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HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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

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Title 3—The President

PROCLAMATION 4188

Display of the Flag in Honor of Vietnam Prisoners of War

By the President of the United States of America

A Proclamation

The death on January 22, 1973, of Lyndon Baines Johnson, a man dedicated to the cause of peace with honor in Veitnam, prevented him by only a matter of hours from witnessing the attainment of that peace, and by only days from sharing in our rejoicing at the return of the first American prisoners of war.

Although the thirty-day mourning period which is traditional upon the passing of a President does not conclude for President Johnson until February 21, Mrs. Johnson has expressed to me her feeling that the most fitting tribute both to her husband's memory and to the heroism of the returning prisoners would be to return the flag of the United States from half-staff to full staff on the day the prisoners come home.

Lyndon Johnson gave himself completely in the service of his country. As Commander in Chief, he had the highest respect and affection for the men in uniform who gave so much on the battlefields and in the prison camps. On the night that he renounced his candidacy for re-election in order to seek an end to the war, he said of those brave men: "The peace that will bring them home someday will come." Now that peace with honor has come, and now that the men who made that peace possible are coming home, he would surely want the flag to be flying high.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in expression of the Nation's gratitude for the service rendered and the sacrifices made by those Americans who have been prisoners of war in Indochina, those still missing, those who gave their lives, and their families and loved ones, do hereby direct that the provisions of Proclamation 3044 of March 1, 1954, and of Proclamation 4180 of January 23, 1973, with respect to display of the flag of the United States at half-staff be suspended effective on the

day of return of the first prisoners to the United States, and that commencing on that day the flag once again be displayed at full staff.

I urge all Americans to join in this observance by displaying the flag at their homes, places of business, and public buildings on the day of return; but I also request that the expression of public sorrow in tribute to the memory of President Lyndon B. Johnson as proclaimed in Proclamation 4180 shall not be diminished.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of February, in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-3159 Filed 2-14-73;11:04 am]

NOTE: For the text of a Presidential statement dated February 13, 1973, and issued in connection with Proclamation 4188, above, see Weekly Comp. of Pres. Docs., Vol. 9, No. 7, issue of February 19, 1973.

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show the following title change: from Secretary to the Administrator to Staff Assistant to the Administrator.

Effective February 15, 1973, §§ 213.3318 (a) (3) and 213.3318(a) (4) are amended as set out below.

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.*

* * * * *

(3) Two secretaries to the Administrator.

(4) Three Staff Assistants to the Administrator.

* * * * *

(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.73-3035 Filed 2-14-73;8:45 am]

PART 213—EXCEPTED SERVICE

National Capital Housing Authority

Section 213.3135 is amended to show that until March 1, 1976, two positions of resident housing manager in an experimental demonstration program of public housing management improvement are excepted under Schedule A.

Effective February 15, 1973, § 213.3135 (d) is added as set out below.

§ 213.3135 *National Capital Housing Authority.*

* * * * *

(d) Until March 1, 1976, two positions of resident housing manager in an experimental demonstration program of public housing management improvement.

(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.73-3036 Filed 2-14-73;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 298]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 16–22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.598 Navel Orange Regulation 298.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was good last week, although prices eased slightly.

Prices f.o.b. averaged at $3.59 a carton on a reported sales volume of 1,104 cars compared with $3.65 a carton on sales of 1,012 cars the previous week. Track and rolling supplies at 495 cars were down 27 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 16, 1973, through February 22, 1973, are hereby fixed as follows:

(i) District 1: 891,000 cartons;

(ii) District 2: 209,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: February 14, 1973.

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

[FR Doc.73-3160 Filed 2-14-73;11:26 am]

CHAPTER XVIII, FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.5]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart D—Planning and Performing Site Development Work

On pages 17061 through 17067 of the FEDERAL REGISTER, of August 24, 1972, there was published a notice of proposed rule making to amend Part 1804: "Planning and Performing Development Work." This new subpart D prescribes the policies, methods, and responsibilities with respect to planning and performing site development work in connection with all types of loans and grants authorized by title V of the Housing Act of 1949. The purpose is to provide policies and guidelines for the orderly development of building sites and related facilities in rural areas and to establish standards of subdivision design to encourage development of sound and economically stable communities in a healthful living environment. The site development requirements have been adopted as minimum standards and developers should be encouraged to go beyond the standards of these regulations.

Interested persons were given 30 days in which to comment. These comments have been incorporated into the new subpart. The comments, objections, and suggestions received have resulted in these changes:

1. Section 1804.64(b)(1), has been revised to include not only registered site planners, architects, or engineers but also those "otherwise certified in the State." This change was suggested by the Consulting Engineers Council of the United States.

2. The first sentence of § 1804.66 (a)(1), has been revised to read as follows: "Where environmentally and economically feasible, the subdivision shall have central water and waste disposal systems." This addition was suggested by State of Maine, Executive Department, State Planning Office.

3. Other editorial changes have been made for clarification.

Effective Date. This amendment is effective on February 15, 1973.

New subpart D: "Planning and Performing Site Development Work," of part 1804 reads as follows:

Sec.

AUTHORITY: Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

§ 1804.61 General.

This subpart prescribes the policies, methods, and responsibilities with respect to planning and performing site development work in connection with all types of loans and grants authorized by Title V of the Housing Act of 1949.

§ 1804.62 Definitions.

As used in this subpart:

(a) The term, "new subdivisions" means any division of "raw" land or property in which five or more lots or building sites are created. This applies to original subdividing as well as resubdivision of property. This also applies to expansion of existing subdivisions.

(b) The term, "existing unimproved subdivisions" means any series of contiguous recorded lots or building sites which do not have the streets developed and/or all or part of the public utilities installed.

(c) The term, "acceptable existing subdivisions" means any series of contiguous lots or building sites which have been developed to comply with all local requirements and with the existing subdivision standards of this subpart.

(d) The term, "scattered sites" means lots or building sites which have established boundaries, but because of location or number, are considered individually rather than as subdivisions. They may be skipped lots in old subdivisions or scattered in open country.

(e) The term, "construction" or "development" means the act of building structures and installing site improvements.

(1) The term, "building development" means the construction of all roofed structures for shelter.

(2) The term, "land development" means all land clearing, rough and finish grading, drainage facilities, retaining walls, water supply facilities, waste disposal facilities, streets, curbs, and gutters, sidewalks, entrancewalks, driveways, parking areas, landscaping and other related structures.

(f) The term, "county supervisor" means the Farmers Home Administration (FHA) county supervisor. It also includes the assistant county supervisor when, in the opinion of the district supervisor and the county supervisor, he has sufficient training and experience to properly perform the required actions. Redelegation shall be in writing in accordance with applicable regulations.

(g) The term, "builder-developer" means any individual, group or corporation which has as its intent to create a site or group of homesites and may or may not have intent to construct the dwellings on the sites created.

§ 1804.63 Purpose and general policy.

(a) The purpose of this subpart is to provide policies and guidelines for the orderly development of building sites and related facilities in rural areas. These regulations are designed to assure:

(1) The establishment of standards of subdivision design which will encourage and lead to the development of economically stable communities, and the creation of attractive, healthful, and permanent living environments.

(2) Installation by the land developer of facilities and improvements meeting the standards prescribed by this subpart.

(3) The efficient and adequate supply of utilities and services at reasonable costs.

(4) The prevention of traffic hazards and the establishment of safe and convenient means for the circulation of traffic, both vehicular and pedestrian.

(b) The proposed development must comply with all local regulations, ordinances, and codes.

(1) All proposed development planning should conform where applicable with general planning policies and regulations of the local, regional, or State planning agency having jurisdiction.

(2) In addition to, or in the absence of, local regulations the proposed subdivision planning and construction will meet the requirements of this subpart. Copies of a booklet entitled, "Site Development Design Standards," are available for review by writing to: Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, South Building, Washington, DC 20250.

(c) If the Department of Housing and Urban Development and/or the Veterans Administration is reported to be insuring or guaranteeing mortgages in a subdivision, evidence of their acceptance of the subdivision should be obtained before FHA loans are made.

§ 1804.64 Planning development.

For new subdivision development, expansion of existing subdivisions and existing unimproved subdivisions, all planning will be the responsibility of the builder-developer.

(a) *FHA advice and assistance.* On subdivisions which will have 10 or more

building sites in the foreseeable future, builder-developers shall be encouraged to seek the advice and assistance of the FHA before significant expenditures are made. When a county supervisor receives an inquiry about housing financing in a proposed, new or existing subdivision of 10 or more sites, he will:

(1) Discuss with the builder-developers the requirements of the FHA with respect to compliance with local, regional, and State regulations and land planning policies as well as the FHA requirements with respect to nondiscrimination, land development, good house planning, and construction practices.

(2) Explain to the builder-developer the need for completion of Form FHA 424–20, "Request for Subdivision Feasibility Analysis," to obtain FHA assistance. The county supervisor will explain and provide the form, the required Form FHA 400–4, "Nondiscrimination Agreement," and Form FHA 400–1, "Equal Opportunity Agreement."

(3) Advise the builder-developer regarding publications, planning aids, engineering data, soils data, and other technical advice and assistance available through local, State, and Federal agencies, planning commissions and private institutions and organizations.

(4) Make this subpart and any guidelines available to the builder-developer for viewing. County supervisors may requisition additional copies of these guidelines from the Finance Office to be used as handouts to assist the builder-developer.

(b) *Technical services.* Residential areas must be planned according to the purposes and general policies stated in § 1804.63; therefore, professional planning of residential neighborhoods is required. Poorly drawn, incomplete, or uncoordinated plans and specifications are not acceptable.

(1) The builder-developer proposing a new subdivision which will have 10 or more dwelling sites will secure the services of a site planner, architect or engineer, registered or otherwise certified in the State in which the subdivision is to be constructed, as qualified, to provide complete planning, drawings, specifications, and supervision on land, street, utility, and grading development.

(2) Complete technical services will be obtained and paid for by the builder-developer with his own funds.

(c) *Plans, specifications and other documentations.* Required plans, specifications, and other documents are listed in § 1804.74.

(1) Section 1804.74 shall serve as a guide for the documents a builder-developer should prepare in submitting a proposal for subdivision development in which 10 or more sites will be created in the foreseeable future, and provide additional information regarding documents required in Form FHA 424–20.

(2) Section 1804.74 shall also be used by FHA county supervisors and State directors in checking submissions for subdivision feasibility analysis.

(3) Other documents listed as additional supplemental information may be included in the proposals to illustrate and further clarify difficult areas of development and to help reduce possible misunderstandings.

§ 1804.65 Locations.

New and existing subdivisions to be eligible for FHA participation must be located in a rural area as defined in rural housing regulations, and comply with the following:

(a) Shall be in compliance with the general planning policy of the applicable planning agency having jurisdiction.

(b) Shall be so located as to provide desirable permanent living conditions for the residents and be convenient to services such as shopping, schools, churches, employment opportunities, recreation, and communications.

(c) Wherever practicable, be a part of a rural place, village or town and take advantage of established facilities such as central water and sewerage systems, solid waste disposal, public and private transportation and police and fire protection.

(d) Be located and planned so as to insure long-term market demand and acceptability.

(e) No structure shall be located within an area designated as a 100-year frequency flood plain. Delineation of these areas can be obtained from the U.S. Army Corps of Engineers, the Soil Conservation Service (SCS), or the U.S. Geological Survey. Where the developer proposes to provide a levee or raise the floor elevation above the flood level, an engineering report shall accompany the subdivision application.

(f) The type of houses and the facilities planned for scattered sites shall comply with the local regulations, codes and ordinances and with the appropriate requirements of this subpart.

§ 1804.66 Water and waste disposal systems.

(a) For new subdivisions and expanded existing subdivisions:

(1) Where environmentally and economically feasible, the subdivision shall have central water and waste disposal systems. The systems should be publicly owned and operated, although privately owned and operated systems may be accepted if they comply with the requirements of paragraph (a)(4) of this section.

(2) All central systems, public, community or private, shall meet the design requirements of the State Department of Health or other comparable reviewing and regulatory authority. The approval shall be in writing.

(3) Subdivisions which are not presently served by a public system but which are scheduled for tie-in to the public system in a few years should have all lines installed during the initial development. Such subdivisions must have an approved interim community system installed capable of satisfactory service until the scheduled tie-in occurs.

(4) In addition to written assurance of compliance with State and local requirements, there must be adequate assurance of continuous service at reasonable rates for central water and waste disposal systems. Public ownership is preferred whenever possible. In cases where interim facilities are installed, pending extension or construction of permanent public services, the developer should assume responsibility for the operation of the interim facility or establish an acceptable entity for its operation. If a system is not or will not be publicly owned and operated, it must comply with one of the following:

(i) Be an organization that meets the ownership and operation requirements for water or waste disposal system financing of the FHA, or be dedicated to such an organization.

(ii) Be an organization or individual that meets other acceptable methods of ownership and operation as outlined in HUD–FHA Booklet No. 1300, "Ownership and Organization of Central Water and Sewerage Systems." In the case of Third Party Beneficiary Contracts, the FHA can become the "Representative" and become a party to the contract. The contracts should contain a clause naming "The United States of America, acting through the Farmers Home Administration," as "Representative." The advice and assistance of the regional attorney should be obtained in making the needed changes in the "Third Party Beneficiary Contract" form.

(iii) Be adequately controlled as to rates and service by a public body (unit of government or public service commission). In some States, this control may not be adequate to protect the borrower's or the FHA's interest, but in others it will be adequate because both rates and facilities are subject to adequate control. In some cases, the control may be provided by means of a franchise.

(5) Where central systems are not available or economically feasible to construct in subdivisions having not more than 25 building sites, the State director may permit individual systems.

(i) Any request to the State director for such an exception submitted by the county supervisor should contain statements from local health and civil authorities indicating specifically why connection to or installation of a central system is not feasible at this location.

(ii) The State office technical staff shall make a thorough study of any request of authority to use individual systems to determine whether central systems might be feasible considering the market for homes over a 2- or 3-year period at the proposed location. Computations should indicate allowable value for property served by central systems versus the cost of individual systems. More lots at a higher value will accrue when central systems are provided. Where comparable costs are found, central systems should be required allowing appropriate value for lots so served.

(iii) If individual systems must be utilized, the information prepared by the local, county, or State health authority and the county supervisor, with written opinions of the technical staff of the

State office will indicate whether individual systems are feasible on all the building sites in question. Supporting factual data should include evidence that clearly shows that individual systems will perform satisfactorily for a reasonable period of time with reasonable maintenance cost. Reasonable time and reasonable cost can be equated with the charges for a central sewerage system if one were available. An individual sewage disposal system that requires cleaning or repairs every few months cannot be considered as giving trouble-free service or an individual water system that requires extensive treatment equipment to provide an acceptable safe potable water supply cannot be considered as within reasonable cost. All documentation, calculations, and written opinions substantiating the decision shall remain in the county office file. Supporting factual data shall cover all of the following points:

(A) Water systems. (*1*) Documentation of how individual water supplies can be developed in satisfactory quantity at a reasonable cost. Explain how an acceptable water quality will be achieved at a reasonable cost using the 1962 Public Health Service Drinking Water Standards Publication No. 956 as a guide if the State health authority has no standard of its own for water quality. The PHS Publication No. 956 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(*2*) Report on water tests. Individual water systems shall be tested for quantity; bacteriological quality; and in certain areas where problems may be anticipated, tested for chemical quality. This last test may be a partial chemical test limited to analysis for the defects common to the area such as iron and manganese, hardness, nitrates, pH (concentration of hydrogen ions), turbidity, color, or other undesirable elements.

(*3*) A polluted or contaminated source of supply is unacceptable. If the supply is found to be unacceptable, the most acceptable and economical means will be used to make the correction and the deficiency shall be corrected before the final inspection and written evidence must be furnished showing acceptance by the State, county, or local health authority having jurisdiction.

