weeks of age, marked by removal of the hind toe from the right foot. All offspring of such birds hatched, raised and retained in captivity shall be so marked prior to attaining 4 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which were marked previous to March 1, 1967,

by a "V" notch in the web of one foot, nor to such birds held in captivity at public zoological parks, and scientific or educational institutions.

(3) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(4) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That permittees who are also authorized to sell game under a State license, permit, or authorization may remove the marked foot from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization.

(5) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided*, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 4 weeks of age, and *Provided further*, That on each date that any such birds or their eggs are transferred to another person, the permittee must complete a form 3-186, Notice of Waterfowl Sale or Transfer. (Bureau will provide supplies of form.) The permittee will furnish the original of completed form 3-186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the office of the Bureau of Sport Fisheries and Wildlife which issued his permit.

(d) *Tenure of permits.*—The tenure of waterfowl sale or disposal permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 21.26 Special aviculturist permit.

(a) *Permit requirement.*—A special aviculturist permit is required before any person may acquire, propagate, possess, exhibit, or dispose of by exchange, sale, or gift to another person captive-reared migratory waterfowl not physically marked by removal of the hind toe from the right foot.

(b) *Application procedures.*—Applications for special aviculturist permits shall be submitted to the appropriate Special Agent in Charge (see: § 12.11(b) of this subchapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following information:

(1) A description of the area where such waterfowl are to be kept;

(2) Statement of number and species of non-toe-clipped waterfowl permittee now possesses, and the number of each species he requests to be authorized to possess;

(3) Statement of how, or when and from whom any non-marked waterfowl presently in possession were acquired;

(4) Statement of justification and need for such permit; and

(5) Permit number and expiration date of State permit authorizing such activity.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Special aviculturist permit holders may not take migratory waterfowl or their eggs from the wild.

(2) Special aviculturist permit holders may not dispose of migratory waterfowl which are not marked by physical removal of the hind toe from the right foot prior to 4 weeks of age to any person who does not hold a valid special aviculturist permit, nor acquire such unmarked waterfowl from any person who is not the holder of a valid special aviculturist permit.

(3) On each date that any such unmarked birds or their eggs are transferred to another special aviculturist permittee, the permittee transferring the birds or their eggs must complete a form 3-186, Notice of Waterfowl Sale or Transfer. The permittee will furnish the original of completed form 3-186 to the permittee acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the regional office of the Bureau of Sport Fisheries and Wildlife which issued his permit. The permittee shall clearly indicate on such form 3-186 that the waterfowl sold or transferred were "unmarked" and shall place his special aviculturist permit number on the form, and shall not report such sales under authority of any other Federal permit. The Bureau will provide form 3-186 to permittees upon request.

(4) Special aviculturist permittees shall keep records in conformance with the provisions of § 12.46 of this subchapter. Such records shall be kept separately from records of activities under any other Federal permit held by the permittee.

(5) Within 30 days following December 31 of each calendar year, permittee must file a report, negative or otherwise, on a form furnished for that purpose. This form will require each permittee to record information concerning his transactions during the year, and will include but may not be limited to, the number of each species of non-toe-clipped waterfowl and waterfowl eggs on hand at the beginning of the period covered by the report, the name, address, and aviculturist permit number of each permittee from whom he acquired and to whom he

transferred any non-toe-clipped waterfowl or waterfowl eggs, and the number of each species of non-toe-clipped waterfowl and waterfowl eggs left on hand as of December 31 of the year covered in the report.

(d) *Tenure of permit.*—The tenure of special aviculturist permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

§ 21.27 Special purpose permits.

Subject to the discretion and policies of the Bureau, permits may be issued for migratory bird activities outside the scope of the standard form permits of this part, upon a sufficient showing of benefit to the migratory bird resource, important research reasons, humane, or other compelling justification.

(a) *Permit requirement.*—A special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests, or eggs for any purpose not covered by the standard form permits of this part.

(b) *Application procedures.*—Applications for special purpose permits shall be submitted by letter of application addressed to the appropriate special agent in charge (see § 12.11(b) of this subchapter). Each such application shall contain the general information and certification set forth by 12.12(a) of this subchapter plus the following additional information:

(1) A detailed statement describing the project or activity which requires issuance of a permit, purpose of such project or activity, and a delineation of the area in which it will be conducted. (Copies of supporting documents, research proposals, and any necessary State permits should accompany the application);

(2) Numbers and species of migratory birds involved where same can reasonably be determined in advance; and

(3) Statement of disposition which will be made of migratory birds involved in the permit activity.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Any special conditions which appear on the permit.

(2) Special purpose permit holders shall file with the issuing officer an annual report of operations not later than January 31 of each year for the preceding calendar year or any portion thereof during which the permit was in force, describing in detail operations under the permit, number and species of migratory birds acquired, disposed of, and an inventory of those on hand as of December 31.

(3) Special purpose permit holders shall make such other reports as may be requested by the issuing officer.

