

7. Net weight of the shrimp is the weight of the shrimp and of any loose breading and frost, exclusive of packaging material. The amount of loose breading and frost shall not exceed the limits of good manufacturing practices.

c. Paragraphs (u) and (u) (2) (ii) are changed as follows:

(u) Percent shrimp material—official end product method:

(2) * * *

(ii) Calculate percent shrimp material.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample (20 shrimp)}}{\text{Weight of sample (20 shrimp)}} \times 100 + 2$$

(d) Paragraph (v) is redesignated as § 262.21(w) and a new paragraph (v) is added as follows:

(v) Percent shrimp material—on-line method: Percent shrimp material determined by the on-line method refers to the percent by weight of shrimp material in a sample as described below:

(1) Equipment needed:

(i) Water bath (a container with a 3- to 4-liter capacity).

(ii) Balance accurate to 0.1 gram or 0.01 ounce.

(iii) Stop-watch or regular watch readable to a second.

(iv) U.S. Standard sieve—½-inch sieve opening; 12-inch diameter.

(v) U.S. Standard sieve ASTM No. 20, 12-inch diameter.

(vi) Thermometer (immersion type accurate to ±2° F.).

(vii) Forceps, with blunt points.

(viii) Shallow pan.

(ix) Rubber policeman to remove bits of breading from shrimp.

(2) Procedure:

(i) Select in a random manner, a composite sample of 20 unfrozen raw breaded shrimp from production line(s). Weigh the composite sample on a scale, determining the weight of the sample to the nearest 0.1 gram or 0.01 ounce. Place the sample in a water bath filled to three-fourths capacity and in a container maintained at 60° F.—85° F. After shrimp are submerged in water and breading becomes soft, a "gentle" swirling action with hands may be applied to the shrimp to speed up the removal of the breading. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container into them. Remove top sieve and drain on 45-degree angle for 2 minutes then transfer shrimp to balance. Rinse contents of No. 20 sieve onto a shallow pan and collect any particles of shrimp material (flesh, tail fin, etc.), and add to the shrimp on the balance and then weigh.

(ii) Calculate percent shrimp material:

Percent shrimp material =

$$\frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100$$

(iii) Frequency of on-line shrimp material content determination. A minimum of three determinations of shrimp material content shall be carried out for small production runs or lots of the same style product, i.e., 3 x (20 unfrozen raw breaded shrimp). For larger production runs or lots of the same style product, a minimum of one determination, i.e., 1 x (20 unfrozen raw breaded shrimp) shall be carried out for every hour of production of product of the same style.

A new § 262.22 is added as follows:

§ 262.22 Use of alternate methods of shrimp material determination.

(a) The official end product method in § 262.21(u) for determining shrimp material content shall be used for lot inspection, appeal inspection, and inspection for verification in official establishments when the on-line method is used.

(b) The on-line method in § 262.21(u) (2) for determining shrimp material content may be used during processing operations.

TABLE 1.—SCHEDULE OF POINT DEDUCTION FOR RATING IN FROZEN BREADED STATE

Delete the word "Frozen" from the title of Table 1.

Delete Factor 1. Loose breading or frost; and renumber remaining factors. Add the words "in the frozen state" to renumbered Factor 1. Ease of separation.

TABLE 2.—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE DEDUCTIONS BASED ON 20 SHRIMP

Change the title of Table 2 to read as follows: Schedule for Point Deductions for Examination in Unbreaded or Thawed Debreaded State.

Change the designation of Factor 3 to read, "Sand veins where applicable."¹

In the quality description of Factor 7. Extraneous material, change the footnote number from 1 to 2 and renumber footnote 1 to 2.

A new footnote 1 is added to Table 2 as follows:

¹ Deduction points for sand veins shall not be applied to shrimp smaller than 70 count per pound in the raw, headless state. The corresponding size in the breaded state is 40 count per pound and 80 count per pound in the peeled state.

[FR Doc. 72-15117 Filed 9-6-72; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 717]

BLACK LUNG BENEFITS

Manner and Place of Filing of Claims Between July 1 and December 31, 1973 and Preliminary Processing of Such Claims

CROSS REFERENCE: For a document pertaining to the manner and place of filing benefit claims between July 1 and December 31, 1973 and preliminary processing of such claims under the Black Lung Benefits Act of 1972, issued jointly by the Employment Standards Administration and the Social Security Administration, see F.R. Doc. 72-15195, Department of Labor, *infra*.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72 170 P]

ATLANTIC INTRACOASTAL WATER- WAY AND SOUTH FORK, NEW RIVER, FLA.

Proposed Drawbridge Operation Regulations; Correction

F.R. Doc. 72-14766, published at pages 17561-2 in the issue dated Wednesday, August 30, 1972, is corrected by changing "15 minutes" to "20 minutes" at § 117.446(e) (1).

Effective date. This correction is effective upon publication in the FEDERAL REGISTER (9-7-72).

Dated: September 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 72-15151 Filed 9-6-72; 8:48 am]

National Highway Traffic Safety

Administration

[49 CFR Part 571]

[Docket No. 69-29; Notice 3]

MOTOR VEHICLE SAFETY STANDARD NO. 212

Windshield Mounting

Correction

In F.R. Doc. 72-14245 appearing at page 16979 of the issue for Wednesday, August 23, 1972, the headings should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

DIURON

Proposed Tolerance

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Station of Hawaii submitted a petition (PP 1E1164), proposing establishment of a tolerance for residues of the herbicide diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on papayas at 0.5 part per million.

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

1. The pesticide is useful for the purpose for which the tolerance is proposed.

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

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.106 be amended by inserting a new paragraph after the paragraph "1 part per million * * *", as follows:

§ 180.106 Diuron; tolerances for residues.

0.5 part per million in or on papayas.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act, containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 28, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc. 72-15154 Filed 9-6-72; 8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1254]

[Ex Parte No. 285]

DEMURRAGE, DETENTION, ETC.