(*4*) In areas where difficulty may be anticipated and in order to develop an acceptable supply, contingency funds shall be included in the original loan estimate and returned as a refund subsequently if not required. Such contingency funds may be necessary for each items as drilling to a greater depth than is common to other wells in the area or for providing additional storage to supplement a limited source supply of water or to provide for treatment to soften or remove iron or correct some other quality defect.

(B) Sewerage systems. (*1*) Provide assurance of nonpollution of ground water supply. State health authorities or their locally approved agents shall be consulted to insure that installation of septic tank systems will not pollute ground water sources or create other health hazards. In some cases, a department other than State health may provide this data.

(*2*) Description of exploratory pit observations.

(*3*) Determination of soil types and description. The assistance of the SCS should be obtained for soil type determination and a copy of their recommendations included in the documentation.

(*4*) Describe ground water elevations showing seasonal variations.

(*5*) Include records of percolation rates. U.S. Department of Health, Education, and Welfare—Public Health Administration "Manual of Septic Tank Practice" criteria may be used as a guide in obtaining accurate percolation tests.

(*6*) Confirmation of space allowances. An accurate drawing to indicate that lot sizes will insure that adequate space is available for the satisfactory operation of individual water and/or sewage disposal systems, likewise documented assurance of compliance with all local requirements. Such determination will also be subject to FHA State office review and acceptance.

(*6*) In subdivisions of more than 25 building sites where the State director determines that individual water systems and/or sewage disposal systems are the only feasible solution, National Office approval is required. A request for authority for approval shall be accompanied by full documentation as listed in paragraph (a)(5) (i), (ii), and (iii) of this section with written recommendation of the State director and his technical staff.

(b) For existing subdivisions:

(1) Existing central water and sewage systems must comply with all State and local regulations and also must meet the requirements of paragraph (a) of this section.

(2) Central systems operating in a subdivision must be proved adequate for the additional load imposed by the proposed development.

(3) If individual water and/or sewage disposal systems have been in use and it is not feasible to convert to central systems, determine the following and document the file accordingly:

(i) State and local regulations will not force the community to install central systems within a year or two.

(ii) Verify that the existing individual systems in the immediate area are operable and giving satisfactory service.

(iii) The lots in question comply with all of the requirements of paragraph (a)(5)(iii), of this section.

(c) Scattered sites which are not in established residential neighborhoods and which are not part of a proposed or existing subdivision or which are scattered in open country, must have facilities designed and installed in accordance with State and local regulations. Individual water supplies and sewage disposal systems may be used only when other means are not available. Individual water and/or sewage disposal systems must be feasible and supporting factual data should include evidence that clearly shows individual systems will perform satisfactorily for a reasonable period of time at a reasonable maintenance cost. (See paragraph (a)(5)(iii), of this section for suggested types of evidence which can be required if any doubt exists.)

§ 1804.67 Streets.

(a) New subdivisions and expansions of existing subdivisions:

(1) Streets must conform to master street plans, design standards, and construction specifications of the applicable public body, city, town, county, or State and the requirements of the FHA.

(2) Streets must be dedicated to and accepted by the public body which shall be responsible for continuous maintenance. Variations of this requirement shall not be authorized by the State director without prior approval of the national office.

(3) Hard-surfaced streets are mandatory in all new subdivisions and expansion of existing subdivisions except the State director may waive this requirement when all of the following conditions exist:

(i) Not required by local ordinance and codes.

(ii) Property or subdivision is not adjacent to streets that are, or soon will be, hard surfaced.

(iii) The street serves, or will serve, a subdivision of not more than 10 homesites in the foreseeable future.

(iv) The street has an all-weather surface approved by and maintained by a public body.

(v) The local authority to whom the street is to be dedicated does not have available the required equipment necessary for maintenance and will not accept dedication and be responsible for maintenance of hard-surfaced streets notwithstanding the fact that the hard surfacing would be provided initially by the builder-developer in accordance with standard local requirements and practices.

(vi) Other lending institutions and agencies active in the area will make housing loans or insure mortgages in the subdivision when it is provided only with all-weather streets.

(4) Hard surfaces or pavement are portland cement concrete, asphaltic concrete, and bituminous-wearing surfaces. Other hard-wearing surfaces may be used when acceptable to the local public body and acceptable to local climate, soil, gradient and volume, and character of traffic as determined by the State director; however, no variations of the hard surface may be authorized by the State director without prior approval of the national office.

(5) The State director with prior approval of the national office may waive hard-surfaced streets in the case of a new subdivision or a new expansion of an existing subdivision in which 10 or more homesites are proposed. The waiver request to the national office shall include the documentation of information contained in paragraph (a)(3)(i), (ii),

(iv), (v), and (vi) of this section, and the following documents:

(i) Map indicating location of subdivision in relation to other subdivisions and/or towns with types of surfacing present on the access streets or roads to the proposed subdivision.

(ii) Complete street layout plan.

(iii) Street cross sections with other necessary details.

(iv) Topographic maps.

(v) Drainage plans.

(vi) All specifications for proposed street construction.

(vii) Other pertinent information.

(6) Streets shall have curb and gutter where required by local regulation or where necessary for drainage or protection of pavement edges. Where curbs and gutters are not provided, adequate shoulders of other suitable means shall be constructed to prevent ravelling of the roadway edges and shifting of the pavement base. (Refer to section 204–5 for right-of-way, pavement widths and parking requirements and section 204–6.2 for curb and gutter alternates in the booklet, "Site Development and Design Standards," available in the national office.)

(7) Preferably, homes should be occupied after street hard surfacing is completed; however, occupancy may occur after the pavement base is in place and properly cured. In cases of delays due to unsuitable weather conditions or when hard surfacing is not done by the builder-developer but by the local public body on a geographically sequenced moving schedule or on a seasonal basis, an all-weather street acceptable to the local public body shall be provided prior to occupancy.

(8) When the developer is responsible for providing street surfacing, a letter of certification; a performance and payment bond; escrow agreement; or similar assurance must be provided by the builder-developer to assure that the required street work will be completed within about 1 year from the date construction is started. The State director shall determine action and procedure according to local jurisdictional practices or requirements.

(9) Where local public bodies provide final surfacing, the subgrade and base shall be prepared according to the specifications of the local body. Written assurance shall be obtained from the public body that suitable hard surface will be provided within a reasonable period usually not more than 1 year.

(b) Existing subdivisions and scattered sites within the subdivision shall be approved according to the requirements in paragraph (a) (1), (2), (6), and (8) of this section.

(1) Sites within existing neighborhoods shall be approved only if the street providing access to the lot is dedicated to and accepted by the local public body and acceptable to the FHA. If the street is soon to be paved and the local authorities will assess such cost to the homeowners, the county supervisor shall inform applicants of these intentions.

(2) Sites outside of developed areas shall have direct access by means of publicly owned all-weather street which is not susceptible to blockage by flooding, subsidence, or other probable natural occurrences. Developments with more than 20 sites shall have two accesses availale, unless an exception is granted by the State director.

(c) The requirements in paragraphs (a) and (b) of this section will not apply to an individual site for which a private extended driveway must be provided. The private access drive to one or two individual houses may have an all-weather wearing surface material. An easement will be established in both properties's deeds that provides for equal rights to use. An acceptable means of maintenance shall also be provided. The access driveway must be properly drained and must be located so as not to be susceptible to blockage by flooding, subsidence or other probable natural occurrences.

§ 1804.68 Grading and drainage.

(a) *New subdivisions and expansion of existing subdivisions.* (1) All sites and/or streets which require 4 feet or more of cut or fill operations shall be designed by a registered land surveyor and/or engineer and shall comply with State and local regulations and the requirements of the FHA as expressed in the requirements of FHA.

(2) All streets and building sites shall have adequate invert elevations to provide for expedient runoff of storm water. All drainage design shall be executed by a registered engineer or land surveyor and will comply with State and local ordinances and regulations and the requirements of FHA.

(3) The county supervisor shall seek the advice of the SCS regarding identification of soils and its characteristics that may reflect related problems in grading and drainage. The county supervisor shall obtain the SCS recommendations for possible solutions to soil problems that may exist.

(b) *For existing subdivisions and scattered sites.* (1) Dwelling sites shall not be developed which are subject to flooding or subsidence, are located on highly expansive soils or are subject to other undesirable conditions. If corrective measures are practicable, soil tests and analysis will be made by a competent engineering firm and the recommended corrective measures shall be implemented before the site is accepted.

(2) Design and construction of new sites shall not cause undesirable conditions for existing lots such as erosion, flooding, or subsidence.

(3) All sites shall conform to applicable State and local regulations and the requirements of the FHA as expressed in the requirements of FHA.

§ 1804.69 Lot layout.

(a) *For new subdivisions and expansions of existing subdivisions.* (1) All lots shall be surveyed and plotted by a registered land surveyor or engineer with permanent markers placed at all lot corners.

(2) Lots shall meet all requirements of State and local authorities and the FHA.

(3) Lot arrangement shall provide for the most effective use of the building sites with minimum lengths of streets and utility runs.

(b) *For existing subdivisions.* (1) Lots shall meet the requirements of paragraph (a) (1) and (2) of this section.

(2) Lots shall be considered in size and design with the existing development except where the prior design has proven uneconomical, infeasible or unmarketable.

§ 1804.70 Utilities.

Adequate, economic, safe dependable sources are required. An analysis shall be made of the cost of locally available sources of heat and the most practical and economical source shall be required.

(a) *Electricity.* Power supplier shall be consulted to assure that installation is coordinated with their service line plans. Lines must be placed underground where required and in other cases where economical.

(b) *Gas service.* Where adequate and dependable service is available, it shall be installed according to local requirements.

(c) *Street lighting.* Shall be provided when required.

(d) *Other utilities* such as telephone shall be available.

§ 1804.71 Modification of requirements and recommendations in this subpart.

(a) *Higher standards may be required.* The site development requirements of §§ 1804.65 through 1804.70 have been adopted as minimum standards and developers should be encouraged to go beyond the standards of these regulations. The State or local authority or the FHA, however, may find it necessary to require standards above those contained herein whenever it determines that the public health and safety would be in danger. Some examples of considerations for justification for altering standards are:

(1) The site cannot be served adequately and economically with such public and central facilities and services as are normally required. For example, where the local public body does not have adequate drainage requirements, the State director may require more rigid specific drainage standards than required locally or than provided in this subpart. An example would be that in certain cases the street drainage system shall be tied in with irrigation or storm drainage systems to provide storm drainage in a controlled manner.

(2) Land proposed for use as building sites cannot be used safely for building purposes because of danger from flood or other inundation or as a result of natural conditions which could assure a menace to health, safety, or public welfare. For example, if the local minimum lot size of 10,000 square feet for use of individual septic tanks and seepage beds does not provide an adequate

seepage bed area according to professional analysis of percolation tests and soil types on a particular site, the State director may raise the minimum requirement to that which will be safe and sanitary.

(b) *Reduced standards.* The State director shall not grant variances which may reduce the intent of this subpart. Such variances may only be made by the national office.

§ 1804.72 Subdivision reviews.

(a) *Feasibility submission.* When a county supervisor receives a request for subdivision feasibility analysis from a builder-developer, the county supervisor shall:

(1) Discuss with the builder-developer the Form FHA 424–20 and any inadequacy of the required documents and determine the completeness of the submission for possible need for further information.

(2) Accompany the builder-developer to the proposed site to determine the feasibility of the location and to become familiar with the natural and fixed features influencing the site.

(3) Review the proposal to determine compliance with FHA requirements, market demand, and the local, regional and State planning policies and codes, regulations and ordinances.

(4) Offer suggestions to the builder-developer, when appropriate, as to how the design, plans, and specifications may be altered to improve the facilities and better serve the needs of the public. For revisions that require technical determinations, the builder-developer shall be requested to obtain additional technical assistance.

(5) When the proposed subdivision involves 10 or more building sites or involves a unique problem, the county supervisor shall forward the proposal package to the State director for further review. The county supervisor shall include his comments and recommendations in the remarks section of Form FHA 424–20 or attach separate sheets thereto.

(i) The State director's review of the feasibility submission shall include a comprehensive study to assure compliance with all local, regional, and State regulations, codes, ordinances, plans for future development and compliance with the requirements of this subpart. In making this review, the State director shall utilize the services of the State Office Rural Housing Architect and the Community Services Engineer. The State director shall make recommendations in writing to the county supervisor so he can inform the builder-developer of the results of the review of the feasibility submission.

(b) *Preliminary submission.* When the county supervisor receives a preliminary submission from the builder-developer, the county supervisor shall:

(1) Review the comments concerning this development which were made at the time of feasibility analysis.

(2) Review the proposal to determine compliance with FHA requirements, the market and the local, regional, and State planning policies and codes, regulations and ordinances.

(3) Review the plans and specifications item by item with the builder-developer to avoid any misunderstandings as to intent, extent, kind and quality of work to be performed and materials to be used.

(4) Offer suggestions to the builder-developer, when appropriate, as to how the design, plans, and specifications may be altered to improve the facilities and better serve the needs of the public. For revisions that require technical determinations, the builder-developer shall be requested to obtain additional technical assistance.

(5) When the proposed subdivision involves 10 or more building sites, the county supervisor shall forward the proposal package to the State director for further review. The county supervisor shall include his comments and recommendations.

(i) The State director's review of the preliminary submission involving 10 or more building sites shall include a comprehensive study to assure compliance with all local, regional, and State regulations, codes, ordinances, plans for future development and compliance with the requirements of this subpart. In making this review, the State director shall utilize the services of the State Office Rural Housing Architect and the Community Services Engineer. The State director shall make recommendations in writing to the county supervisor so he can inform the builder-developer of the results of the review of the preliminary submission.

(c) *Final submission and evaluation.* (1) When the county supervisor receives a final submission of a subdivision proposal, he shall review the proposal to determine:

(i) The completeness of the plans and specifications.

(ii) The suitability and soundness of the proposal.

(iii) The compliance with the plans of local, regional, or State planning authority having jurisdiction, and

(iv) The compliance with the FHA policies and standards.

(A) One set will remain in the county supervisor's office.

(B) One or two sets as appropriate, will be returned to the builder-developer after the final review and a determination has been reached.

(2) In the case of a proposed subdivision involving 10 or more building sites, the county supervisor shall forward the submission proposal with his comments and recommendations to the State director for final review.

(i) When the State director receives a final subdivision proposal, he shall again with the assistance of the Rural Housing Architect and Community Services Engineer, review the proposal for compliance, considering all the recommendations made on the preliminary submission and with the applicable local, regional, and State plans and regulations and the compliance with the FHA policy, regulations and technical standards.

(ii) The State director shall recommend to the county supervisor the actions to be taken in the form of one of the notification letters described in paragraph (d) of this section. The recommendations shall include any minor changes that should be considered by the builder-developer for improvement of the design.

(iii) The State director shall retain one copy of the proposed subdivision documents and return two copies with his recommendations to the county supervisor.

(3) The following chart outlines the review and acceptance authority of the county office, State office, and the national office with respect to a subdivision proposal:

Number of building sites	Subdivision proposal—Acceptance authority		
	C/S County supervisor	S/O State office	N/O National office
0-9	Yes—the C/S may accept and process a subdivision proposal.	S/O may advise C/S when requested.	
10-25	No—for 10 or more sites submit to S/O with recommendations.	Yes—when individual systems are proposed S/O documents infeasible central system—returns to C/S with recommendations.	
More than 25.	No—for more than 25 sites submit to S/O with recommendations.	Yes—unless other than standard hard-surfaced streets are proposed and/or individual water and/or waste disposal systems are proposed.	Yes—when other than standard hard-surfaced streets are proposed and/or individual water and/or waste disposal systems are proposed.