(d) *Tenure of permits.*—The tenure of special purpose permits shall be limited

to the dates which appear on its face, but in no case shall be longer than the second full calendar year ending December 31 following the date of issue.

**Subpart D—Control of Depredating Birds**  
**§ 21.41 Depredation permits.**

Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area; the nature of the crops or other interests being injured; the extent of such injury; and the particular species of birds committing the injury, an investigation will be made. If it is then determined that the injury complained of is substantial and can be abated, a permit to frighten, herd, or kill such birds may be issued. The permit shall specify the person, the time, and the method by which such birds may be frightened, herded, or killed. The permit shall further provide that all dead birds shall be disposed of as prescribed therein; that a report shall be made of the operations; and shall include such other conditions as may be appropriate in each case.

**§ 21.42 Authority to issue depredating orders to permit the killing of migratory game birds.**

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

**§ 21.43 Depredation order for blackbirds, cowbirds, grackles, common crows and magpies.**

A Federal permit shall not be required to control yellow-headed red-winged, bi-colored red-winged, tri-colored red-winged, and Brewer's blackbirds, cowbirds, all grackles, common crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance; *Provided*:

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

**§ 21.44 Depredation order for designated species of depredating birds in California.**

In any county in California in which meadowlarks, horned larks, golden-crowned, white-crowned, and other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: *Provided*:

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where

killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area, except that any specimens needed for scientific purposes, as determined by the State or the Secretary, shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Secretary on or before December 31 of each year or whenever the Secretary so requests.

**§ 21.45 Depredation order for depredating purple gallinules in Louisiana.**

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (*Tringa martinica*) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided*:

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided*, That the Secretary, or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further*, That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Secretary.

**PART 22—EAGLE PERMITS**

**Subpart A—Introduction**

- Sec.
- 22.1 Purpose of regulations.
- 22.2 Scope of regulations.
- Subpart B—General Requirements**
- 22.11 General permit requirements.
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- 22.13 Marking of package or container.
- 22.14 Disposition of eagles by the Bureau.
- Subpart C—Eagle Permits**
- 22.21 Permits for scientific or exhibition purposes.
- 22.22 Permits to possess and use eagles for religious purposes.
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- Subpart D—Depredation Control Orders on Golden Eagles**
- 22.31 Golden eagle depreciations control order on request of Governor of a State.
- 22.32 Conditions and limitations on taking under depreciation control order.

**AUTHORITY.**—Bald Eagle Protection Act, sec. 2, 54 Stat. 251.

**Subpart A—Introduction**

**§ 22.1 Purpose of regulations.**

The regulations contained in this part govern the taking, possession, and transportation of bald and golden eagles for scientific, educational, and depredations control purposes and for the religious purposes of Indian tribes. The import, export, purchase, sale, or barter of bald or golden eagles, their parts, nests, or eggs is not permitted by any regulation of this subchapter B.

**§ 22.2 Scope of regulations.**

Bald eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to June 8, 1940, and golden eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to October 24, 1962, may be possessed, or transported without a Federal permit, but may not be imported, exported purchased, sold, traded, bartered, or offered for purchase, sale, trade or barter; and all shipments containing such birds, parts, nests, or eggs must be marked as provided by 18 U.S.C. 44 and § 13.81 of this Subchapter; *Provided*, That no exemption from any statute or regulation shall accrue to any offspring of such birds.

**Subpart B—General Requirements**

**§ 22.11 General permit requirements**

Except as permitted by regulations under this part, a permit is required for any person to take, possess or transport the bald eagle (*Haliaeetus leucocephalus*), commonly known as the American eagle, or the golden eagle (*Aquila chrysaetos*), or their parts, nests, or eggs.

**§ 22.12 General restrictions.**

No bald eagle or golden eagle, or their parts, nests, or eggs may be imported, exported, purchased, sold, traded, or bartered, or offered for purchase, sale, trade, or barter in the United States.

**§ 22.13 Marking of package or container.**

Every package or container in which bald eagles or golden eagles or their parts,

nests, or eggs are transported by any means whatever, must be plainly and clearly marked, labeled, or tagged on the outside thereof showing the names and addresses of the consignor and consignee, the contents of the package or container, and the number of the permit, where required, under authority of which it is possessed and transported, and the purpose of the shipment.

**§ 22.14 Disposition of eagles by the Bureau.**

Any bald eagles or golden eagles or their parts, nest, or eggs seized for any violation under this part and forfeited to the Government, or otherwise acquired by the Bureau, may be disposed of by loan to public museums, public scientific or educational institutions, or public zoological parks, and suitable parts or plumage of such birds may be donated to individual Indians authorized by permit to possess such items for religious purposes.

**Subpart C—Eagle Permits**

**§ 22.21 Permits for scientific or exhibition purposes.**

Whenever the Secretary determines that it is compatible with the preservation of the bald eagle or the golden eagle to take, possess, or transport such birds or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks, a permit may be issued for such purposes.