Maintenance of Records

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of July 1972.

This proceeding is being initiated to examine and consider the need for requiring all rail common carriers of property subject to the jurisdiction of this Commission to make and maintain records sufficient to assure the proper assessment and collection of all applicable demurrage, detention, or other accessorial charges, applicable to both rail freight cars and freight trailers.

Section 6(7) of the Interstate Commerce Act provides in part that no rail-

road shall charge or demand or collect or receive a greater or lesser or different compensation for its transportation services or for any service in connection therewith than the rates or charges named in its tariffs lawfully on file with the Interstate Commerce Commission at the time such service takes place. It further provides that no carrier shall refund or remit in any manner or by any device any portion of the rates or charges so specified, nor extend to any shipper or person any privilege or facility in the transportation of property except such as is specified in such tariff. It is the duty of the Commission under the act to require that common carriers of property by railroad make and maintain adequate records to assure compliance with their published tariffs. Further, it is the duty of this Commission, upon discovery of laxities in this area, to consider whether such laxities as may occur constitute grounds for the prescription of specific records and/or recordkeeping procedures.

The change from manual accounting methods and procedures to computerized configuration in accounting has brought about considerable change in the basic policing policies and recordkeeping procedures with respect to the enforcement by railroads of their lawfully published demurrage, detention, and other accessorial charges. Recent inquiries by the Commission's field staff have revealed serious laxities in complying with both the basic demurrage and other detention tariffs, with other tariffs stating charges for accessorial services, and with the Commission's Credit Regulations as set forth in Title 49 of the Code of Federal Regulations at Part 1320. Large sums of money were found to be outstanding and overdue for payment, but a large part of this money represented charges that were in dispute due to an apparent lack of basic carrier records necessary to prove the validity of the charges as initially assessed. Further, field inquiries have revealed that sizeable sums have actually been canceled because the carriers did not have adequate records to sustain their burden of proof had they resorted to actions at law to collect disputed charges.

Generally, carriers have defended their relaxation of recordkeeping with respect to demurrage or other detention on the bases that the charges lost through their failure to support the charges initially assessed are less than what it would cost to make and maintain adequate records. This, however, is not the issue since: (1) The law specifically requires the collection of all applicable charges; and (2) demurrage and other detention charges serve a dual purpose: (a) Compensation for the use of the car or equipment, and (b) a penalty designed to prevent undue detention of cars or trailers. The latter element is aimed at promoting sound and efficient car service by penalizing shippers who fail to load or unload cars under their control with reasonable promptness.

It is therefore desirable and necessary that—in order to properly evaluate the adequacy of the carriers' present record-

keeping systems and procedures—we consider the feasibility and necessity of adopting a proposed rule or rules which will require common carriers of property by railroad subject to our jurisdiction to maintain records sufficiently on a daily basis, uniform in form and format and in the manner of time and place as designated by the Commission, to: (1) Establish when cars are placed for loading or unloading, as the case may be, and when cars are either completely loaded or completely unloaded, or otherwise released back to the carrier by the shipper; (2) establish when trailers are either made available to shippers or placed for loading or unloading, as the case may be, and when trailers are either completely loaded or completely unloaded or otherwise released back to the carrier by the shipper, and (3) establish when charges are due for other accessorial services, including, but not limited to, such items as weighing of cars or trailers, switching, delivery, or redelivery charges of highway trailers, delayed presentation of order/notify bills of lading, etc.

It is our desire here to impose no greater burden on the carriers than is necessary to provide us with a record that will be useful in solving this transportation problem. In this regard we recognize that many carriers of different sizes, and operating in different areas have developed, over the years, through experience, trial and error, and consultation with management analysts, sophisticated systems for recording demurrage, detention, and other accessorial charges. Therefore, we propose to adopt a rule or rules which will give wide latitude to incorporate the requirements of such rule or rules into their particular systems and methods without creating an undue economic burden and without being disruptive of their operations.

Briefly stated, our inquiry in this proceeding will concern, among other matters: (1) Whether the proposed regulations set forth in the appendix to this notice should be adopted; (2) whether the records should contain more or less information than that required in the said proposed regulations; (3) whether exceptions should be made in the case of large facilities where fully computerized recordkeeping operations have been formulated and established that already provide adequate policing records, and (4) whether this Commission should take such further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

This proceeding is not anticipated to have any adverse effects upon the quality of the human environment.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of Part I of the Interstate Commerce Act (49 U.S.C. I et seq.) including 1(4), 1(5), 1(6), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4), 15(1), 20(1), 20(3),

20(5), and 20(8), thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations set forth in Appendix A to this notice and order, or other regulations of similar purport applicable to common carriers of property by railroad subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all common carriers of property by railroad operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

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

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

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by the filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on, or before the 30th day after service hereof, not including the day of service (August 16, 1972). If the due date falls on a Federal holiday, Saturday, or Sunday, the due date will be the next working day.

It is further ordered, That the original and one copy of statements of intention to participate shall be so filed; that the Office of Proceedings then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the same time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy hereof shall be served on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this order to the Governor of every State and to the public utilities commissions or board of each State having jurisdiction over transportation, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy thereof be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

MAINTENANCE OF DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL SERVICE RECORDS BY COMMON CARRIERS OF PROPERTY BY RAILROAD

§ 1254.01 General applicability.

The rules and regulations of this part apply to demurrage, detention, and other related accessorial services, for which rules, rates, or charges, are named by common carriers of property by railroad in tariffs lawfully on file with the Interstate Commerce Commission with respect to freight cars, highway trailers, other vehicles and/or containers used in the transportation of property.

§ 1254.02 Records pertaining to freight cars.