(d) *Notification letters.* (1) The county supervisor will notify the builder-developer in writing concerning the status of the proposal at the feasibility, preliminary, and final processing review stages. This notification will consist of either:

(i) A letter of acceptance suggesting that the builder-developer may continue with preparations of the proposal according to this subpart and any requirements or suggestions for improvement for further submission to FHA.

(ii) A letter setting forth the reasons why the proposal is unacceptable.

(2) The builder-developer, when he receives the notification letter shall consider all the recommendations of the

FHA before proceeding further with the proposal.

§ 1804.73 Performing development.

All development will be arranged for and completed by the builder-developer according to local, State, or Federal regulations and requirements including applicable health and safety standards pertaining to building construction or development and the requirements of this subpart.

(a) The FHA will not become a part of any construction contract. The builder-developer will execute all the contract documents with competent contractors and subcontractors and they will provide their own necessary, applicable and acceptable bonding and insurance normally required for performing the type of work necessary to assure completion of the work.

(b) The work will be performed in accordance with FHA accepted plans and specifications.

(c) Written assurance of completion by responsible public authority will be required when local, city, county, State, or other public authority codes, regulations and ordinances require inspections of final acceptance. This written assurance of completion will be required prior to final acceptance by the FHA.

§ 1804.74 Planning and submission of documents.

(a) Feasibility documents for planning and performing site development work to be submitted to the applicable FHA county supervisor by the builder-developer.

(1) *Location map.* A general site location map of the area indicating the access roads or future roads to the site as well as the proximity to shopping, schools, churches, major transportation facilities with note of traffic volumes. If a satisfactory map of the locality is not available, a clear and preferably scaled rough sketch map that provides the required information will be sufficient.

(2) *Property survey map.* A survey showing the boundaries as well as all existing known features specifically including utilities, access roads, flood plains, drainageways, rock outcroppings, and wooded areas, or specimen trees. If a current survey does not exist, the builder-developer shall submit the most accurate document which is available.

(3) *Topographic map.* If a published topographic map is not available from the U.S. Coast and Geodetic Survey, USDA-Soil Conservation Service, U.S. Army Corps of Engineers or Regional Agency such as Tennessee Valley Authority and local, county, regional, or State planning authorities, the builder-developer may substitute a sketch. This sketch should include approximate grade elevations and drainage patterns of the surrounding area that may influence or be influenced by development of the subject subdivision. Photographs of the area either at eye level, above the ground or aerial may be submitted to further explain the sketch.

(4) *Soils map or report.* Where available, a complete soils map or report from the local, county, or the U.S. Department of Agriculture, Soil Conservation Service Office, should be included with the feasibility submission. The SCS local office should be consulted for any additional information that may be appropriate for the proposed site.

(5) *Market survey.* Where available, a market survey from the Department of Housing and Urban Development should be included with the feasibility submission. If not available, the developer should present his estimate of the market.

(6) *Other.* Option information the sponsor may wish to present such as:

(i) Engineering report relative to the feasibility of central utilities by extension or creation of same onsite.

(ii) House plans and specifications.

(iii) Site development information.

(b) Preliminary submission documents. (1) Location map. Same as feasibility documents.

(2) Property survey. A survey showing the exact boundaries and corners of the property accompanied by a written description of said boundaries. Also, included are locations of predominant features such as utilities, easements, access points, flood plains, drainageways, rock outcroppings, and wooded areas or specimen trees. This document shall bear the seal of a professional surveyor or engineer.

(3) Topographic map. An accurate topographic map with a scale compatible with the size of the project. The site shall be shown at a reasonable scale usually 1"=100' with 5-foot contour intervals. Where the site is unusually level or steep, the contour intervals may be varied accordingly.

(4) Soils map and report. A complete soils map or report is available from the U.S. Department of Agriculture, Soil Conservation Service at the local county SCS office.

(5) Preliminary subdivision plan. A line drawing, to scale, showing proposed street locations and widths, lot layouts, major drainageways, and other development planned. Preliminary sections and details shall be provided for the street surfacing, curb and gutter and other physical improvements. Current and known planned usage of adjacent land shall be shown.

(6) Preliminary dwelling plans and specifications. If the builder-developer intends to construct the dwelling units, he should at this time, submit preliminary floor plans and specifications, elevations and sample site plans showing the placement of the unit on the individual lots.

(7) Statement of regulation compliance. Local, county, or State as applicable. If change of zoning or variance is required, the status of the variance or change of zoning shall be documented.

(8) An executed contract for professional technical services.

(9) Statements of approval and feasibility for water and/or waste disposal systems as follows:

(i) Approval to tie-in with local existing water and/or waste disposal systems when available.

(ii) Tentative approval of local or State health authority for individual water and/or waste disposal systems when it is clear that central systems are infeasible at this time. Use § 1804.66 (a) (5) as a guide in preparing information required.

(10) Evidence that appropriate public body will accept and maintain streets and/or common areas when dedicated to said body.

(11) Preliminary outline specifications describing all the proposed materials to be used and how they are to be applied. These are only the materials used in the land development and improvement construction for the streets, drainage, and utility work.

(12) A copy of the covenants prior to recording.

(13) Incremental slopes plan. If areas of common slope are not identified elsewhere in adequate detail, this information should be provided in a seperate plan.

(14) Preliminary grading plan. To indicate degree of work required to provide positive drainage of all building sites and control measures to be taken to eliminate soil erosion. Dwelling locations may be shown if they can be predetermined.

(15) A copy of the subdivision plat prior to recording.

(c) Final submission documents. When the proposed subdivision involves 10 or more lots or homesites, three copies of each item will be required. In cases of less than 10 sites, the county supervisor may request only two copies of each item. All items requiring revision of more detailed information as determined by the State office review of the preliminary submission will be completed and included in this final submission. All documents shall be executed in a professional manner and shall carry the appropriate designation attesting to the professional qualifications of the land planner, architect, or engineer. All documents will be accurately drawn at an appropriate scale. Documents will include at least the following:

(1) Location map.

(2) Property survey map.

(3) Topographic map of the site and surrounding area influencing or influenced by drainage on the site.

(4) Incremental slopes map where slopes exceed 6 percent.

(5) Soils map (where available).

(6) Streets, alleys, easements, lot layout plans with details of any pavements, curbs, gutters, ditches, culverts, retaining walls, sidewalks, and any other necessary details for construction. Include recreational and other special purpose or common areas. Dwelling locations are not mandatory; however, they may be shown on the lot layout plan in lieu of individual plot plans if conditional commitments are involved and dwelling locations can be predetermined. Scale should be 1" = 40' when dwellings are shown and all drainage and utilities are included on the drawing.

(7) Drainage plans including sewers, both sanitary and storm; manholes; drainage piping and all details thereto

may be combined on lot layout plan if scale is 1'' = 40' or larger.

(8) Grading plan and cross sections through streets.

(9) Water supply and waste disposal system plans and details not included elsewhere.

(10) Detailed plans and necessary specifications for other utilities such as natural gas lines; telephone; street lighting when applicable; street signs; and other utilities and their required easements and details.

(11) Landscaping plan for applicable areas especially common areas or protective screening. Detailed plan for existing tree preservation with details for protection during construction and/or if fills or cuts are involved.

(12) Aerial or ground photographs of the area to be developed if available.

(13) Typical dwelling site plan for each site involving a characteristic situation when dwelling locations can be predetermined. Drawings should be at a scale of at least 1'' = 20' or 1/16'' = 1'0''. When the builder-developer will construct the buildings the dwelling site plans will be required.

(14) Written statement of approval by local, regional, or State planning commission or authority having jurisdiction over the area.

(15) Written statement of local or when applicable, State approval of water systems, waste disposal systems, and solid waste disposal facilities.

(16) Written statement that streets have been dedicated to and accepted by the public body which shall have the responsibility for continuous maintenance.

(17) Written statement of the utility companies' willingness to service the area.

(18) Complete specification for all development proposed.

(19) A copy of the recorded subdivision plat.

(20) A copy of the recorded covenants.

(21) Other items that may be required in any particular situation.

Dated: January 29, 1973.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.73-2961 Filed 2-14-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Relief of Restrictions on Importation of Birds

The purpose of this amendment is to provide an alternate procedure whereby the "owner statement" required as a prerequisite for importation of pet birds into the United States may be witnessed by a Department inspector in lieu of notarization. This change is necessary to expedite the processing of pet birds imported into the United States under this part.

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 92.2(c), in the first proviso subparagraph (1) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(c) * * * (1) a notarized declaration under oath or affirmation or a statement signed by the owner and witnessed by a Department inspector stating that the bird or birds have been in his possession for a minimum of 90 days preceding importation and that during such time such birds have not been in contact with poultry or other birds (for example, association with other avian species at exhibitions or in aviaries), and * * *

* * * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective February 15, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and spread of poultry disease and must be made effective promptly to be of maximum benefit to affected persons.

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

Done at Washington, D.C., this 12th day of February 1973.

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

[FR Doc.73-3047 Filed 2-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12552; Amdt. No. 851]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective March 29, 1973.

Astoria, Oreg.—Clatsop County Airport, VOR Runway 7, Amdt. 7.
Astoria, Oreg.—Clatsop County Airport, VOR Runway 13, Amdt. 11.
Cody, Wyo.—Cody Airport, VOR-A, Amdt. 2.
Corvallis, Oreg.—Corvallis Municipal Airport, VOR-A, Amdt. 1.
Corvallis, Oreg.—Corvallis Municipal Airport, VOR Runway 17, Amdt. 8.
Corvallis, Oreg.—Corvallis Municipal Airport, VOR/DME Runway 35, Amdt. 2.
Frankfort, Ill.—Frankfort Airport, VOR Runway 27, Original.
Hazlehurst, Ga.—Hazlehurst Airport, VOR/DME Runway 32, Amdt. 3.
Klamath Falls, Oreg.—Kingsley Field, VOR-TAC Runway 14, Amdt. 3.
Lamar, Colo.—Lamar Municipal Airport, VOR Runway 18, Amdt. 6.
Lodi, Calif.—Linds Airport, VOR Runway 26, Original.
Madison, Ind.—Madison Municipal Airport, VOR/DME Runway 3, Original.
Malden, Mo.—Malden Municipal Airport, VOR Runway 31R, Amdt. 4.
Morgantown, W. Va.—Morgantown Municipal Airport, VOR/DME Runway 18, Amdt. 2.
Morgantown, W. Va.—Morgantown Municipal Airport, VOR/DME Runway 18, Amdt. 2.
Princeton, Me.—Princeton Municipal Airport, VOR Runway 15, Amdt. 7.
Sacramento, Calif.—Sacramento Executive Airport, VOR Runway 2, Amdt. 4.
Sacramento, Calif.—Sacramento Executive Airport, VOR/DME Runway 20, Amdt. 3.

Sandusky, Ohio—Griffing Sandusky Airport, VOR Runway 36, Amdt. 5.
Springfield, Mo.—Springfield Municipal Airport, VOR Runway 19, Amdt. 11.
Wenatchee, Wash.—Pangborn Field, VOR-A, Amdt. 2.
Wenatchee, Wash.—Pangborn Field, VOR-B, Amdt. 2.

* * * effective February 22, 1973.

Salt Lake City, Utah—Salt Lake City International Airport, VOR Runway 16L, Amdt. 3.
Salt Lake City, Utah—Salt Lake City International Airport, VOR Runway 16R, Amdt. 14.
Salt Lake City, Utah—Salt Lake City International Airport, VOR/DME Runway 34L, Amdt. 8.

* * * effective February 2, 1973.

Gulfport, Miss.—Gulfport Municipal Airport, VOR Runway 4, Amdt. 7.
Gulfport, Miss.—Gulfport Municipal Airport, VOR Runway 13, Amdt. 12.
Gulfport, Miss.—Gulfport Municipal Airport, VOR Runway 22, Amdt. 8.
Gulfport, Miss.—Gulfport Municipal Airport, VOR Runway 31, Amdt. 12.

* * * See last page of Transmittal Letter.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective March 29, 1973.

Jackson, Tenn.—McKellar Field, LOC Runway 2, Original.
Morristown, N.J.—Morristown Municipal Airport, LOC Runway 23, Amdt. 3; canceled.
Sacramento, Calif.—Sacramento Executive Airport, LOC (BC) Runway 20, Amdt. 4.
Springfield, Mo.—Springfield Municipal Airport, LOC (BC) Runway 19, Amdt. 9.

* * * effective February 22, 1973.

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, LOC Runway 9, Original.
Salt Lake City, Utah—Salt Lake City International Airport, LOC (BC) Runway 16R, Amdt. 11.

* * * effective December 28, 1972.

Chicago, Ill.—Chicago O'Hare International Airport, LOC (BC) Runway 9R, Original; canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF, SIAPs, effective March 29, 1973.

Columbus, Ohio—Ohio State University Airport, NDB-A, Amdt. 4.
Columbus, Ohio—Ohio State University Airport, NDB Runway 27, Amdt. 1.
Doylestown, Pa.—Doylestown Airport, NDB Runway 23, Original.
Fairfield, Iowa—Fairfield Municipal Airport, NDB Runway 35, Amdt. 1.
Fort Collins—Loveland, Colo., Fort Collins-Loveland Airport, NDB Runway 33, Amdt. 1.
Hamilton, Ohio—Hamilton Airport, Inc., NDB-A Amdt. 5.
Independence, Kans.—Independence Municipal Airport, NDB Runway 35, Amdt. 5.
Madison, Ind.—Madison Municipal Airport, NDB Runway 3, Amdt. 1.
Morgantown, W. Va.—Morgantown Municipal Airport, NDB Runway 18, Amdt. 8.
Sacramento, Calif.—Sacramento Executive Airport, NDB Runway 2, Amdt. 4.
Springfield, Mo.—Springfield Municipal Airport, NDB Runway 1, Amdt. 10.
Springfield, Mo.—Springfield Municipal Airport, NDB Runway 13, Amdt. 6.
Wauseon, Ohio—Fulton County Airport, NDB Runway 27, Amdt. 1.

* * * effective March 15, 1973.

Hawthorne, Calif.—Hawthorne Municipal Airport, NDB-A, Amdt. 2; canceled.

* * * effective February 22, 1973.

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, NDB Runway 9, Original.
Salt Lake City, Utah—Salt Lake City International Airport, NDB Runway 34L, Amdt. 6.

* * * effective February 2, 1973.

Gulfport, Miss.—Gulfport Municipal Airport, NDB Runway 13, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective March 29, 1973.

Everett, Wash.—Snohomish County (Paine Field), ILS Runway 16, Amdt. 13.
Jackson, Tenn.—McKellar Field, ILS Runway 2, Original; canceled.
Morgantown, W. Va.—Morgantown Municipal Airport, ILS Runway 18, Amdt. 1.
Morristown, N.J.—Morristown Municipal Airport, ILS Runway 23, Original.
Sacramento, Calif.—Sacramento Executive Airport, ILS Runway 2, Amdt. 17.
Scottsbluff, Neb.—Scotts Bluff County Airport, ILS Runway 30, Amdt. 1.
Springfield, Mo.—Springfield Municipal Airport, ILS Runway 1, Amdt. 10.

* * * effective February 22, 1973.

Salt Lake City, Utah—Salt Lake City International Airport, ILS Runway 16L, Original.
Salt Lake City, Utah—Salt Lake City International Airport, ILS Runway 34L, Amdt. 28.

* * * effective February 2, 1973.

Gulfport, Miss.—Gulfport Municipal Airport, ILS Runway 13, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following radar SIAP's effective February 22, 1973.

Salt Lake City, Utah—Salt Lake City International Airport, Radar-1, Amdt. 10.
Salt Lake City, Utah—Salt Lake City International Airport, Radar-2, Amdt. 2.

* * * effective January 1, 1973.

Kodiak, Alaska—Kodiak Airport, Radar-1, Original.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's effective March 29, 1973.