(a) *Application procedure.*—Applications for permits to take, possess, or transport bald or golden eagles, their parts, nests, or eggs for scientific or exhibition purposes shall be submitted to the appropriate special agent in charge (See: § 12.11(b) of this subchapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following information:

- (1) Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;
- (2) Specific locality in which taking is proposed, if any;
- (3) Method of taking proposed, if any;
- (4) If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;
- (5) Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;
- (6) Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following condition: Within 30 days after expiration of the permit, the permittee shall submit a report of activities conducted under the permit to the special agent in charge on a form provided for this purpose.

(c) *Tenure of permits.*—The tenure of permits to take bald or golden eagles for scientific or exhibition purposes shall be that which appears on the face of the permit but in no case shall be longer than 1 year from date of issue.

**§ 22.22 Permits to possess and use eagles for religious purposes.**

Whenever the Secretary determines that the taking, possession, and transportation of bald or golden eagles for the religious purposes of Indian tribes is compatible with the preservation of such birds, he may issue permits for such taking, possession, and transportation to those individual Indians who are authentic, bona fide practitioners of such religion.

(a) *Application procedure.*—Applications for permits to take, transport, and possess bald or golden eagles or their parts for the religious use of Indians shall be submitted to the appropriate special agent in charge (See: § 12.11(b) of this subchapter). Only applications from individual Indians will be accepted. Each such application shall contain the general information and certification required by § 12.12(a) of this subchapter plus the following additional information:

- (1) Species and number of eagles or feathers proposed to be taken, or acquired by gift or inheritance.
- (2) State and local area where the taking is proposed to be done, or from whom acquired.
- (3) Name of tribe with which applicant is associated.
- (4) Name of tribal religious ceremony(ies) for which required.
- (5) Applicant must attach a certification from the Bureau of Indian Affairs that the applicant is an Indian.
- (6) Applicant must attach a certification from a duly authorized official of the religious group that the applicant is authorized to participate in such ceremonies.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

- (1) Bald or golden eagles or their parts possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs.
- (2) Permittees shall make such reports or submit inventories of eagle feathers or parts on hand as may be requested by the special agent in charge.

(c) *Tenure of permits.*—Any permit issued pursuant to this section under which the applicant is authorized to take eagles shall be valid during the period specified on the face thereof which shall in no case be longer than 1 year from date of issue. Any permit issued pursuant to this part which authorizes the permittee to transport and possess eagles or their parts shall be valid for the life of the permittee unless sooner revoked.

**§ 22.23 Permits to take depredating eagles.**

The Secretary may issue permits to take bald eagles or golden eagles when he determines they have become seriously injurious to wildlife or to agricultural or other interests in any particular area in the United States or in any place subject to its jurisdiction, and the injury complained of is substantial and can be abated only by taking some or all of the offending birds.

(a) *Application procedure.*—Applications for permits to take depredating bald or golden eagles shall be submitted to the appropriate special agent in charge (See: § 12.11(b) of this subchapter). Each such application must contain the general information and certification set forth by § 12.12(a) of this subchapter plus the following additional information:

- (1) Species and number of eagles proposed to be taken;
- (2) Location and description of property where taking is proposed;
- (3) Inclusive dates for which permit is requested;
- (4) Method of taking proposed;
- (5) Kind and number of livestock or domestic animals owned by applicant;
- (6) Kind and amount of alleged damage; and
- (7) Name, address, age, and business relationship with applicant or any person the applicant proposes to act for him as his agent in the taking of such eagles.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

- (1) Bald or golden eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft;

(2) The taking of eagles under permit may be done only by the permittee or his agents name in the permit;

(3) Any eagles taken under authority of such permit will be promptly turned over to a Bureau agent or other game law enforcement officer designated in the permit;

(4) Any person holding a permit under this section shall permit at all reasonable times, including during actual operations, any Bureau agent or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information or report he may require concerning such operations.

(c) *Tenure of permits.*—The tenure of any permit to take bald or golden eagles for depredation control purposes shall be that shown on the face thereof, and shall in no case be longer than 1 year from date of issue.

**Subpart D—Depredation Control Orders on Golden Eagles**

**§ 22.31 Golden eagle depredations control order on request of Governor of a State.**

(a) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect livestock, the Secretary will authorize such taking without a permit in whatever part or parts of the State and for such periods as he determines necessary to protect those interests.

(b) Requests from the Governor of a State to take golden eagles to seasonally protect livestock must be submitted in writing to the Secretary listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the

boundaries of the proposed area of taking. The Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

**§ 22.32 Conditions and limitations on taking under depredation control order.**

(a) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Any person exercising any of the privileges granted by this subpart D must permit all reasonable times, including during actual operations, any Bureau agent, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

**PARTS 23-24—[Reserved]**

Comments received on or before May 25, 1973, will be considered for incorporation into the final regulations. Additional comments will be received until June 30, 1973, and if significant changes are warranted, the regulations will be amended accordingly. Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

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

APRIL 16, 1973.

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