(a) Every common carrier of property by railroad, subject to the Interstate Commerce Act shall make and maintain, on a daily basis, at each open station at which freight cars are loaded, unloaded, or held awaiting instructions from the shipper, records of all movements of freight cars which will readily show, with respect to each shipment, sufficient information to assess applicable freight charges and charges for detention, demurrage, storage, switching, weighing, inspection, car rental, refrigeration, whether included in regular detention and freight charges or separately stated, stopoff, reconsigning, or diversion charges, loading charges, and charges for other accessorial services, and support the granting of special allowances to shippers when such allowances are authorized by tariffs lawfully in effect.

(b) The above-described records shall be separately maintained at each open or base station for each satellite or non-agency station assigned to it.

§ 1254.03 Demurrage and other detention of railroad freight cars.

(a) *Conductor's report*—(See Exhibit No. 1). Every common carrier of property by railroad subject to the Interstate Commerce Act shall cause to be made on a daily basis a conductor's report, which shall include date and time cars are placed to and/or removed from tracks serving industry location(s) of each consignee or consignor, including but not limited to industrial sidings, industrial interchange tracks, and public delivery (team) tracks. Such records shall include engine number or train identification; name of conductor; date of service; initial and number of railroad freight car(s), whether loaded or empty at time placed or removed; type of service performed, whether placed or removed; identification by name or number of siding or team track; and spot

location on siding of team track. If more than one switch movement per car is made on 1 day, a separate entry must be made and maintained each time said car is moved, as well as the time switching services began and ended at each industry location. The original of the conductor's report must be forwarded at the end of each day to the employee or office maintaining demurrage records. If demurrage accounts are processed or completed at other points, a legible copy of the conductor's report must be maintained at each open station listing the cars placed or removed from tracks under the jurisdiction of such station.

(b) *Daily track check*—(See Exhibit No. 2). A daily track check shall be made by a qualified employee of the carrier or its agent after a visual inspection of the car(s) as close to 7 a.m. as possible, but not before, and shall be completed no later than 11:59 a.m. each day, excluding Saturdays, Sundays, and holidays, except as otherwise authorized by the Commission. Such records shall include a record of all cars located on tracks serving consignee's or consignor's locations, including but not limited to industry sidings, industrial interchange tracks, holding tracks, inspection tracks, and public delivery (team) tracks. The following information shall be recorded: date of check; name of station; name of employee conducting check; identification of track checked; time check of each track begins and ends; initial and number of each car checked; status of car at time checked, whether loaded, partially loaded or unloaded, or empty; and whether located (spotted) at a position accessible for loading or unloading, as the case may be, by consignee or consignor.

(c) *Arrival, placement, or constructive placement notice*—(See Exhibit No. 3). Such a notice shall be prepared and furnished consignees or consignors in writing (see exception).

Exception. When specifically authorized by tariffs lawfully in effect, verbal or telephone notice of arrival, placement, or constructive placement notice may be given provided a confirmatory notice, in writing, is sent or given to the consignor or consignee in writing the same day that telephone or verbal notice is given, except that when such telephone or verbal notices are given within 1 hour of closing time of the railroad station or facility responsible for rendering such notice, the confirmation may be sent or given not later than the following day exclusive of Saturdays, Sundays, and holidays. Each such confirmatory notice shall include reference to the date and hour of the prior verbal notice and the name of both the consignor's or consignee's employee to whom notice was given and the name of the carrier's employee that gave the notice.

(d) *Car order(s)*—(See Exhibit No. 4). Car orders shall be required from all consignors in writing or confirmed in writing. Such car orders shall include station name; date; name of consignor;

number and type of cars requested; destination of shipment; if known, proposed routing, if shipper-routed; and name of person ordering cars. Every carrier shall assign an appropriate number to each car order and shall record the initial and number of each car applied on each car order. To avoid duplication of car orders, unfilled car orders will be considered canceled as of 11:59 p.m. on Saturday of each week. Carriers may accept telephone or other verbal car orders, provided said car orders are immediately confirmed in writing by consignor. When verbal car orders are accepted, the carrier shall record the name of the consignor's representative ordering the cars; date and time car order is received; and name of carrier employee that received the car order. Written confirmation of verbal car orders must be received by the carrier before shipping instructions are accepted. Unsigned or undated car orders shall not be accepted from consignors. When a car is both unloaded and loaded by the same shipper without being returned empty to the carrier, the car shall be considered as having been ordered and furnished as of 7 a.m. of the date car is tendered to the railroad under load accompanied by shipping instructions.

(e) *Record of weather conditions*—(See Exhibit No. 2). Such a record shall be made and maintained at each open freight station three times each day, exclusive of Saturdays, Sundays, and holidays. This record shall be taken at the start of each workday, but not earlier than 7 a.m. nor later than 9 a.m., at noon, and at the close of the workday, but not earlier than 4 p.m. nor later than 6:00 p.m., unless otherwise authorized by the Commission.

(f) *Straight plan demurrage record*—(See Exhibit No. 5). A straight plan demurrage record shall be made by the carrier on a daily basis, exclusive of Saturdays, Sundays, and holidays, to record the status of all cars located within the jurisdiction of each agency station, except as otherwise provided in paragraph (g) and (h) of this section.

(g) *Average agreement demurrage record*—(See Exhibit No. 6). An average agreement demurrage record shall be posted by the carrier on a daily basis, exclusive of Saturdays, Sundays, and holidays, to record the status of all cars located within the jurisdiction of each agency station where prior average agreement contracts have been entered into between consignees or consignors, as the case may be, and the carrier, pursuant to the provisions of applicable tariffs lawfully on file with this Commission.

(h) *Special detention records*—(See Exhibit No. 7). Such records shall be made by the carrier on a daily basis, exclusive of Saturdays, Sundays, or holidays, wherever special detention rules are named as an exception to the general demurrage rules in applicable tariffs governing the application of a particular rate or charge on a specific type of freight shipment.

(i) *References to special detention rules*—All shipping orders, bills-of-lad-

ing, waybills, and freight bills covering shipments subject to special detention rules, mechanical refrigeration charges, or other charges based on the detention of freight cars shall include a reference to the applicable tariff and item numbers naming the detention or refrigeration charges.