Aurora, Ill.—Aurora Municipal Airport, RNAV Runway 9, Original.
Bakersfield, Calif.—Meadows Field, RNAV Runway 30R, Original.

CORRECTION

In docket No. 12533, Amendment 849 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER, dated Wednesday, January 31, 1973, on page 2965 under section 97.29 effective March 15, 1973, change effective date of Hibbing, Minn.—Chisholm-Hibbing Airport ILS Runway 31, Amdt. 2 to March 1, 1973.

Section 97.23 * * * effective January 16, 1973.

Bloomington, Ill.—Bloomington-Normal Airport, VOR Runway 29, Amdt. 3; canceled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 8, 1973.

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

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

[FR Doc.73-2967 Filed 2-14-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73—55]

PART 1—GENERAL PROVISIONS

Designation of New Port of Entry

On November 14, 1972, notice of a proposal to designate Las Vegas, Nev., as a port of entry in the Los Angeles, Calif., customs district (region VII), was published in the FEDERAL REGISTER (37 FR 24116). The only comment received was favorable.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. II), and pursuant to authority provided by Treasury Department Order No. 190, rev. 8 (37 FR 18572), Las Vegas, Nev., is hereby designated a port of entry in the Los Angeles, Calif., district (region VII), effective February 15, 1973.

The geographical limits of the port of Las Vegas shall include Department of the Interior, geological survey map for the State of Nevada and described as follows: Beginning at the northeast corner of section 3, range 60E, township 20S and proceeding in an easterly direction to the northeast corner of section 2, range 62E, township 20S; thence in a southerly direction to the southeast corner of section 14, range 62E, township 22S; thence in a westerly direction to the southwest corner of section 15, range 60E, township 22S; thence in a northerly direction to the point of beginning.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Los Angeles, Calif. district (region VII), "Las Vegas, Nevada (including the territory described in T.D. 73-55)", directly above "Port San Luis".

(Sec. 1, 37 Stat. 434; sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

It is desirable to make the customs port of entry available to the public as

soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provisions of 5 U.S.C. 553 (d).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 8, 1973.

[FR Doc.73-3037 Filed 2-14-73;8:45 am]

[T.D. 73-56]

PART 1—GENERAL PROVISIONS

Designation of New Port of Entry

On November 14, 1972, notice of a proposal to designate Reno, Nev., as a port of entry in the San Francisco, Calif., Customs district (Region VIII), was published in the FEDERAL REGISTER (37 FR 24116). The only comment received was favorable.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), Reno, Nev., is hereby designated a port of entry in the San Francisco, Calif., district (Region VIII), effective February 15, 1972.

The geographical limits of the port of Reno shall include all of that area in the State of Nevada as laid out by the U.S. Department of the Interior, Geological Survey map for the State of Nevada and described as follows: Beginning at the northeast corner of section 13, range 20E, township 21N and proceeding in a southerly direction to the southeast corner of Section 1, range 20E, township 18N; thence proceeding in a westerly direction to the southwest corner of section 6, range 19E, township 18N; thence in a northerly direction to the northwest corner of section 18, range 19E, township 21N; and thence in an easterly direction to the point of beginning.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the San Francisco, Calif., district (Region VIII), "Reno, Nev. (including the territory described in T.D. 73-56)," directly below "Eureka, Calif.".

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provisions of 5 U.S.C. 553 (d).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 8, 1973.

[FR Doc.73-3038 Filed 2-14-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

[Docket No. R-73-109]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Sale of Insurance in New Jersey

On the basis of the Administrator's continuing review of the crime insurance availability in the various States, and on the basis of the findings and recommendations by the Governor and the Commissioner of Insurance of the State of New Jersey, it has been determined that a critical unavailability situation exists in that State, and New Jersey will be made eligible for the sale of crime insurance on the effective date of this regulation.

Under a process of competitive proposals by insurance companies to act as the servicing company for the State of New Jersey, it has been determined that the Aetna Casualty & Surety Co., is the low offeror, and it is also the purpose of this amendment to designate that company as the servicing company for the State of New Jersey for the period ending June 30, 1974.

In view of the critical unavailability situation in New Jersey, it is impracticable to provide for notice and public procedure, and good cause exists for making these amendments effective on February 15, 1973.

Accordingly, Subchapter C of Chapter X of Title 24 is amended as follows:

1. Section 1930.6, *Names and addresses of servicing companies*, is amended to add the following listing, in proper alphabetical sequence, to the list of names of servicing companies in that section:

§ 1930.6 Names and addresses of servicing companies.

* * * * *

New Jersey—Aetna Casualty & Surety Co., 494 Broad Street, Newark, NJ 07102.

* * * * *

2. Paragraph (b) of § 1931.1 is revised to read as follows:

§ 1931.1 States eligible for the sale of crime insurance.

* * * * *

(b) On the basis of the information available to date, the Administrator has concluded that the following States have an unresolved critical market availability situation which necessitates the implementation of the Federal crime insurance program within such States:

Connecticut	New Jersey
District of Columbia	New York
Illinois	Ohio
Maryland	Pennsylvania
Massachusetts	Rhode Island
Missouri	Tennessee

* * * * *

(Sec. 1247, 82 Stat. 566; 12 U.S.C. 1749bbb-17; sec. 7121 of the Department of Housing and Urban Act; 42 U.S.C. 2535(d))

Effective date. These amendments are effective February 15, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3014 Filed 2-14-73;8:45 am]

[Docket No. R-73-109]

PART 1932—PROTECTIVE DEVICE REQUIREMENTS

Subpart C—Nonresidential Properties

PADLOCK REQUIREMENT

The Department of Housing and Urban Development published on July 1, 1971, at 36 FR 12517, regulations with respect to the Federal Crime Insurance Program. Under the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. 1721, an amendment is now being published to remove the requirement of unremovable keys in padlocks on nonresidential properties insured under the Federal Crime Insurance Program.

Public procedure and comment are unnecessary, and because this change relaxes an existing requirement, the amendment does not necessitate postponement of the effective date.

Accordingly, in § 1932.31, paragraph (a) is amended to read:

§ 1932.31 Minimum standards for industrial and commercial properties.

* * * * *

(a) Except for doorways that are completely protected during nonbusiness hours by heavy duty overhead doors or metal security screens or the equivalent, each exterior door shall be equipped with either a heavy-duty dead lock (utilizing either interlocking vertical bolts and striker or else a 1-inch dead bolt that extends at least one-half inch into the frame of the door), or a heavy-duty padlock (with casehardened steel shackle and five-pin tumbler operation), or a comparable dead lock or padlock that provides equivalent protection. Where applicable fire and safety laws permit their use, double-cylinder locks are recommended.

* * * * *

Effective date. This amendment shall be effective February 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3013 Filed 2-14-73;8:45 am]

Title 29—Labor

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS, DEPARTMENT OF LABOR

PART 460—DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS

Additional Reporting Requirements

On February 1, 1972, notice was published in the FEDERAL REGISTER (37 FR 2443, amended 37 FR 3759, February 19,

1972), of a proposal to amend 29 CFR Part 460 governing the filing of plan descriptions and annual financial reports under the Welfare and Pension Plans Disclosure Act. The proposal was designed to require, with respect to pension plans, additional information which would furnish a comprehensive description of the provisions of plans in a manner calculated to be understood by the average participant or beneficiary. The requirements related particularly to eligibility requirements, vesting provisions, sources and amount of contributions, benefits provided, method of computation of benefits, and procedures in presenting claims, and for appealing denials of claims.

The proposal additionally provided that administrators of pension plans who have previously filed descriptions would be required to file new plan descriptions, or file an amendment, in order that the new information would be available to participants and beneficiaries.

The third aspect of the proposal was that administrators of pension plans must notify participants that copies of plan descriptions and the latest annual report are available for examination in the principal office of the plan, and that a copy of the plan description and an adequate summary of the latest annual report will be mailed on written request.

Further, the proposal required that notification was to be made of amendments to such plans.

As a result of the notice numerous comments were received as well as several requests for a hearing. In response to the latter the Department conducted a hearing on June 26, 1972. Comments received in response to the notice of proposed amendment and the testimony supplied at the hearing have been considered by this Department, and the regulation is herewith issued in final. A number of modifications to the initial proposal have been effected, but with the following exceptions the modifications are not substantive. The exceptions are that the notice to participants and beneficiaries of amendments to the plan need not be furnished unless the amendments are substantive and affect the rights of participants and beneficiaries, and the proposal has been modified to reduce the reporting burden.

Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 304(a) and in accordance with Secretary's Order No. 11-72, 29 CFR Part 460 is hereby amended as follows:

1. The "Authority" paragraph applicable to Part 460 is amended to read as follows:

AUTHORITY: The provisions of this Part 460 issued under sections 5, 6, 7, 8, 72 Stat. 999, 1000, 1002, 76 Stat. 36, 37; 29 U.S.C. 304, 305, 306, 307, Secretary's Order No. 11-72.

2. A new § 460.1a is hereby added to read as follows:

§ 460.1a Notification of availability of plan descriptions and annual reports.

(a) The administrator of any employee pension benefit plan subject to the Welfare and Pension Plans Disclosure Act, shall notify the participants of the plan, and subsequently all new participants, and beneficiaries of deceased participants, that pursuant to the provisions of section 8 of the Act, participants and beneficiaries are entitled to examine copies of the description of the plan and the latest annual report at the principal office of the plan. The notice shall identify the location of the office and the hours during which reports will be available for examination. The notice shall also indicate that a copy of the description of the plan and an adequate summary of the latest annual report will be delivered by the administrator to a plan participant or beneficiary upon written request, and that delivery will be made within 30 days of receipt of the request. Notification must be in writing, but need not be in any prescribed form so long as it is reasonably calculated to reach the prescribed persons. For example the prominent posting of the notice on bulletin boards for a period of not less than 30 days, or the publication of the notice in a newsletter or similar communication directed to all participants and beneficiaries of deceased participants would be acceptable. In cases where any such communication media would not normally reach certain participants or beneficiaries such as retired employees or beneficiaries of deceased participants covered under the plan, such notification shall be given by a letter to each such person.

(b) Whenever such plan is amended and the amendment affects the substantive rights of participants or their beneficiaries, the plan administrator shall cause participants and beneficiaries of deceased participants affected by the amendment to be notified in writing regarding the subject of the amendment, and that a copy of the amendment will be available for examination at the principal office of the plan, or upon written request delivered to a participant or beneficiary. Such notification shall meet the requirements of paragraph (a) of this section.

3. Paragraph (b) of § 460.2 is amended to read as follows:

§ 460.2 Content of reports—signature or certification.

* * * * *

(b) Where the administrator of the plan is a group of individuals, such as a joint labor-management board of trustees, a committee or a partnership, the members of the group may delegate authority to sign the plan description (D-1 or D-1 Supplement), amended plan description (D-1 or D-1A), and annual report (D-2), to one or more members of the group, except that in the cases of a joint employer-union board or committee at least one employer representative and one union representative must sign.

* * * * *

4. Section 460.3 is revised to read as follows:

§ 460.3 Plan description form.

(a) The required publication and filing of the description of each such plan shall be made on U.S. Department of Labor Form D-1, entitled "Employee Welfare or Pension Benefit Plan Description Form," in accordance with this Part 460, and instructions contained in the form.

(b) Administrators of pension plans, in addition to filing Form D-1 as provided for in paragraph (a) of this section shall file a Form D-1 Supplement[1] containing the information required therein, and in accordance with the instructions contained in the supplement. The information called for shall be written in a manner calculated to be understood by the average participant or beneficiary.

5. A new paragraph (c) is added to § 460.5 as follows:

§ 460.5 Time for filing plan description amendments.

* * * * *

(c) Administrators of pension plans who have filed a plan description pursuant to § 460.3(a) on Form D-1, prior to adoption of the Form D-1 Supplement (March 1973), shall file a Form D-1 Supplement with respect to such plans containing the information required by such form no later than July 31, 1973: *Provided*, That an extension of time may be granted by the Director upon written request to the Director, Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, DC 20210, stating the reasons why an extension is needed.

This amendment shall take effect on March 18, 1973.

Signed at Washington, D.C., this 7th day of February 1973.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73-3003 Filed 2-14-73;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 201—SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL LAW ENFORCEMENT AND FIREFIGHTING AGENCIES

The following revision to Part 201 was approved by the Acting Assistant Secretary of Defense (Installations and Logistics):

Sec.
201.1 Purpose.
201.2 Applicability and scope.
201.3 Definitions.
201.4 Objectives and policy.
201.5 Reports.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 2202, 2576.

[1] D-1 Supplement is filed as part of the original document.

§ 201.1 Purpose.

The purpose of the revised part is to provide Department of Defense (DoD) policy governing the sale of certain DoD owned surplus personal property to State and local law enforcement and firefighting agencies pursuant to section 2576, title 10, United States Code (Public Law 90–500).

§ 201.2 Applicability and scope.

The provisions of this part apply to the Military Departments and Defense Agencies (hereinafter referred to collectively as "DoD Components") and cover sales of certain surplus military equipment to State and local law enforcement and firefighting agencies only, located within the 50 States of the United States.

§ 201.3 Definitions.

Terms used in this part are defined in the Defense Disposal Manual, DoD 4160.21–M.[1]

§ 201.4 Objectives and policy.

(a) *General.* Pursuant to the provisions of section 2576, title 10, United States Code (Public Law 90–500) the DoD may sell to State and local law enforcement and firefighting agencies surplus pistols, revolvers, shotguns, rifles (of a caliber not exceeding .30) and ammunition therefor; gas masks; and protective body armor that have survived donation screening as authorized by the Federal Property and Administrative Services Act and in accordance with the procedures provided in the Defense Disposal Manual.[1]

(b) *Demilitarization.* DoD demilitarization requirements are waived for the surplus military equipment authorized to be sold under this part pursuant to the provisions of section 2576, title 10, United States Code (Public Law 90–500).

(c) *Sales.* Sales to authorized State and local law enforcement and firefighting agencies will be made in accordance with the procedures set forth in the Defense Disposal Manual [1] under the following conditions:

(1) Items offered for sale will be limited to those items which are operationally safe and suitable for use by such agencies, as specified in the Defense Disposal Manual.[1]

(2) The Governor of the State (or his authorized representative) in which the requesting agency is located has certified that the type and quantity of materiel requested is necessary and suitable for the agency's operation.

(3) The Law Enforcement Assistance Administration (LEAA) of the Department of Justice has determined that the request is valid and appropriate.

(4) Sales prices, irrespective of the condition codes, will be determined as follows:

(i) For weapons, 50 percent of the standard unit price;

(ii) For ammunition, 100 percent of the standard unit price;

(iii) For gas masks and protective body armor, 10 percent of the standard unit price.

(5) Expenses of packing, handling, crating, and transportation (accessorial costs) will be included in the billing prices to the purchaser in accordance with DoD Instruction 7510.4.[1] Transportation costs will be collect, except for parcel post shipments, the cost of which will be included in the bill to the customer.

(6) DoD components will not stock spare parts for items which may be sold under the authority of this part.

(7) Proceeds from sales will be deposited in accordance with DoD Instruction 7310.1.[2] DoD expenses for these disposals are reimbursable from the sales of disposable property as set forth in DoD Instruction 7310.1.[2]

§ 201.5 Reports.

The reporting requirements for this part will be satisfied by the inclusion of additional data in the Program Administrator's Progress Report (RCS: DD–I&L(Q)(891)) submitted in accordance with LDoD Directive 4160.21.[3] The data will be segregated by category of materiel (weapons, ammunition, gas masks, and body armor) and will provide the total acquisition or stock list price of materiel sold and the total proceeds from sale at fair market value.

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

[FR Doc.73–2997 Filed 2–14–73;8:45 am]

[1] Copies available from The Government Printing Office, North Capitol Street between G and H NW., Washington, D.C. 20402.

[2] Copies available from The Government Printing Office, North Capitol Street between G and H NW., Washington, D.C. 20402.

[3] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71–149RC]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Arkansas and White Rivers, Ark.; Correction

Regulations governing the operation of the automated railroad bridges across the Arkansas and White Rivers were published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25708). The following paragraphs, which provide greater information for the bridge user, and which do not impose any regulatory burden, were inadvertently omitted and are hereby added to § 117.556:

§ 117.556 Arkansas and White Rivers, Ark., automated railroad bridges.

* * * * *

(c) * * *

(5) When the vessel has cleared the draw, the midchannel navigation light will change from green to red, the amber warning lights will flash, and after 1 minute the draw will lower and lock.

(d) Radiotelephone communication. These bridges are equipped with FM radiotelephone stations. Audio signals may be omitted when radiotelephone communications have been satisfactorily established between the bridge and an approaching vessel.

(e) The owner of or agency controlling the bridge shall keep the provisions of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This addition shall become effective on February 9, 1973.

Dated: February 9, 1973.

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

[FR Doc.73–3009 Filed 2–14–73;7:45 am]

[CGD 72–217R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Three Mile Creek, Ala.

This amendment extends the previous authoried period that the draws of the Southern Railway drawbridge across Three Mile Creek may remain closed to the passage of vessels. Notice of this action to permit the repairs was published in the FEDERAL REGISTER (CGD 72–217R), on November 4, 1972 (37 FR 23541). Prior closure authorized was from November 15, 1972, to January 13, 1973. The period of closure is now extended to April 1, 1973.

This extension is required because of unexpected delays in completing the repairs. The Coast Guard has found that good cause exists for granting this extension without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a subparagraph (i) to subparagraph (20) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(20) * * *

(i) From November 15, 1972, through April 1, 1973, the draw need not open for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49

U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall be in effect from November 15, 1972, through April 1, 1973.

Dated: February 9, 1973.

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

[FR Doc.73-3008 Filed 2-14-73;8:45 am]

[CGD 72-241R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Wabash River, Ill.

This amendment changes the regulations for the drawbridges across the Wabash River between Illinois and Indiana. This amendment was circulated in the local notice to mariners dated December 27, 1972, by the Commander Second Coast Guard District and was published in the Federal Register, as a notice of proposed rule making (CG 72-241P) on December 16, 1972 (37 FR 26833). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (6) of paragraph (g) of § 117.560 to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(6) Wabash River, Ill., and Ind.; all drawbridges. The draws of these bridges shall open on signal if at least 72 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective March 19, 1973.

Dated: February 9, 1973.

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

[F.R. Doc.73-3010 Filed 2-14-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

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

SUBVERSIVE ACTIVITIES

The following regulatory provision implementing provisions of Public Law 92-128 (85 Stat. 347) is effective September 25, 1971. Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of proposed regulatory development, is unnecessary in this instance and would be impracticable and contrary to the public interest inasmuch as the change merely incorporates the pertinent language of Public Law 92-128.

Public Law 92-128 repealed title II of the Internal Security Act of 1950, Public Law 831, 81st Congress. This title provided for detention of suspected security risks during periods of internal security emergency declared by the President. Sections 112 and 113 of the Act provided penalties for evading or aiding in the evasion of such detention. Section 3505 of title 38, United States Code, which was added by Public Law 86-222 (73 Stat. 452), provided for forfeiture of rights to benefits administered by the Veterans Administration upon conviction of certain offenses prescribed therein related to subversive activities. Sections 112 and 113, described above, were included. Public Law 92-128, in addition to repealing title II of the Internal Security Act, amended 38 U.S.C. 3505 to delete the repealed sections 112 and 113.

To reflect the amendment of 38 U.S.C. 3505, paragraph (a)(4) of § 3.903 is amended to read as follows:

§ 3.903 Subversive activities.

(a) *Definition.* Any offense for which punishment is prescribed:

* * * * *

(4) In section 4 of the Internal Security Act of 1950 (50 U.S.C. 783). (Public Law 92-128; 85 Stat. 347)

* * * * *

Approved: February 9, 1973.

By direction of the Administrator.

[SEAL] Fred B. Rhodes,
Deputy Administrator.

[FR Doc.73-3017 Filed 2-14-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

General Policies

Subpart 8-1.3, Chapter 8, Title 41, Code of Federal Regulations is amended for the following reasons:

Section 8-1.302-1 provides for sources of procurement and lists the order of priority. Paragraph (c) of this section is amended to clarify the source of supply of perishable subsistence.

In § 8-1.328-1, which relates to the contracting officer's final decision under a disputes clause, paragraph (e) is added to provide that the contractor's appeal must be filed within 30 days.

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. The amendments only involve agency procedure or practice.

1. In § 8-1.302-1, paragraph (c) is amended to read as follows:

§ 8-1.302-1 General.

* * * * *

(c) *Perishable subsistence.* The Veterans Administration and the Defense Supply Agency (DSA) have entered into an agreement whereby DSA is another source of supply to Veterans Administration hospitals for perishable subsistence items through their (DSA) regional supply points. This source of supply, when available, may be used for purchases regardless of the availability of perishables from a higher priority source, when there is a demonstrated increased economy based on cost per edible portion (not cost per pound) and food service standards are not adversely affected. Each Veterans Administration installation will make its arrangements with the DSA regional headquarters serving the area in which the station is located.

* * * * *

2. In § 8-1.318-1, the headnote is amended and paragraph (e) is added to read as follows:

§ 8-1.318-1 Contracting officer's decision under a disputes clause.

* * * * *

(e) An appeal must be mailed or otherwise furnished by the contractor within 30 days from the date the decision of the contracting officer is received. Any request for an extension of the 30-day appeal period will be denied by the contracting officer.

(80 Stat. 379, 72 Stat. 1114, sec. 205(c), 63 Stat. 390; 5 U.S.C. 301, 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective March 1, 1973.

Approved: February 9, 1973.

By direction of the Administrator.

[SEAL] Fred B. Rhodes,
Deputy Administrator.

[FR Doc.73-3016 Filed 2-14-73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-45; Notice No. 73-10]

PART 395—HOURS OF SERVICE OF DRIVERS

Use of Canadian Driver's Log Form; Correction

In FR Doc. 73-1211 appearing at page 1934 of the issue for Friday, January 19, 1973, the reference in § 395.8(t)(2)(iii) to section number 177.832 should read "§ 177.823." As so corrected, subdivision (t)(2)(iii) of § 395.8 reads as follows:

(iii) Operated without cargo under conditions that require the vehicle to

be marked or placarded in accordance with § 177.823 of this title.

Issued on February 6, 1973.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.73-3027 Filed 2-14-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Ruby Lake National Wildlife Refuge, Nev.

The following special regulation is issued and is effective on February 15, 1973.

§ 28.28 Special regulations; public access, use, and recreation for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Boating is permitted in the south sump with only conventional hull boats and canoes. Prohibited are amphibious, all-terrain, or any other type of craft or vehicle capable of cross-country travel on or immediately over land, water, marsh, swampland, or other natural terrain.

Boats with motors are restricted to the area posted for powerboating during the waterfowl nesting season. The powerboating area is posted and delineated on maps available at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28 and are effective through December 31, 1973.

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

FEBRUARY 7, 1973.

[FR Doc.73-3022 Filed 2-14-73;8:45 am]

PART 33—SPORT FISHING

Charles M. Russell National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on February 15, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuges areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sport fishing by rod, reel, pole, and set lines on the Charles M. Russell National Wildlife Range, Mont., is permitted year-round on all the waters of the Missouri and Musselshell Rivers and Fort Peck Reservoir. These fishing areas, comprising 250,000 acres, are delineated on maps available at refuge headquarters, Lewistown, Mont., and from the area office headquarters, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, MT 59102. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

FRANK R. MARTIN,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Mont.

FEBRUARY 9, 1973.

[FR Doc.73-2998 Filed 2-14-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELETION OF DELEGATION OF AUTHORITY TO REVIEW DENIALS OF REQUESTS FOR RECORDS

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121 is amended in paragraph (i) to delete the delegation of authority regarding the review under § 5.82 (45 CFR 5.82) of denials of requests for records made pursuant to § 5.53 (45 CFR 5.53). This authority is now vested in the Assistant Secretary for Health (formerly the Assistant Secretary for Health and Scientific Affairs) (45 CFR 5.82 as amended, 33 FR 18030).

Accordingly, § 2.121 is amended by deleting paragraph (1) and by reserving it for future use, as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(i) [Deleted]

* * * * *

Effective date. This order shall be effective on February 15, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 9, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2971 Filed 2-14-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Household Substances Containing 10 Percent or More of Sulfuric Acid

In the FEDERAL REGISTER of April 20, 1972 (37 FR 7809), the Commissioner of Food and Drugs proposed child protection packaging standards for liquid preparations containing 10 percent or more of sulfuric acid.

In response, comments were received from consumers, public interest groups, professional associations, State government agencies, and industry. Thirteen of the 19 comments received favor the proposal as published. The principal points raised by the others plus the Commissioner's conclusions thereon follow:

A. *Consumer dissatisfaction.* A consumer expressed dissatisfaction with the entire concept of safety packaging to protect children, contending that adequate care by adults in the use of dangerous household substances would provide sufficient protection. Adults have a definite responsibility in the prevention of childhood poisonings and the standards are not intended to lessen that responsibility. Data on childhood injuries and deaths, however, clearly indicate the need for special packaging.

B. *Method of determining concentration.* A public interest group commented that the proposed regulation is vague in that it does not specify the basis for measuring the 10 percent or more of sulfuric acid. The point is valid and the regulation has been changed to indicate that the determination of concentration shall be by weight.

The same public interest group also proposed adoption of normality as the method for determining the acid concentration. The comment stated that normality is easily computed and provides a direct measure of the total acid present, which eliminates the need for quantitative determinations for identification.

No benefit is seen in the adoption of normality as a standard by which to measure concentration. Computation in terms of percent concentration presents no problem to trained individuals. The Commissioner's interest is largely in the corrosive properties of the acid, and data fail to demonstrate this property to be equal for all acids of the same normality. Further, household products are generally formulated in terms of percentage concentration and not normality.

C. *Use by handicapped.* A consumer expressed concern that handicapped persons (particularly those with arthritis) may be unable to use or have difficulty in using special packaging. Section 4(a) of the act acknowledges such a possibility and provides that substances subject to special packaging standards may also be packaged in conventional

noncomplying packaging within prescribed limitations.

D. *Continued effectiveness.* 1. A consumer suggested that the special packaging should retain its child-resistant effectiveness even after repeated openings. The Commissioner previously recognized this need. Section 295.3(a) requires that the special packaging must continue to function for the number of openings and closings customary for its size and contents when in actual contact with the substance contained therein.

2. A second consumer suggested that the effectiveness of special packaging may be decreased if a child observes the opening process and then attempts to imitate it. Section 295.10 Testing procedure for special packaging allows for this possibility by requiring that the children who cannot open the packaging in the initial test be given a visual demonstration of the proper procedure for opening the special packaging. The regulation requires that the packaging must resist the attempts of 80 percent of the children to open it after such visual demonstration.

E. *Nonconsumer packages.* A manufacturer asked whether 1-gallon containers of sulfuric acid will be required to be in special packaging. The person who places a substance which is subject to child protection packaging standards into a container or package must determine if that container or package is in fact one in which the substance may be delivered to the consumer for use or storage in or about the household. If it is, then special packaging is necessary.

F. *Broader coverage.* A public interest group suggested that the proposal be expanded to include all strong mineral acids as a single class. They reasoned that the primary hazard presented by strong mineral acids results from the strong acid character of the compounds. Available data do not support the need to include all strong mineral acids under the standards at this time. Other such acid compounds will be considered if and when available information indicates such action is necessary to achieve the objectives of the act.

G. *Labeling requirements.* A consumer recommended that the word "dangerous" appear conspicuously on the label of hazardous substances in the same size print as the brand name. This suggestion is beyond the scope of the subject proposal and act. Labeling requirements for hazardous household substances are under the jurisdiction of the Federal Hazardous Substances Act.

Although no comment was received regarding wet cell storage batteries containing sulfuric acid, the Commissioner concludes that clarification is necessary. The standards are not intended to apply to such storage batteries because they are generally securely mounted within motor vehicles or other machines and are thus inaccessible to children under 5 years of age. The regulation has therefore been changed to exclude wet cell storage batteries. Battery electrolyte containing in excess of 10 percent by weight sulfuric acid and separately packaged, however, shall be subject to the standards if distributed for household use.

In the subject proposal, the Commissioner acknowledged that available data would not support a ban of acid-type liquid drain cleaners under the Federal Hazardous Substances Act as previously recommended and requested interested persons to submit any data or other information which may support such banning. No comments received in response made further reference to or provided support for such banning. The Commissioner therefore concludes that the child protection packaging standards established below are the most appropriate means of dealing with the hazards of such household substances.

Therefore, having evaluated the comments received and other relevant material, the Commission reaffirms his findings (in the proposal) made pursuant to section 3(a) (1) and (2) of the act and concludes that the proposal, changed as specifid, should be adopted as set forth below.

The amendment below adds a new subparagraph (9) to § 295.2(a) concerning sulfuric acid. To give full information on packaging requirements regarding household substances containing sulfuric acid, applicable portions of existing §§ 295.2 and 295.3 are included herein as follows:

Section 295.2 Substances requiring "special packaging."

* * * * *

(b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commissioner with a sample of each type of special packaging, as well as the labeling for each size product that it will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, MD 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

* * * * *

Section 295.3 *Poison prevention packaging standards.* To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors, which establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging which when tested by the method described in § 295.10, meets the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness not less than 90 percent.

* * * * *

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), a new subparagraph (9) is added to § 295.2(a) as follows:

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(9) *Sulfuric acid.* Household substances containing 10 percent or more by weight of sulfuric acid, except such substance in wet-cell storage batteries, shall be packaged in accordance with the provisions of § 295.3(a) and (b).

* * * * *

Effective date. This order shall become effective on August 14, 1973.

(Secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474)

Dated: February 9, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2972 Filed 2-14-73;8:45 am]

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Director of the Bureau of Narcotics and Dangerous Drugs has received applications pursuant to § 308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 308.24 of Title 21 of the Code of Federal Regulations.

The Director hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Director further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysis, and suppliers of these products.