(j) *Presentation of demurrage, detention, or refrigeration bills*—All bills for demurrage assessed against cars subject to straight plan demurrage, special detention, or refrigeration services computed on a time basis, shall be presented within 48 hours, exclusive of Saturdays, Sundays, and holidays, of the release of the individual cars. All bills for demurrage assessed on an average agreement basis shall be presented within 15 calendar days of the close of the month during which the demurrage accrued.

(k) *Preparation of bills at central points*—When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stop-off, re-consigning, diversion, loading, or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at central billing or accounting points, copies of such bills or allowances shall be sent to the open station preparing the conductor's reports, track checks, etc., at the same time the bills or allowances are sent to the consignee or consignor.

1254.04 Disability rule.

Common carriers of property by railroad subject to the jurisdiction of the Interstate Commerce Act shall make no allowance for weather interference, carrier or shipper error, strike interference, frozen or congealed lading, bunching of cars, runaround, or other disability conditions unless a claim is made therefor in writing by the consignor or consignee, as the case may be, and then only in compliance with the provisions of applicable tariffs lawfully on file with this Commission. Under no circumstances shall any such claim for allowance be made or given unless approved in writing by the officer of the carrier responsible for the proper assessment and/or collection of demurrage or other detention charges.

1254.05 Detention of highway trailers and other containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission

(a) Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain on a daily basis at each carrier facility where either highway trailers or containers transported in trailer-on-flatcar service (TOFC) or container-on-flatcar service (COFC) are received or delivered to shippers, shippers' agents, freight forwarders, or are exchanged or interchanged with either private, contract, or common motor carriers, including local drayage or cartage motor carriers, or by highway with other railroads, a record of all movements of highway trailers or

containers which will readily show, with respect to each shipment, the information necessary to assess applicable freight charges and charges for detention; trailer-yard storage; drayage; trailer or container rentals; refrigeration, whether included in regular detention charges or separately stated; split pick-up or delivery; delivery service; helper service; and other accessorial services.

(b) A daily record (see Exhibit 9) shall be made of each trailer or container originated or received from another carrier, which shall separately include: initial and number of trailer or container; TOFC or COFC plan number; name of shipper; origin of shipment, if other than point of receipt; name of consignee; destination, both gross and net weight; exterior dimensions; commodity description used for billing purposes; identification of tractor and driver that delivered trailer or container; or, if received via rail, initials and number of car on which trailer or container is received; date and hour loaded onto flatcar; initials and number of car on which loaded; or, if forwarded in substituted service via highway, identification of tractor and driver transporting trailer or container from point of origin or receipt; and date and hour forwarded, including train identification if forwarded via rail.

(c) A daily record (see Exhibit 9) shall be made of each trailer or container terminated or delivered to another carrier, whether railroad, freight forwarder, or motor carrier, which shall separately include: initial and number of trailer or container; TOFC or COFC plan number; name of shipper; origin; name of consignee; destination, if other than point of delivery; commodity description as shown on billing; date and hour of arrival, if received via rail; identification of train and initial and number of car transporting trailer or container to delivering station, if received via highway; identification of trailer and driver transporting trailer or container to delivering station; identification of trailer and driver, or initial and number of car used to deliver trailer or container to consignee or to carrier to which delivered for further movement.

(d) A daily record shall be maintained at each station at which trailers or containers are received from or delivered to shippers, shippers' agents, or freight forwarders or their authorized agents, as follows:

- (1) Outbound loaded shipments.
- (i) Date trailers or containers ordered for loading.
- (ii) Number, kind, and size trailer or container wanted.
- (iii) Date and hour wanted.
- (iv) Commodity to be transported.
- (v) Destination and proposed route.
- (vi) Name of shipper employee ordering trailers or containers.
- (vii) Name of railroad employee accepting order for railroad.
- (viii) Initial and number each trailer or container applied and date applied.
- (ix) Date and hour made available or taken from TOFC/COFC lot.
- (x) Date and hour of arrival at shipper's plant. (Applies only when carrier is

(ix) Date and hour unloading completed, if unloaded by carrier, or carrier

(xi) If unloading of trailer is interrupted by close of working day or because of any condition attributable to consignee, which necessitates carrier's removal of trailer from consignee's premises or from dock area, the date, hour and cause of such removal shall be recorded. When trailer is redelivered to complete unloading, the carrier shall record the data required in subdivisions (vii), (viii), and (ix), (x), or (xi) of this subparagraph (if applicable), for each subsequent delivery until unloading is completed.

(xiii) If trailer is weighed either prior to or subsequent to unloading, the carrier shall record the time, date, and place of weighing, the weight secured, and the name and employer of both the person requesting the weight and the person performing the weighing.

Nothing in this part shall apply to cars moving subject to Freight Tariff No. 8 Series (car demurrage rules on cars at coal mines); cars handled at ocean or Great Lakes ports when moving subject to special port demurrage rules named in tariffs lawfully on file with this Commission; nor on cars moving subject to Item 30 Series of General Car Demurrage Tariff No. 4 Series.

Exhibit No. 1

[illegible]

CODES

INTRA-PLANT SWITCH WEIGHING ON CUSTOMER'S SCALES

24

Station, _____ Rail _____

DAILY TRACK CHECK

At _____
(Location or Industry)

Between M M 19

Condition } _____ By _____
Weather } _____ (Checker)

[illegible]

GENERAL INSTRUCTIONS

Agents must have private and public delivery tracks within their jurisdiction checked each day at 7 a.m., or as soon thereafter as it is possible to do so, and should see that a proper record of the placement of cars for loading or unloading is furnished them by Yard Masters or Conductors; such reports to be preserved as the original record. The checking of cars on tracks should be taken in this book, which should be kept on file as the original record during the period required by the statute of limitation. It is very important that the original record in all cases be preserved, inasmuch as the transcription from the original record into the demurrage record-book will not be accepted as the original record in the event of litigation. All original records must be dated and show the hour when track was checked, and signed by the person making same, for the purpose of future identification.

Instructions to be printed on reverse side of form or, if in book format, on inside of front cover.

Tracks should always be checked from same end each day.

In column headed "Kind" enter kind of car. In column headed "Loading" enter name of commodity in the car if loaded, or "Emp." if empty. In the "Hour" column enter time check of car is made, and in "Location" column enter name or specific designation of track on which car is standing when checked. In "Remarks" column use such terms as "Loading," "Unloading," "1/2 full," "1/4 full," or any other term which will clearly define the condition in which car is found at the time check is made.

NOTICE OF ARRIVAL AND OR PLACEMENT

_____ (Station) Telephone Number _____
 The below listed cars consigned to you have arrived and, when required, upon payment of freight charges and/or surrender of bill of lading as indicated in "REMARKS", _____ available to you at _____:
 (are/will be) (location)

Car Initial and Number*	Point of Shipment	Contents	Other Information

* — If transferred enroute, also list initial and number of original car.

REMARKS: _____

Free time on the above cars expires _____ M on _____ 19____.

I hereby certify that the original of this notice was mailed to the consignee named on the reverse side at _____ M on _____ 19____.

 (Signature of individual mailing notice)

Exhibit No. 3(b)

COMPANY

Station _____ 19____

CONSTRUCTIVE PLACEMENT NOTICE

M

You are hereby notified that the following cars, consigned to, or ordered to or by you, cannot be delivered on account of your inability to receive, or because of other conditions attributable to you, and tender of same is hereby made. These cars are subject to the demurrage rules published in the tariffs lawfully on file, and charges in accordance therewith will be made for detention beyond the free time therein provided.

CAR		CONTENTS	REMARKS	CAR		CONTENTS	REMARKS
Initial	Number			Initial	Number		

ORIGINAL COPY OF THIS NOTICE RECEIVED

(Consignor)

Agent

At _____ M. _____ 19____ By _____ (Consignee) per _____

(If consignee or consignee refuses to acknowledge receipt of this Notice as provided above, the person delivering same should fill out, date and sign the following certificate on the copy kept on file by the Agent:)

I hereby certify that the copy of this Notice was delivered by me to _____
 Mr. _____
 representing the consignee or consignee named herein at _____
 M. on _____ 19____

(If this Notice is not delivered personally by the Agent or his representative, it must be served by mail, and the following certificate on the copy kept on file by the Agent should be filled out, dated and signed:)

I hereby certify that the copy of this Notice was mailed to the shipper or consignee named herein, at _____
 M. on _____ 19____

Agent

Signature of person delivering notice

Agent's copy must be preserved for a period of six years, as required by order of Interstate Commerce Commission.

18091

Exhibit No. 368

(NOTICE OF ARRIVAL AND/OR PLACEMENT FOR CARS DESTINED FOR OTHER THAN TEAM TRACK DELIVERY RULE 3-A AND 3-B-D)
(NOTICE OF CONSTRUCTIVE PLACEMENT FOR CARS DESTINED FOR OTHER THAN TEAM TRACK DELIVERY RULE 3-A-D)

INSTRUCTIONS: WHEN NOTIFYING PATRON OF ARRIVAL OR CONSTRUCTIVE PLACEMENT OF CAR, INCLUDE INFORMATION SUCH AS CAR INITIAL, CAR NUMBER, POINT OF SHIPMENT, CONTENTS & OTHER INFORMATION REQUIRED.

[illegible]

NOTE: THE USE OF THIS FORM IS RESTRICTED TO THE RECORDING OF ONLY THOSE CARS CONSIGNED TO PATROLS FOR WHICH A "TELEPHONE NOTICE OF ARRIVAL OR CONSTRUCTIVE PLACEMENT" AGREEMENT IS ON FILE IN WRITING WITH THE AGENT.

* IF SHIPMENT TRANSFERRED IN TRANSIT, INDICATE INITIAL & NUMBER OR ORIGINAL CAR.

** INSERT DEMURRAGE RULE APPLICABLE, I.E. 0-8, 0-9, 0-8, ETC.

COMPANY

CAR ORDER(S)

Time filed _____
STATION AND DATE _____

A. Order No. _____

B. Number of cars wanted _____

C. Kind of cars wanted _____

D. Length and size of cars wanted _____

F. Where wanted _____

G. To be loaded with _____

H. Destination _____

J. Routing _____

K. Date wanted _____

M. Signature _____
SHIPPER AGENT

AGENT'S RECORD OF CARS FURNISHED

<u>INITIAL</u>	<u>NUMBER</u>	<u>KIND</u>	<u>CAPACITY</u>	<u>LENGTH</u>	<u>PLACED</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

NOTE: This form should be used by shippers and placed with local freight agents where possible when ordering cars. Where orders are given orally (by telephone or in person) to Agent's, yard employees, or others, the person receiving the order should prepare the prescribed form showing complete information and a copy should be retained by the Agent. If the cars are not on hand to fill the order, this form is to be used to transmit the order by wire to the Chief Dispatcher.

PROPOSED RULE MAKING

18093

STRAIGHT PLAN DEMURRAGE RECORD

Exhibit No. 5

AGENT				STATION												ROAD		DATE		MONTH	YEAR	SHEET NO.	FILE	
																☐ C&O/ ☐ B&O								
LINE	FREIGHT BILL NUMBER	CAR			CONTENTS	ARRIVED		ARR. NOTICE ISSUED		CONST. PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		AMOUNT DEMUR. ASSESSED	DEMURRAGE BILL		DEM. RULE OR ITEM APPLIED	TYPE TRACK	CONSIGNEE OR SHIPPER	REMARKS*
		INIT.	NUMBER	KIND		DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR		DATE	HOUR				
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* LIST IN REMARKS INFORMATION PERTAINING TO ALLOWANCES MADE FOR WEATHER INTERFERENCE, FROZEN OR CONGEALED LADING, OUT OF POSITION, YARD DELAYS, ETC. AND ALSO AMOUNT OF HAZARDOUS STORAGE CHARGES ASSESSED AS WELL AS INCENTIVE FREIGHT RATE TARIFF APPLICABLE.