Therefore, under the authorty vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 308.24(i) by adding the following chemical preparations:

§ 308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp., Harleco Division.	Hematoxylin, Acid-Alum Solution No. 64720.	Bottle: 16 and 32 oz., and 2.5 gal.	Dec. 29, 1972
* * *	* * *	* * *	* * *
Bio-Rad Laboratories, Inc.	Bio-Rad Electrophoresis Buffer	Bottle: 500 ml	Dec. 14, 1972
Do.	Electrophoresis Buffer, Dry-Pack	Package: 5.15 gm	Do.
Do.	Reagent No. 3.	Bottle: 165cc.	Do.
* * *	* * *	* * *	* * *
Buchler Instruments	Buffer Salt-Type I, Barbital-Sodium, Barbital Mixture pH 8.6 No. 3-1035.	Vial: 36.36 gm	Dec. 6, 1972
* * *	* * *	* * *	* * *
Clarkson Laboratory and Supply, Inc.	Hematoxylin Stain, Mayer's No. S-1302.	Gallon	Dec. 12, 1972
* * *	* * *	* * *	* * *
Hyland Division Travenol Laboratories, Inc.	T-3	Vial: 10 ml	Dec. 19, 1972
Do.	T-4.	Vial: 20 ml	Do.
* * *	* * *	* * *	* * *
E. R. Squibb & Sons, Inc.	Barbital Buffer Mixture No. 09501.	Vial: 6.055 gm	Dec. 21, 1972
* * *	* * *	* * *	* * *
Supelco, Inc.	Amobarbital No. 04-9170	Ampule: 1 ml	Dec. 22, 1972
Do.	Amphetamine No. 04-9165	do	Do.
Do.	Aprobarbital No. 04-9171	do	Do.
Do.	Barbital No. 04-9169	do	Do.
Do.	Butetehal No. 04-9172	do	Do.
Do.	Codeine No. 04-9161	do	Do.
Do.	Cyclobarbital No. 04-9175	do	Do.
Do.	Glutethimide No. 04-9173	do	Do.
Do.	Heptabarbital No. 04-9176	do	Do.
Do.	Heroin No. 04-9162	do	Do.
Do.	Hexobarbital No. 04-9177	do	Do.
Do.	Methadone No. 04-9163	do	Do.
Do.	Methamphetamine No. 04-9168	do	Do.
Do.	Mephobarbital No. 04-9178	do	Do.
Do.	Morphine No. 04-9160	do	Do.
Do.	Pentobarbital No. 04-9179	do	Do.
Do.	Phenobarbital No. 04-9181	do	Do.
Do.	Phenylmethylbarbituric acid No. 04-9182.	do	Do.
Do.	Secobarbital No. 04-9180	do	Do.
* * *	* * *	* * *	* * *
Wien Laboratories, Inc.	Buffer Reagent pH 8.6 No. T-5065	Bottle: 4 oz.	Do.
Do.	Coated Charcoal Suspension No. T-5077.	do	Do.
Do.	P.E.G. Solution No. T-5089	do	Do.
* * *	* * *	* * *	* * *

b. By amending § 308.24(i) by deleting the following chemical preparation:

§ 308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
* * *	* * *	* * *	* * *
E. R. Squibb & Sons, Inc.	Barbital Buffer Mixture Angiotensin I Immunotope Kit No. 09501.	Vial: 6.055 gm	July 20, 1971
* * *	* * *	* * *	* * *

Effective date. This order is effective February 15, 1973. Any interested person may file written comments on or objections to the order on or before April 17, 1973. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

Dated: February 13, 1973.

ANDREW C. TARTAGLINO,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-3079 Filed 2-16-73;8:45 am]

Proposed Rule Making

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Notice of Proposed Amendment of the Customs Regulations Relating to Issuance of Special Permits for Immediate Delivery of Quota-Class Merchandise

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and sections 624 and 448 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1448), it is proposed to amend § 8.59 of the Customs Regulations (19 CFR 8.59), to allow only single entry special permits for the immediate delivery of all tariff-rate quota class merchandise and to require that all special permits on quota-class merchandise be approved by an import specialist. Blanket special permits for immediate delivery prior to entry will not be permitted on quota class merchandise. Also, it is proposed to clearly indicate that special permits shall not be issued for absolute quota merchandise, and provide an emergency procedure for removal pending determination of admissibility.

As part of the general revision of the Customs Regulations, proposed Part 142, Special Permits for Immediate Delivery Prior to Entry, based on § 8.59, was published in the FEDERAL REGISTER as part of a notice of proposed rule making on June 29, 1972 (37 FR 12805). On adoption of this amendment, the provisions of Part 142 will be conformed thereto.

Accordingly, it is proposed to amend § 8.59(c) to read as follows:

§ 8.59 Applications; entry; procedure.

* * * * *

(c)(1) Applications for special permits for the delivery of imported articles prior to entry therefor shall be made in duplicate on Customs Form 3461, and shall be supported by evidence satisfactory to the district director of the right of the applicant to make entry for the articles with respect to which the application is filed. If the district director is satisfied that the conditions warrant such action, a special permit may be granted to cover the delivery prior to entry of a class or classes of articles particularly described in the application for such permit and imported during a period not to exceed 1 year. In such case the fact of release of the merchandise shall be noted on the manifest and initialed by the Customs officer who released the merchandise. The issuance and delivery of special permits for quota-class merchandise will be governed by subparagraph (2) of this paragraph. Designations for examination of merchandise to be released under immediate delivery permits shall be made in accordance with § 8.22(a).

(2) Special permits for immediate delivery of quota-class merchandise will be issued in accordance with the following:

(i) *Absolute quota merchandise.* A special permit for immediate delivery shall not be issued for absolute quota merchandise. In emergency cases, the district director at his discretion may grant permission to the carrier to remove merchandise in the carrier's physical custody to premises controlled by the importer, or by a third party, if the merchandise is held under the carrier's bond until an entry is made and the goods are subsequently permitted and delivered by the carrier within the meaning of § 15.8 of this chapter.

(ii) *Tariff-rate quota merchandise.* Only single entry special permits for immediate delivery of tariff-rate quota merchandise may be issued. All immediate delivery special permits shall be aproved by the import specialist having the responsibility for the quota-class merchandise concerned.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, DC 20226. To insure consideration of such communications, they must be received in the Bureau not later than March 19, 1973.

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

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: February 8, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-3040 Filed 2-14-73;8:45 am]

[19 CFR Part 133]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Filing of Increased Number of Copies of Documents With Application To Record Trademark or Copyright

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§133.3 and 133.33 of the Customs regulations to provide that the number of copies of documents required by the Bureau of Customs to be filed with an application to record a copyright or trademark is increased from 700 to 1,000.

Accordingly, it is proposed to amend paragraph (a) of § 133.3, and paragraph (a)(2) of §133.33 to read as follows :

§ 133.3 Documents and fee to accompany application.

(a) *Documents.* The application shall be accompanied by:

(1) A status copy of the certificate of registration certified by the U.S. Patent Office showing title to be presently in the name of the applicant; and

(2) One thousand copies of this certificate, or of a U.S. Patent Office facsimile. The copies may be reproduced privately and shall be on paper approximately 8½ x 11 in size. If the certificate consists of two or more pages, the copies may be reproduced on both sides of the paper.

* * * * *

§ 133.33 Documents and fee to accompany application.

(a) * * *

* * * * *

(2) One thousand 8 x 10½ photographic or other likenesses reproduced on paper of any three-dimensional work, design, print, label, or other work not readily identifiable by title and author. An application shall be excepted from this requirement if it covers a work such as a book, magazine, periodical, or similar copyrighted matter readily identifiable by title and author. One thousand likenesses of a component part of a copyrighted work, together with the name or title, if any, by which the part so depicted is identifiable, may accompany an application covering an entire copyrighted work.

* * * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226, and received no later than March 19, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103(b)), at the Regulations Division, Bureau of

Customs, Washington, D.C., during regular business hours.

Approved: February 8, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.73-3039 Filed 2-14-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1918]

[S-72-5]

LONGSHORE STANDARD

Weight Markings on Cargo Containers; Denial of Delay in Effective Date

I. *Background.* Paragraph (a) of § 1918.85, Title 29, Code of Federal Regulations, requires that each cargo container be permanently marked in pounds with the following information: (1) The weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights. The Institute of International Container Lessors (IICL), Airwork House, 35 Piccadilly, London, United Kingdom, a trade association of seven international container-leasing companies, has petitioned on behalf of its member companies for a 9-month extension of the present effective date, August 27, 1972 (37 FR 11058), of the second required marking concerning the maximum cargo weight. The requested extension would be limited to leased cargo containers. Notice of this petition was given on September 26, 1972 (37 FR 20120). At the same time, notice was given that an informal hearing would be held on November 14, 1972, in Washington, D.C. The hearing was held and the record was closed at the termination of the hearing on November 14, 1972.

Written comments were received until the record was closed.

II. *Decision.* After careful consideration of the written comments, and of the presentations made at the hearing, it is concluded that container-leasing companies have had sufficient time to mark their containers in accordance with the requirements of 29 CFR 1918.85(a)(2).

The principal argument made in favor of the requested extension is that container-lessors need more time for compliance than owner-users on account of the peculiarities of the leasing business. It was represented that leased containers are in constant use all over the world and out of lessors' control. As a consequence, a container lessor may not know the exact location of every container at every moment.

However, it appears from the record of the hearing that container-lessors have many opportunities to mark their containers according to the requirements of § 1918.85(a). Generally, lessors have agents providing depot services, and many have their own depots, around the world at which they could have the required markings affixed to the containers. Moreover, an unmarked container can be marked immediately upon arrival at a marine terminal where the regulation applies.

It must be remembered that container-leasing companies have had notice of the regulation for over 2 years. The regulation was first published as a proposal on June 26, 1970 (35 FR 10455). When it was adopted as a final regulation on May 28, 1971 (36 FR 9773), the effective date was deferred for 1 year, until May 27, 1972. Shortly before this date, a group of affected employers and container-lessors represented that 3 more months were needed to meet the requirements of the regulation. Their petition to delay the effective date until August 27, 1972, was granted (37 FR 11058). Finally, during the pendency of this proceeding, the requirement in § 1918.85(a)(2) has been suspended for leased containers which meet the requirements of § 1918.85(a) (1) and (3).

It appears that whatever differences may exist between the practices of owner-users and those of container-lessors, the differences do not justify any more delay. It has been pointed out that owner-users also have their own containers in constant use all over the world. The fact that these companies have been able to comply, coupled with the fact that marking the containers, as required, is not a complicated procedure, justifies the conclusion that enough time has already been granted for compliance.

The petitioner also argues that since containers are marked with the "tare" and "gross" weights, the "net" weight, which is also required to be marked by § 1918.85(a), can be calculated by subtracting the "tare" weight from the "gross" weight. However, longshoremen cannot reasonably be required to calculate the "net" weight from the markings already on the containers during longshoring operations. Such calculations would be work-stopping and time-consuming, and, if made at all, may contain errors that could be the cause of serious accidents.

Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941), 29 CFR Part 1911, and the Secretary of Labor's Order No. 12-71 (36 FR 8754), the petition by the Institute of International Container Lessors to delay the effective date of 29 CFR 1918.85(a)(2) is denied, and the suspension order granted with respect to containers used by lessees during the pendency of this proceeding is hereby terminated, effective as of February 15, 1973.

Signed at Washington, D.C., this 12th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3046 Filed 2-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 35, 56, 74, 93, 191]

[CGD 72-179P]

OILY BALLAST DISCHARGE REQUIREMENTS

Notice of Proposed Rule Making

The Coast Guard is considering amendments to the oily ballast discharge regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, and oceanographic vessels, to include references to the oil pollution prevention operating requirements contained in 33 CFR Parts 155 and 156.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Coast Guard, (GCMC), 400 Seventh Street, SW., Washington, DC 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72-179), and give reasons for any recommendations. Comments received before March 19, 1973, will be considered before final actions is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Sections 35.01-40, 56.50-50(n), 74.15-10(b), 93.13-10(b), and 191.25-10(b) are concerned with oily ballast discharge. In order to update these regulations, it is proposed to amend each regulation by adding a reference to the oil pollution prevention requirements contained in 33 CFR Parts 155 and 156.

In consideration of the foregoing, it is proposed to amend Chapter 1 of Title 46, Code of Federal Regulations as follows:

PART 35—OPERATIONS

1. By revising § 35.01-40 to read as follows:

§ 35.01-40 Prevention of oil pollution—TB/ALL.

Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.

PART 56—PIPING SYSTEMS AND APPURTENANCES

2. By revising paragraph (n) of § 56.50–50 to read as follows:

§ 56.50–50 Bilge and ballast piping.

* * * * *

(n) Oil pollution prevention requirements for bilge and ballast systems are contained in 33 CFR Part 155.

PART 74—STABILITY

3. By revising the second sentence of paragraph (b) of § 74.15–10 to read as follows:

§ 74.15–10 Liquid ballast.

* * * * *

(b) * * * (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

PART 93—STABILITY

4. By revising paragraph (b) of § 93.13–10 to read as follows:

§ 93.13–10 Liquid ballast.

* * * * *

(b) Water ballast in oil tanks used to provide satisfactory immersion, trim, and stability as allowed in § 93.13–1 shall be carried into port. (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

PART 191—SUBDIVISION AND STABILITY

5. By revising paragraph (b) of § 191.25–10 to read as follows:

§ 191.25–10 Liquid ballast.

* * * * *

(b) Water ballast in oil tanks used to meet the stability standard contained in Subpart 191.20 of this part shall be carried into port. (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(4)

Dated: February 9, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-3007 Filed 2-14-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[18 CFR Part 420]

WATER SUPPLY

Proposed Charges

The Commission will hold a public hearing on February 28, 1973, on the subject of proposed regulations relating to water supply charges. The text of the proposed regulations, 18 CFR Part 420, read as set forth below. The hearing will be held in the South Auditorium of the ASTN Building, 1916 Race Street, Philadelphia, Pa., beginning at 2 p.m.

The proposed regulations would implement the water pricing policy amendment to the Comprehensive Plan adopted by the Commission in Resolution No. 71–4.[1]

It is anticipated that the basic price for the water subject to charge pursuant to the proposed regulations will range from 3½ to 4 cents per 1,000 gallons, depending primarily upon determination of the final cost of the water storage facilities.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to the Delaware River Basin Commission, Post Office Box 360, Trenton, NJ 08603, on or before February 28, 1973.

Persons wishing to testify at the hearing are requested to register with the Secretary to the Commission prior to 5 p.m. on February 26.

The proposed regulations shall become effective upon adoption.

The proposed regulations would add a new Part 420, "Water Supply", to Chapter III of title 18, to read as set forth below.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 2, 1973.

PART 420—WATER SUPPLY

GENERAL

AUTHORITY: Delaware River Basin Compact, Sections 3.7 and Article 4; Comprehensive Plan Article "Water Supply" added by Resolution No. 71–4 (April 7, 1971) and Compact, Section 15.1(b) (75 Stat. 713).

GENERAL

§ 420.1 Definitions.

For the purposes of this Part 420, except as otherwise required by the context:

"Basic charge" is the water supply charge established pursuant to section 2 of Resolution 71–4.

"Executive Director" means the Executive Director of the Delaware River Basin Commission.

"Person" means any person, corporation, partnership, association, or other entity, public or private.

"Water user" means any person who uses, takes, withdraws or diverts surface waters within the Delaware River Basin.

[1] Filed as part of the original document.

WATER SUPPLY POLICY

§ 420.21 Policy.

The provisions of this Part 420 implement Commission Resolution 7164 (Comprehensive Plan),[1] relating to water supply charges.

§ 420.22 Prohibition; sanctions.

No person, firm, corporation or other entity, including a public corporation, body or agency, shall use, withdraw or divert surface waters of the basin, except as authorized pursuant to this resolution. Any violation hereof shall be subject to penalty as prescribed under Article 14.17 of the Delaware River Basin Compact. The Commission may also recover the value (according to the established water pricing schedules of the Commission) of any such taking, withdrawal, or diversion, and invoke the jurisdiction of the courts to enjoin any further use, taking or withdrawal.

§ 420.23 Exempt uses under the compact.

Section 15.1(b) of the Delaware River Basin Compact provides that "no provision of section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; * * *". In compliance with this provision:

(a) There shall be no charge for water used, taken or diverted in quantities not exceeding the lesser of:

(1) The physical capability of the taker and,

(2) The legal entitlement of the taker, each determined as of October 27, 1961. In the absence of satisfactory proof of these conditions as of October 27, 1961, the quantity of water exempt from charge to each taker will be determined in each case as the greater of:

(i) The actual taking, use and diversion during the 12-month period ending March 31, 1971, and

(ii) The legal entitlement of the taker on April 7, 1971 (the effective date of Resolution No. 71–4).

(b) "Legal entitlement", means the quantity or volume of water determined by the lesser of the following conditions:

(1) A valid and subsisting permit, issued under the authority of one of the signatory parties;

(2) Physical facilities in being and operable as required for such taking;

(3) A beneficial use throughout the year for the waters taken; and

(4) That such takings are within the limits of the total allocable flow without augmentation.

(c) "Physical capability" means the capacity of pumps, water lines and appurtenances installed and operable, determined according to sound engineering principles. The capacity specifically includes plant facilities actually using water, but excludes facilities which may have been installed in anticipation of future plant expansion not yet realized.