DAILY WEATHER	DATE			DATE			DATE			DATE			DATE			DATE			DATE			DATE		
	AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM	
1			5			9			13			17			21			25			29			
2			6			10			14			18			22			26			30			
3			7			11			15			19			23			27			31			
4			8			12			16			20			24			28						

AVERAGE AGREEMENT DEMURRAGE RECORD

Exhibit No. 6

CONSIGNEE										☐ INBOUND ☐ OUTBOUND		DATE-MONTH		YEAR	SHEET NO.					
TRACK—[GEN. DEL., PRIVATE OR INDUSTRIAL]										STATION		AGENT		ROAD ☐ C&O ☐ B&O		FILE				
CAR			CONTENTS	ARRIVED		ARRIVAL NOTICE ISSUED		CONSTRUCTIVE PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		CREDIT	DEBIT DAYS UP TO & INCLUSIVE	NUMBER OF ARBITRARY DAYS		REMARKS
INITIALS	NUMBER	KIND		DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR			FIRST LEVEL	SECOND LEVEL	
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SPECIAL DETENTION RECORDS

Exhibit No. 7

AGENT		STATION		ROAD ☐ C&O ☐ B&O		DATE		MONTH	YEAR	SHEET NO.	FILE												
FREIGHT BILL NUMBER	CAR		CONTENTS	ARRIVED		ARR. NOTICE ISSUED		CONST. PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		AMOUNT ASSESSED	DETENTION BILL		TARIFF NO.	TRUCK OR ITEM	TYPE	CONSIGNEE OR SHIPPER	REMARKS*
	INIT.	NUMBER		KIND	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE		HOUR	NUMBER					
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* LIST IN REMARKS INFORMATION PERTAINING TO ALLOWANCES MADE FOR WEATHER INTERFERENCE, FROZEN OR CONGEALED LADING, OUT OF POSITION, YARD DELAYS, ETC. AND ALSO AMOUNT OF HAZARDOUS STORAGE CHARGES ASSESSED AS WELL AS INCENTIVE FREIGHT RATE TARIFF APPLICABLE.

DAILY WEATHER	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM
	1			5			9			13			17			21			25		
	2			6			10			14			18			22			26		
	3			7			11			15			19			23			27		
	4			8			12			16			20			24			28		

PICK UP AND DELIVERY RECORD RAIL-HIGHWAY SERVICES

Exhibit No. 8

No.

RAILWAY COMPANY

COMPANY

RAILWAY COMPANY

TRAILER INITIAL & NO.

CHECK ONE

TRAILER LOADED BY CARRIER

TRAILER UNLOADED BY CARRIER

TRAILER DROPPED FOR LOADING

TRAILER DROPPED FOR UNLOADING

CUSTOMER PERFORMED OWN/HAULAGE

SEAL NOS

SEALS BROKEN BY DRIVER

EXPLAIN ANY DELAY IN LOADING OR UNLOADING

DRIVER MUST COMPLETE THIS SECTION

DEPARTED TERMINAL

ARRIVED PATRON'S DOCK

PLACED PATRON'S DOCK

STARTED

COMPLETED

1ST STOP

2ND STOP

3RD STOP

RTD TO TERM

FOR AGENT ONLY - DETENTION DUE

STATION

PRO NO

WAYBILL NO

AMOUNT DUE

CARRIER

DRIVER'S SIGNATURE

AMOUNT DUE

BY

CONDITION ACKNOWLEDGED BY USER SIGN HERE

REPAIRS (DESCRIBE)

REPAIRS SATISFACTORY COMPLETED AGENT

RETAINED BY ORIGIN AGENT

#1 AGENT'S COPY

Exhibit No. 9

TRAILER INTERCHANGE RECEIPT AND INSPECTION RECORD

TRAILER INITIAL AND NO. CAR NO. OUTBOUND DATE & TIME CAR NO. INBOUND DATE & TIME

ROUTE TYPE OF EQUIPMENT - CIRCLE ONE

INTERCHANGER

ORIGIN TERMINAL

SHIPPER

ADDRESS

DATE & TIME PICKED UP AT ORIGIN

DATE & TIME RETURNED AT ORIGIN

DATE & TIME LOADED ON CAR

REFRIGERATION INSTRUCTIONS

OPTIMUM TEMPERATURE DESIRED - DETENTION AT ORIGIN

AMOUNT DUES

THE USER AND L&N RR CO. HERETO UNDERSTAND AND AGREE THAT THE TERMS AND CONDITIONS OF THIS AGREEMENT ARE FULLY SET FORTH IN THE WRITINGS PRINTED ON THE REVERSE SIDE OF THIS AGREEMENT ENTERED INTO HEREIN.