[1] Filed as part of the original document.

(d) "Actual taking, use and diversion" means the quantities and volumes of water reported to or determined by the the Commission, subject to audit and verification by field inspection and other appropriate procedures.

§ 420.24 Effective date of rates.

Rates and charges shall apply to all surface waters of the basin used, withdrawn or diverted by any person, corporation or other entity, public or private, on and after the date of the first impoundment of water for water supply purposes at the Beltzville Reservoir (February 8, 1971).

CERTIFICATE OF ENTITLEMENT

§ 420.31 Certificate of entitlement.

(a) The Executive Director will issue to each user a certificate of entitlement, on or before June 30, 1973. Prior to that date the Executive Director will determine the average monthly volume taken or legally entitled to be taken by each water user, known to the Executive Director, during the 12-month period ending March 31, 1971. In addition, any other water user may apply for a certificate of entitlement at any time. A preliminary certificate of entitlement will be issued to become final and take effect, without further notice, in accordance with the determination of the Executive Director, unless the taker shall file with the Commission, within 10 days after the service thereof, a request for hearing at which time the taker may show cause why the proposed certificate shall not take effect.

(b) The Executive Director shall schedule a hearing not less than 10 days after receipt of a request. Hearings shall be conducted and the result thereof subject to review in accordance with article 5 of the rules of practice and procedure.

(c) A final certificate of entitlement will be issued either upon expiration of the time to appeal in the absence of an appeal to the Commission, or in accordance with the determination of the Commission in the event of an appeal.

(d) A certificate of entitlement is not transferrable.

§ 420.32 Measurement and billing of water taken.

(a) The quantity and volume of water used, taken or diverted by each person shall be determined by meters installed, maintained and read by or on behalf of the taker. Meters shall be subject to approval and inspection by the Commission as to installation, maintenance, and reading.

(b) Each taker shall report its meter reading to the Commission on April 15, July 15, October 15, and January 15 of each year, and such reports shall be under oath.

(c) The Commission will render quarterly statements for water used, taken, withdrawn or diverted in excess of the certified entitlement of each water user. Fourth quarterly statement will include a negative or positive adjustment so that the net total billing for four quarters will equal the total water taken during the four quarters less 12 times the average monthly volume of the taker's legal entitlement, if any.

§ 420.33 Payment of bills.

All bills shall be payable upon presentation and shall bear interest at the maximum legal rate of the place where the taking occurs for each day the bill is unpaid beginning 30 days after the date of the bill.

WATER CHARGES

§ 420.41 Schedule of water charges.

This Commission will, from time to time, after public notice and hearing, make, amend and revise a schedule of water charges. Such schedule will be incorporated in contracts for water supply.

§ 420.42 Minimum charge.

Each contract for water supply shall provide for a minimum annual payment in accordance with an estimated annual demand schedule, regardless of use, withdrawal, or diversion.

§ 420.43 Exempt use.

Nonconsumptive uses of less than 1,000 gallons during any day and less than 100,000 gallons during any quarter shall be exempt from charge.

§ 420.44 Cooling water.

Water used exclusively for cooling purposes which is returned to the stream in compliance with the effluent requirements of applicable water quality standards, shall be charged at a rate of 10 percent of the basic charge.

§ 420.45 Historical use.

A person, firm, corporation or other entity who or which could not for any reason use, taken, withdraw or divert waters of the basin from the place in question of April 7, 1971, shall not be entitled to any water of the basin without charge.

[FR Doc.73-3076 Filed 2-14-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

TRANSPORTATION CONTROLS FOR CALIFORNIA

Notice of Public Hearing; Availability of Documents and Comments

Correction

In FR Doc. 73-1991, appearing at page 3085, in the issue of Thursday, February 1, 1973, the headings should read as set forth above.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Notice of Proposed Rule Making

Correction

In FR Doc. 73-1891, appearing at page 3087 in the issue of Thursday, February 1, 1973, the following changes should be made:

1. In the second column of the table "Section Number Changes", under the new sections, "401.102-10" should read "401.102.19".

2. In the second line of § 401.5(c) the word "transmit" should read "transit".

3. In the first line of § 401.17(a), the word "detail" should read "detain".

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Regulations Implementing Legislation Authorizing SBIC Equity Investment in Unincorporated Concerns

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act), 15 U.S.C. 687, it is proposed to amend, as set forth below, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations, revised as of January 1, 1972, and amended in 37 FR 3950, 8865, and 16789, by amending §§ 107.3 and 107.302. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Finance and Investment, Small Business Administration (SBA), Washington, D.C. 20416, on or before March 19, 1973.

Information. The Small Business Investment Act Amendments of 1972 (Public Law 92-595, approved Oct. 27, 1972) authorize licensed small business investment companies (SBIC's) to make equity investments in unincorporated small concerns. The legislative history, however, shows that Congress did not intend SBIC's pursuant to this enactment, to become general partners in any partnership, or incur liability for the general obligtions of any unincorporated concern (House Report No. 92-1428, Sept. 2, 1972, p. 9).

The amendments here proposed would extend the definition of Equity Securities (§107.302) and of Venture Capital (§107.3) to include equity investments in unincorporated concerns. In line with the congressional mandate, §107.302, as amended, would prohibit SBIC's from becoming general partners, or in any manner incurring joint or several liability for the general obligations of any unincorporated portfolio concern. It would also require the unincorporated concern, as a condition precedent to SBIC equity financing, to insert in all contracts with third parties, a statement declaring that the SBIC shall not become jointly or severally liable for any of its general obligations.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending the definition of Venture Capital in §107.3 so that it would read as follows:

§ 107.3 Definition of terms.

* * * * *

Venture Capital. For the purposes of this part, the following means of financing will be considered Venture Capital:

(a) Common and preferred stock and equity securities as defined in §107.302 (b)(2) which comply with the conditions of §107.302(a), with no repurchase requirement for 5 years, except as may be specifically approved by SBA under §107.901 for purposes of relinquishing control of a small business concern.

(b) Any right to purchase stock or equity securities.

(c) Debentures or loans (whether or not convertible or having stock purchase rights) which are subordinated (together with security interests against the assets of the small concern) by their terms to all borrowings of the small concern from other institutional lenders, and have no part amortized during the first 3 years.

* * * * *

2. By amending §107.302, Equity Capital, so that it would read as follows:

§ 107.302 Equity capital.

(a) "Equity Capital" means funds received by a small business concern from a Licensee as the consideration for the issuance of Equity Securities: *Provided, however,* That where a Licensee provides Equity Capital to an unincorporated concern, Licensee shall require such concern, as a condition of such financing, to insert in all contracts with third parties a clause declaring that Licensee shall not be jointly or severally liable to such parties for the obligations of such concern. In no event shall a Licensee become a general partner in a partnership, or otherwise become jointly or severally liable for its general obligations, except as provided in § 107.501.

NOTE: Attention is directed to the limited scope of "management consulting services" under § 107.601(a). Licensees are advised to obtain legal guidance concerning their relationships with unincorporated concerns, to protect themselves against liability in violation of this section.

(b) "Equity Securities" means:

(1) Stock of any class, or any rights to purchase such stock;

(2) Capital contributions to limited partnerships, shares in a syndicate, business trust, joint stock company or association, mutual corporation, cooperative or other joint venture;

(3) Instruments which evidence a debt and which provide one or both of the following:

(i) A right to convert all or any portion of the debt instrument into securities listed in subparagraphs (1) and (2) hereof, or

(ii) A right to acquire the securities listed in subparagraphs (1) and (2) hereof.

Dated: February 5, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-3024 Filed 2-14-73;8:45 am]

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Financing of Disadvantaged Small Concerns

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act), 15 U.S.C. 687, it is proposed to amend, as set forth below, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations, revised as of January 1, 1972, and amended in 37 FR 3950, 8865, and 16789, by amending §§ 107.3, 107.101, 107.202, 107.203, 107.204, 107.702, 107.805, 107.813, 107.1001, 107.1403, 107.1404, and adding new §§ 107.205 and 107.206. Prior to final adoption of such amendments, consideration will be given to any comments pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Finance and Investment, Small Business Administration (SBA), Washington, DC 20416, on or before March 19, 1973.

Information. The proposed amendments would implement the 1972 amendments to the Act (Public Law 92-595, approved October 27, 1972) insofar as they pertain to small business investment companies (SBIC's) which limit their investments to small concerns owned by disadvantaged persons.

The 1972 amendments added a new section 301(d) to the Act which authorizes SBA to license such specialized companies (section 301(d) licensees) as well as further provisions to encourage their formation and growth. The legislative history makes clear that they are designed to assist section 301(d) licensees in facilitating the ownership of small concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. To this end, the amendments provide special leverage benefits for section 301(d) licensees, and further provide for reimbursement to SBA of such special benefits before private shareholders receive any profits. SBA had previously, since 1969, encouraged the formation of such special-purpose licensees, called Minority Enterprise Small Business Investment Companies (MESBIC's), without express statutory authority and without special leverage benefits, and adapted certain SBIC regulations to their specific needs. The 1972 amendments give statutory recognition to these needs, and make unnecessary certain of the MESBIC regulations.

Section 301(d) of the Act authorizes the licensing of these new special-purpose SBIC's whether organized under the business corporation or the nonprofit corporation statutes of the several States. In order to obtain the tax advantages, intended by the Congress to inure to such nonprofit licensees and their capital contributors, rulings will be required from the Commissioner of Internal Revenue.

The amendments here proposed include:

(1) An amendment to § 107.3 to redefine the former MESBIC concept as a "Section 301(d) licensee," while preserving the term MESBIC until it can be conveniently eliminated in a complete revision (revision 5) of all SBIC regulations, now in preparation.

(2) An amendment to § 107.101(d) implementing SBA's policy to preserve for section 301(d) licensees the basic SBIC concept of a partnership between private interests and SBA. That concept requires that SBA leverage for SBIC's be based on truly private capital. Accordingly, SBA will require an admixture of private funds before it will leverage the capital of section 301(d) licensees that includes funds stemming from nonprivate sources, such as grants from the Department of Housing and Urban Development, or the Office of Economic Opportunity. This requirement would reconcile the congressional policies expressed in section 102 of the Act, and that of section 25 of the Economic Opportunity Amendments of 1972 (Public Law 92-424, approved Sept. 19, 1972). New section 714, added to the Economic Opportunity Act of 1964, by the latter amendments, requires, among other things, that funds granted under title VII of that act be included in an SBIC's "private paid-in capital and paid-in surplus." In line with the underlying legislative purpose intended by this provision, (Sen. Rep. 92-792, 92d Cong., 2d Sess., p. 39), such funds will be treated as "private": (1) If they are added to the statutory minimum capital of $150,000, which may not include such funds, and (2) if an additional amount of truly private funds equivalent to at last 10 percent of the grant funds is also included. A special proviso mitigates this policy for license applicants which have been so funded before publication of this proposed regulation.

(3) An amendment to § 107.202 requiring section 301(d) licensees to maintain a "venture capital" ratio, as these terms are defined in §§ 107.3 and 107.202(b), of at least 30 percent as a continuing condition for third-dollar leverage. The statute authorizes SBA to set such a ratio in its discretion.

(4) New § 107.205 outlining the conditions on which SBA will buy preferred securities from section 301(d) licensees. No class of stock may outrank SBA's preferred securities; the latter carry a 3 percent preferred and cumulative dividend; and SBA may require the licensee to pay it a fair return, defined by the statute as the rate set by the Secretary of the Treasury as the Government's own cost of money, before any distribution (including dividends) to private shareholders. Moreover, SBA approval will be required before a section 301(d) licensee may increase salaries, or incur debt in excess of $30,000. These provisions are mandated by the legislative history which requires that SBA be assured a fair return on its leverage before any distribution to others.

(5) New § 107.206 setting the condition on which SBA would purchase or guarantee the debentures of section 301(d) licensees pursuant to sections 303(c) and

317 of the Act. Before SBA would disburse leverage funds in excess of 100 percent of private capital, whether by purchase of preferred securities, or by purchase or guaranty of debentures, it may require the licensee to demonstrate its need for such funds. In keeping with legislative intent, debentures carrying the reduced interest rate provided by section 317 will not be guaranteed, and SBA must receive a fair return on such debentures, before any distribution to private shareholders.

(6) An amendment to § 107.813 establishing the conditions pursuant to section 318 of the Act, on which licensees which do not comply with section 301(d) of the Act, may nevertheless share in the benefits of the program created under section 301(d) by contributing capital to a section 301(d) subsidiary. The amendment would insure that such participants take an active interest in the subsidiary, and safeguard against SBA leverage being used for such contributions. Double leverage at the subsidiary's level will thus be avoided. A participant could contribute its eligible portfolio securities, valued at the lesser of cost or market, to the private capital of such section 301(d) subsidiary, if the statutory minimum capital of $150,000 is represented by cash or its equivalent. All capital contributions, whether in cash or portfolio securities, will be treated for purposes of the participant's own leverage eligibility as a reduction of its capital. Moreover, because debentures guaranteed by SBA in debenture sales since 1970 are not subject to prepayment by the issuer, such capital contributions will be permitted only to the extent that the resulting excess leverage is not represented by such debentures.

(7) An amendment to interpretive § 107.1404 expanding its scope to include a discussion of excess leverage which may result from the capital contributions mentioned in (6) above.

(8) Additional amendments designed to conform §§ 107.3, 107.203, 107.204, 107.702, 107.805, 107.1001(b) and 107.1403 (b) to the new statute and the foregoing regulatory changes.

As indicated under (1) above, SBA is planning a complete revision of all SBIC regulations. It is proposed that revision 5 will segregate provisions applicable only to section 301(d) licensees in a separate subchapter of Part 107, while the regulations not so segregated will apply to all SBIC's, including section 301 (d) licensees. In the proposed revision, the MESBIC-related provisions of present § 107.301(c)(4) concerning maximum investment in a single small concern, and § 107.1002(d) concerning capital impairment, will be eliminated because the new legislation makes such special treatment unnecessary. Section 107.1002 would ultimately be completely revised for all licensees, to make capital impairment, defined as a retained earnings deficit exceeding 50 percent of private capital, an event of default under present § 107.203(b)(1).

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending the definition of "Debtor Licensee" in § 107.3 so that it would read as follows:

§ 107.3 **Definition of terms.**

* * * * *

Debtor Licensee. "Debtor Licensee" means a Licensee which has received financial assistance from SBA, whether evidenced by preferred securities and/or debentures issued or to be issued by such Licensee.

* * * * *

2. By amending the definition of "*Minority Enterprise Small Business Investment Company (MESBIC),*" in § 107.3 so that it would read as follows:

§ 107.3 **Definition of terms.**

* * * * *

"*Minority Enterprise Small Business Investment Company (MESBIC).*" Wherever in this part the term MESBIC appears, it shall be deemed to refer to a section 301(d) Licensee.

* * * * *

3. By adding to § 107.3, immediately after the definition of "Real estate investment", the following new paragraph captioned "Section 301(d) Licensee":

* * * * *

Section 301(d) Licensee. "Section 301 (d) Licensee" means a Licensee (including a commonly or wholly owned subsidiary Licensee permitted under section 318 of the Act and § 107.813 hereof) organized under State business or nonprofit corporation statutes, and licensed pursuant to section 301(d) of the Act, the investment policy of which is limited to making investments solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

* * * * *

4. By designating paragraph (d) of § 107.101 as paragraph (d)(1) and adding a new paragraph (d)(2) that would read as follows:

§ 107.101 **Operational requirements.**

* * * * *

(d)(1) *Minimum capital.* * * *

(2) *Nonprivate funds.* (i) A section 301(d) Licensee may include funds granted under title VII of the Economic Opportunity Act of 1964, as amended, or funds originating from other nonprivate sources, in its combined private paid-in capital and paid-in surplus for purposes of sections 302(a), 303(c), and 306 of the Act: *Provided, however,* That the minimum capital of $150,000 specified by section 302(a)(1) of the Act may not include such funds and, *Provided, further,* That for purposes of section 303(c) such funds may be included in the combined private paid-in capital and paid-in surplus in excess of such $150,000 only to the extent that an additional amount of at least 10 percent (10 percent) of such funds is also included which does not consist of nonprivate funds.