MARK CLEARLY ALL DAMAGE OR DEFICIENCY FOUND BY INSPECTION SYMBOL "C" CUT "H" HOLE

INITIAL RECEIPT AND INSPECTION

RETURN RECEIPT AND INSPECTION

1ST SIDE

2ND SIDE

3RD SIDE

4TH SIDE

5TH SIDE

6TH SIDE

7TH SIDE

8TH SIDE

9TH SIDE

10TH SIDE

11TH SIDE

12TH SIDE

13TH SIDE

14TH SIDE

15TH SIDE

16TH SIDE

17TH SIDE

18TH SIDE

19TH SIDE

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21ST SIDE

22ND SIDE

23RD SIDE

24TH SIDE

25TH SIDE

26TH SIDE

27TH SIDE

28TH SIDE

29TH SIDE

30TH SIDE

31ST SIDE

32ND SIDE

33RD SIDE

34TH SIDE

35TH SIDE

36TH SIDE

37TH SIDE

RAIL-HIGHWAY SERVICES
TERMINATION OF TRAILER USE AGREEMENT

☐ TRAILER(S) NOT RETURNED AT ORIGIN

☐ LOADED TRAILER(S) INBOUND ON
DIFFERENT CARRIER

AND TENDERED OUTBOUND LOADED TO A

☐ LOADED TRAILER(S) INBOUND ON DIFFERENT CARRIER AND TENDERED OUTBOUND LOADED

_____ hereby certifies that Trailer _____ was picked up at
[CONSIGNOR, CONSIGNEE] [NO. OR NOS.]
_____ at _____ on _____ and unloaded at _____ on
[NAME OF TERMINAL] [TIME] [DATE] [TIME]
_____ was delivered to _____ for outbound shipment at
[DATE] [NAME OF RAILROAD]
_____ at _____ on _____
[PLACE] [TIME] [DATE]

Signature _____
[CONSIGNOR, CONSIGNEE OR AUTHORIZED REPRESENTATIVE]

DISTRIBUTION:
WHITE COPY -
YELLOW COPY - RECEIVING RAILROAD
PINK COPY - CONSIGNOR, CONSIGNEE

[FR Doc. 72-14967 Filed 9-6-72; 8:45 am]

Notices

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

SCHEDULE OF CONTROLLED SUBSTANCES

Petition To Remove Marihuana From Control or in the Alternative To Control Marihuana in Schedule V of the Controlled Substances Act

On May 18, 1972, the Bureau of Narcotics and Dangerous Drugs (BNDD) received a joint petition on behalf of the National Organization for the Reform of Marihuana Laws, the Institute for the Study of Health and Society, and the American Public Health Association, petitioning for the initiation of proceedings "to remove marihuana from control under the Controlled Substances Act or in the alternative to control marihuana in Schedule V."

The petitioners requested the Director of BNDD to accept the petition for filing under § 308.44(c) of Title 21, Code of Federal Regulations, and initiate proceedings to remove marihuana from control in Schedule I or in the alternative to transfer marihuana to the lowest Schedule (V) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (the Act), in accordance with subsections 201 (b) and (c) of the Act and §§ 308.44 (d), (e), (f), and (g) of the regulations.

The petitioners argue that section 201 requires the Attorney General (or his delegate, the Director of BNDD) to refer the matter to the Secretary of Health, Education, and Welfare for a determination. "Since the pivotal questions relating to the control of marihuana are scientific or medical in nature and, by law (sections 201 (b) and (c) of the Act), beyond the scope of responsibility of the Bureau of Narcotics and Dangerous Drugs."

For reasons, hereafter given, the petition is not accepted for filing.

An analysis of the Act leads to the conclusion that the petitioners have requested the Director of BNDD to institute proceedings that are not authorized by section 201 of the Act.

The petition refers to subsection 201(a) on pages 3, 11, and 15; to subsection 201(b) on pages 3, 17, and 106; and to subsection 202(b) on pages 2, 15, 29, 98, and 109. It is noteworthy that nowhere in these references has consideration been given to exclusionary provisions in subsections 201(a) and 202(b). The clear language of subsection 201(b) was not even mentioned in the petition. These omissions by the petitioners are pointed out and ascribed to as inadvertence. They require careful consideration.

Subsection 201(d) of the Act provides as follows:

If control is required by United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) of this title and without regard to the procedures prescribed by subsections (a) and (b) of this section.

This specific language is buttressed by subsections 201(a) and 202(b), which provide in pertinent part as follows:

Sec. 201. (a) The Attorney General shall apply the provisions of this title to the controlled substances listed in the schedules established by section 202 of this title and to any other drug or other substance added to such schedules under this title. Except as provided in subsections (d) and (e), the Attorney General may by rule—

(1) Add to such a schedule or transfer between such schedules any drug or other substance if he—

(A) Finds that such drug or other substance has a potential for abuse, and (B) makes with respect to such a drug or other substance the findings prescribed by subsection (b) of section 202 for the schedule in which such drug is to be placed; or

(2) Remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

Sec. 202.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

In light of the foregoing, in order to be in compliance with congressional intent, the construction of section 201 of the Act must be that whenever control of a substance is required by United States obligations under a treaty in effect on the enactment of the Act (October 27, 1970), the authority to establish the appropriate control is exclusively the responsibility of the Director of BNDD. Any narrow interpretation of subsection 201(d), or failure to take it into account as the petitioner presumably would do, leads to an apparent inconsistency which the Congress could not have intended. Likewise, the exceptive language in subsections 201(a) and 202(b) would be meaningless.

Regarding the petitioner's reliance on § 308.44 of Title 21, Code of Federal Reg-

ulations, as a basis for requiring the Director of BNDD to refer the matter to the Secretary of Health, Education, and Welfare, in the absence of strong evidence that such an end was desired, it cannot be assumed that the Congress intended for the regulations implementing section 201 of the Act to permit identical procedures under subsections 201 (a) and (b) and subsection 201(d). Therefore, § 308.44 is construed to apply only to proceedings required by the Act to be referred to the Secretary.

Since 1967, the United States has been a party to the Single Convention on Narcotic Drugs, 1961, 18 U.S.T. 1407 (1967). Clearly, the United States is obligated to maintain legislative and administrative measures as may be necessary to give effect to and carry out the provisions of the Single Convention in regard to marihuana. There are a number of provisions of the Act where the Congress showed concern with maintaining United States obligations under international agreements.

The initial section of the Act (section 101(7)) contains a declaration that "the United States is a party to the Single Convention on Narcotic Drugs, 1961, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances." In subsection 303(a), in making determinations as to the fitness of applicants to become registered under the Act to engage in controlled substances activities, the Attorney General is directed to ensure consistency "with United States obligations under international treaties, conventions, or protocols in effect on the effective date of (the Act)." Further, in subsection 1003(a)(1), the Single Convention as well as other conventions are mentioned in a provision regarding the exportation of controlled substances.

The above references to international obligations are in addition to the references in sections 201 and 202 of the Act with which we are immediately concerned here. The references indicate not only a congressional awareness of international obligations, but an affirmative desire on the part of Congress to ensure that United States laws comply with them. This conclusion is supported completely by statements in the House and Senate Reports on the Act. Both mention the need to comply with international obligations as one of the reasons for Federal legislation in the drug abuse and trafficking area. See Senate Report, 91st Cong., first session, No. 91-613 at 4 (1969); House Report, 91st Cong., second session, No. 91-1444, Pt. 1, at 29 (1970).

Marihuana is listed in Schedules I and IV of the Single Convention under the name "cannabis." Borrowing the petitioner's explanation on page 57 of

the botanical and chemical properties of marihuana, i.e., "the plant material of what is commonly called marihuana in the United States consists of a mixture of crushed leaves, flowers, and twigs of the Indian Hemp plant, an annual belonging to the single species of *Cannabis sativa*," it must be concluded that "marihuana" in use in this country does fall within the definition of "cannabis" and is controlled by the Single Convention.

Therefore, I find that since the United States is obligated to control marihuana under the Single Convention, the explicit language in subsection 201(d) imposes the sole responsibility on the Director of BNDD to control marihuana in the schedule most appropriate to carry out international obligations of the United States. Further, it is concluded that any determination of the proper schedule consistent with such international obligations may be made without regard to the procedures prescribed in subsections 201 (a) and (b), and the responsibility is fixed regardless of whether the initial scheduling of marihuana, the transfer of marihuana from one schedule to another, or the removal of marihuana from all schedules, is involved.

In view of the foregoing, the question of whether any one of the petitioners here has standing as an "interested party" is academic and a decision in this regard is hereby reserved.

Under the authority vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, which was redelegated to the Director of BNDD by § 0.100 of Title 28 of the Code of Federal Regulations, it is ordered that the petition is rejected.

This decision is effective upon the date of its publication in the *FEDERAL REGISTER* (9-7-72).

Dated: September 1, 1972.

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

[FR Doc.72-15145 Filed 9-6-72; 8:48 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

OIL SHALE DEVELOPMENT

Environmental Impact Statement; Notice of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) (1970)), the Department has prepared a "Draft Environmental Statement for the Proposed Prototype Oil Shale Leasing Program" with respect to: (a) The total environmental impact of oil shale development in the form of production from public and private lands, (b) an examination of alternatives to shale oil production, and (c) the proposed issuance of not more than two prototype oil shale leases in each of the three States of Colorado, Utah, and Wyoming.

Notice is hereby given that public hearings will be held for the purpose of receiving comments or objections relating to the draft environmental statement on the following dates and at the following locations:

OCTOBER 10, 1972

Reclamation Auditorium, Building 56, Denver Federal Center, Denver, Colo.
Outlaw Inn, 1630 Elk, Rock Springs, Wyo.

OCTOBER 12, 1972

Little America Motel, The American Room, West Lincoln Way, Cheyenne, Wyo.

OCTOBER 12, 1972

Vernal Junior High School Auditorium, 721 West First South, Vernal, UT

OCTOBER 13, 1972

City Hall, 5th and Roode, Grand Junction, CO
Auditorium, Room 106, State Office Building, Capitol Complex, Salt Lake City, Utah.

All hearings will commence at 9:30 a.m. Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203, telephone 703-557-1500, no later than October 2, 1972. Written comments from those unable to attend, and from those wishing to supplement their oral presentations at the hearings, should be received by the Director, Office of Hearings and Appeals, at the aforesaid address on or before October 23, 1972. All written statements received pursuant to this notice will be included in the hearing record.

Oral statements at the hearings will be limited to a period of 10 minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Dated: September 1, 1972.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.72-15170 Filed 9-6-72; 8:52 am]

Office of the Secretary

[INT DES 72-88]

POND-POSO IMPROVEMENT DISTRICT, CALIFORNIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed irrigation water conveyance system by the Pond-Poso Improvement District, Kern County, Calif., under the Small Reclamation Projects Act, Public Law 84-984, as amended.

The environmental statement concerns a proposed surface-water supply to replace a ground-water supply for the irrigation of 22,300 acres on the east side of the San Joaquin Valley in Kern

County about 25 miles northwest of Bakersfield, Calif.

Copies are available for inspection at the following locations:

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

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 80225; telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825; telephone (916) 481-6100.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above. Comments on the draft environmental statement are requested to be submitted within 45 days following the date of this notice.

Dated: August 30, 1972.

JOHN W. LARSON,
Assistant Secretary
of the Interior.

[FR Doc.72-15123 Filed 9-6-72; 8:46 am]

PROPOSED PROTOTYPE OIL SHALE LEASING PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) the Department of the Interior has prepared a draft environmental statement for the Proposed Prototype Oil Shale Leasing Program and invites written comments within a period of forty-five (45) days after the publication of this notice.

The environmental statement considers: (1) In Volume I the current state of oil shale technology and the regional environmental impact of oil shale development on public and private lands; (2) in Volume II the alternatives to shale oil production at the rate of 1 million barrels per day by 1985; and (3) in Volume III the expected impacts on the six tracts—two each in Colorado, Utah, and Wyoming—being considered for leasing under the proposed prototype program.

The three-volume set may be purchased by mail or in person from the Map Information Office, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20240. A copy is also available for inspection at the Office of the Oil Shale Coordinator, U.S. Department of the Interior, Room 7000, Interior Building, Washington, D.C. 20240. The set is priced at \$7. Individual volumes are \$3 for Volume I, \$1 for Volume II, and \$3 for Volume III.

Copies may also be purchased from Bureau of Land Management State Offices in the following cities: Denver, Colo.