(ii) For purposes of this subparagraph, "nonprivate funds" and "funds from nonprivate sources" shall mean funds originating from an agency or department of the Federal Government or of any State, or subdivision thereof. As used herein, "State" shall mean the several States, the territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

(iii) No license application shall be granted unless the applicant has complied with the provisos in subdivision (i) of subparagraph (2), except that a license may be granted to an applicant which has applied to SBA for a license and has received nonprivate funds, or a binding commitment for nonprivate funds, on or before the date of publication of this notice, but SBA will not consider granting the assistance provided by section 303 until compliance with such provisos. In addition, applicants must comply with all other initial licensing as well as operational requirements applicable to Licensees generally.

* * * * *

5. By amending § 107.202 so that it would read as follows:

§ 107.202 **Leverage in excess of 200 percent.**

* * * * *

(d) A section 301(d) Licensee shall be eligible for SBA financial assistance in excess of 200 percent of combined private paid-in capital and paid-in surplus in accordance with sections 303(c)(2)(iii) and 303(c)(4) of the Act on the same basis as other Licensees are so eligible under section 303(b)(2) of the Act and paragraphs (a) and (b) of this section: *Provided, however,* That a section 301(d) Licensee shall have at least 30 percent of its total funds available for investment actually invested (or committed) in small concerns eligible for investment by section 301(d) Licensees, and that such ratio is thereafter maintained in the same manner as provided for all Licensees in paragraph (c) hereof.

6. By amending § 107.203(a) by substituting "preferred securities and debentures" in lieu of "debt instruments" in the caption thereof, and inserting "preferred security" immediately before "debenture" in the first sentence, so that it would read as follows:

§ 107.203 **SBA purchase, sale or guaranty of preferred securities and debentures of Licensee.**

(a) SBA may, in its discretion, and upon such terms and conditions and for such consideration as it shall deem reasonable, sell, assign, transfer, or otherwise dispose of any preferred security, debenture, or other evidence of debt or

security held in connection with any loan made or guaranteed by SBA under the Act. In such event and upon notice thereof, by SBA, Licensee will make all payments of principal and interest as shall be directed by SBA. Licensee shall hold SBA harmless from any and all damages or losses which SBA may sustain by reason of such disposal or guaranty, limited, however, to the extent of Licensee's liability under such security, plus court costs and reasonable attorney's fees incurred by SBA.

* * * * *

By amending § 107.204 by inserting "preferred securities or" immediately before "obligations" wherever it appears in the text thereof, so that it would read as follows:

§ 107.204 Collection or compromise of claims relating to Licensee's preferred securities or indebtedness to SBA.

The Administrator or his delegate may, in his discretion, and upon such terms and conditions and for such consideration as he deems reasonable, collect or comprise claims relating to preferred securities or obligations assigned to, held or guaranteed by SBA and all legal and equitable rights accruing to it in connection with such preferred securities or obligations.

8. By adding immediately after § 107.-204, two new §§ 107.205 and 107.206 that would read as follows:

§ 107.205 SBA purchase of preferred securities of Section 301(d) Licensee.

(a) *General.* Section 303(c) of the Act authorizes SBA to purchase nonvoting preferred securities issued by section 301(d) Licensees. Application for such purchase may be made on SBA Form No. 1022A [1] in accordance with accompanying instructions. Before disbursing leverage funds in excess of 100 percent of combined private paid-in capital and paid-in surplus, SBA may require the Licensee to demonstrate the need for such funds to SBA's satisfaction. (See § 107.1003.)

(b) *Conditions of SBA's purchase of preferred securities.* SBA may, in its discretion, and upon such conditions as it shall find reasonable, purchase shares of nonvoting preferred securities issued by a section 301(d) Licensee, pursuant to section 303(c) of the Act, and subject to the conditions and charter requirements prescribed in this subsection, which shall be deemed binding upon the Licensee and shall govern third-party transactions with it. The matters set forth below shall be appropriately provided for in the charter:

(1) *Investment policy.* Statement of investment policy in conformity with section 301(d) of the Act.

(2) *Classes of stock.* A description of the amount and classes of its shares of capital stock and the relative rights of each such class: *Provided, however,* That no class of stock may take precedence over the preferred securities purchased by SBA.

(3) *Payment of dividends to SBA.* Subject to the sound discretion of the board of directors, SBA shall be paid an annual dividend from retained earnings equivalent to three (3) percent of the par value of its preferred securities. Such dividends shall be payable before any amount shall be set aside or, subject to subparagraph (5) of paragraph (b) of this section, paid to any other class of stock, and shall be cumulative so that, in the event retained earnings in any fiscal year are insufficient to pay said dividends to SBA, they shall be payable from subsequent retained earnings to the extent of such deficiency, without interest thereon.

(4) *Redemption rights.* Licensee shall be entitled at its option to redeem in whole or in part preferred securities purchased by SBA on any dividend date (after giving at least thirty (30) days' written notice), by paying SBA the par value of such securities plus the additional amount prescribed under subparagraph (5)(ii) hereof, but not less than $50,000 par value in any one transaction.

(5) *SBA's priority rights as preferred securities holder in event of redemption, liquidation, or distribution of assets to other stockholders.* Prior to redemption in whole or part of any class of stock not purchased by SBA, or in case of liquidation in whole or part, or any dividend or other distribution of assets (to stockholders other than SBA), SBA shall be entitled to preferred payment in full of (i) the par value of its preferred securities, and (ii) in its discretion, the difference between dividends paid and the sums that would have been payable if cumulative dividers had been payable at a rate equal to the interest rate determined pursuant to section 303(b) of the Act for 15-year debentures, without interest on such difference, such rate to be inscribed on the certificates offered to SBA; and (iii) in the event SBA has purchased, or guaranteed (pursuant to section 5(b) of the Small Business Act) the timely payment of, debentures of the Licensee, SBA shall also be entitled to preferred payment of the difference between the rate of interest on such debentures paid pursuant to section 317 of the Act and the interest rate that would have been payable pursuant to section 303(b) of the Act, without interest on such difference: *Provided, however,* That with respect to payment of such interest, SBA shall have the same priority as applies to debentures purchased or guaranteed by SBA under section 303(b) of the Act.

(6) *SBA approval required to distribute assets to other stockholders, increase salaries, or incur indebtedness exceeding $30,000.* Without prior written SBA approval, the Licensee may not (i) distribute assets or property to stockholders other than SBA; or (ii) (*a*) increase the salaries or other compensation of any officer, director, or employee beyond amounts previously approved by SBA or (*b*) become indebted on an open-account basis or otherwise incur secured or unsecured debt to others than SBA in an amount exceeding $30,000 at any one time: *Provided, however,* That with respect to any such increased obligations approved by SBA, nothing in the foregoing shall be construed as diminishing or denying to the respective obligees any priority rights to which they are entitled.

(7) *Prior SBA approval required to amend charter.* The charter shall not be amended for any purpose without SBA's prior written approval.

(c) *State law.* SBA does not intend, as a general proposition, that provisions of this section not mandated by the Act shall supersede existing State law. Whenever a party claims that a conflict exists, it shall submit ar. opinion of independent counsel, citing authorities, for SBA's resolution of the issues involved.

(d) *Exchange of outstanding debentures for preferred stock.* A section 301(d) Licensee meeting the requirements of paragraph (b) hereof may, in SBA's discretion, retire debentures outstanding pursuant to section 303(b) of the Act simultaneously with the issuance to SBA of preferred securities, in order to remain within the leverage limits of section 303(c)(2)(iii) of the Act but not otherwise (Form 1022B [1]).

(e) *Preferred securities other than stock.* A section 301(d) Licensee may issue to SBA preferred securities other than stock only if a State statute precludes the issuance of preferred stock.

§ 107.206 SBA purchase or guaranty of debentures of Licensee operating under Section 301(d) of the Act.

(a) *General.* Section 303(c) of the Act authorizes SBA to purchase or guarantee debentures issued by section 301(d) Licensees. Applications for such purchase or guaranty may be filed in the manner provided by § 107.201. Before disbursing leverage funds in excess of 100 percent of combined private paid-in capital and paid-in surplus, SBA may require the Licensee to demonstrate the need for such funds to SBA's satisfaction. (See § 107.1003.) Debentures may be subordinated in accordance with section 303(b) of the Act. The interest rate as reduced by section 317 of the Act applies only to debentures purchased by SBA, and does not apply to debentures guaranteed by it under section 303 of the Act.

(b) *Interest subsidy.* A Licensee eligible for, and wishing to avail itself of, the reduced interest rate according to section 317 of the Act may apply for SBA purchase of its debentures. Such debentures shall specify the interest rates prescribed by sections 317 and 303(b) of the Act, together with the dates between which each applies: *Provided, however,* That a Licensee which has received the benefit of the rate computed pursuant to

[1] Form filed as part of the original document.

[1] Form filed as part of the original document.

section 317 shall not pay dividends or make any other distribution (other than to SBA), unless it has first paid SBA the difference between the two rates for the relevant period, without interest on such difference.

9. By amending § 107.702, by (1) deleting therefrom the second proviso (beginning *"And provided, further,* That * * *") and (2) substituting a period for the colon appearing at the end of the first proviso, so that it would read as follows:

§ 107.702 Common control.

A Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee (except a common manager approved in advance by SBA in writing), or who at the same time is an officer or director of any person which directly or indirectly controls, or is controlled by, or is under common control with, another Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly 10 or more percent of the stock of another Licensee: *Provided, however,* That officerships or directorships in or ownership or control of stock of a MESBIC shall be excepted from the application of the foregoing prohibitions.

10. By amending § 107.805(a) by (1) substituting a colon for the period at the end of the second proviso and (2) adding immediately thereafter a third proviso that would read as follows:

§ 107.805 Postlicensing issuance of securities.

(a) *General.* * * *

And provided, further, That pursuant to § 107.813, a participant Licensee may make a capital contribution in excess of the statutory minimum of $150,000 to a section 301(d) Licensee, in the form of portfolio securities at cost or current fair market value thereof, whichever is lower.

* * * * *

11. By amending § 107.813 so that it would read as follows:

§ 107.813 Financing disadvantaged concerns through a Section 301(d) Licensee wholly or commonly owned by Licensee companies.

(a) *General.* A section 301(d) Licensee may be licensed to operate as the wholly or commonly owned subsidiary of one or more Licensee companies ("participant Licensee"), with or without non-Licensee participation, in the same manner as if owned entirely by non-Licensees, subject to the following conditions:

(b) *Application.* In reviewing a license application which includes one or more participant Licensees as proposed stockholders, SBA will consider the effect of their capital contribution to the proposed section 301(d) licensee, on the financial structure of each participant Licensee and of the proposed section 301(d) Licensee: *Provided, however,* That no participant Licensee may use funds obtained from or guaranteed by SBA for such capital contribution.

(c) *Participant Licensees.* Each participant Licensee shall own at least 20 percent of the voting securities of the proposed section 301(d) Licensee, equity ownership in such amount constituting a presumption of active participation. Licensees proposing to own less than 20 percent of such voting securities will be accorded an opportunity to demonstrate to SBA's satisfaction that they will be active participants.

(d) *Leverage.* Within the limits permitted by sections 303(c) and 317 of the Act, preferred securities and debentures of such section 301(d) Licensee shall be eligible for purchase or guaranty by SBA to the extent that:

(i) Capitalization of the section 301(d) Licensee is derived from non-Licensee investors; and/or

(ii) A participant Licensee has unused leverage eligibility, and makes a capital contribution which, for leverage purposes, shall be treated as a capital reduction by the participant Licensee: *Provided, however,* That a participant Licensee whose debentures have been sold or guaranteed by SBA after 1970 may make such contribution only to the extent that such debentures will not represent excess leverage.

(e) *Capital contribution.* The capital contribution of a participant Licensee to the extent that it exceeds the statutory minimum of $150,000, may be represented, in whole or in part, by portfolio securities of small concerns eligible for investment by a section 301(d) Licensee, at cost or current fair market value thereof, whichever is lower. (See § 107.805(a), first proviso.) Assumption by the proposed section 301(d) Licensee of such participant Licensee's indebtedness held or guaranteed by SBA, in whole or in part, will not be permitted.

12. By amending § 107.1001(b) by inserting "by the small business concern" immediately after the initial word, "use", so that it would read as follows:

§ 107.1001 Prohibited uses of funds.

No funds may be provided by Licensee for:

* * * * *

(b) *Financing Licensees.* Use by the small business concern, directly or indirectly, to purchase stock in or otherwise to provide capital for a Licensee, or to repay an indebtedness to accomplish such purpose.

* * * * *

13. By amending § 107.1403(b) so that it would read as follows:

§ 107.1403 Qualification of retained earnings as capital for SBA purchase of debentures and preferred securities under Sections 303(b) and 303(c) of the Act (interpreting §§ 107.201 and 107.202).

* * * * *

(b) *Use as capital.* The amount by which private paid-in capital and surplus is increased may be included in the Licensee's combined private paid-in capital and paid-in surplus. Such capital and surplus may be used for the purpose of determining the amount of preferred securities and debentures which SBA may purchase from such Licensee pursuant to sections 303 (b) and (c) of the Act.

14. By amending § 107.1404 so that it would read as follows:

§ 107.1404 Excess section 303(b) funds resulting from merger of, or capital contributions by Licensees interpreting §§ 107.202, 107.813, and 107.903.

(a) *Excess 303 funds.* The total amount of debentures and preferred securities which SBA may purchase from a Licensee is limited by sections 303 (b) and (c) of the Act. If a merger between Licensees is consummated (§ 107.903), or a capital contribution is made by a participant Licensee (§ 107.813), a Licensee may hold SBA funds in excess of the statutory limit.

(b) *Repayment.* The excess must be repaid to SBA within a reasonable period. The Licensee may present data relevant to the determination of a reasonable repayment period.

Dated: February 5, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-3025 Filed 2-14-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

MEASUREMENT OF UNDERGRADUATE NONDEGREE COURSES

Notice of Proposed Rule Making

This amendment to § 21.4272 would permit measurement of undergraduate nondegree courses on a credit-hour basis in certain instances in which the highest degree offered by the school is "associate."

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before March 19, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4.30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of approval.

In § 21.4272, paragraph (c)(5) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

* * * * *

(c) *Nondegree courses.* The course is offered by either a member or nonmember of a nationally recognized accrediting association, and

* * * * *

(5) If the school is a member of a nationally recognized accrediting association, and certifies that credit for at least 40 percent of the subjects within the curriculum, desired to be measured on a credit-hour basis, is granted upon transfer to the element of the school which offers an associate or higher degree, and credit is awarded at full value, i.e., credit hour for credit hour toward partial fulfillment of the requirements for an associate or higher degree, or

* * * * *

Approved: February 9, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-3018; Filed 2-14-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

DONALD K. ADKINS ET AL.

Notice of Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adkins, Donald K., 16419 Branders Bridge Road, Chester, VA, convicted on March 3, 1964, in the District Court of Bell County, Tex.

Dillingham, Oscar D., 1518 East Bradbury, Indianapolis, IN, convicted on June 27, 1963, by the U.S. District Court, Indianapolis, Ind., and on September 23, 1963, by the U.S. District Court in and for the Southern Judicial District of Indiana.

Evans, Glenn Eugene, 1012 Keller, Crescent City, CA, convicted on August 16, 1966, in the Superior Court for the State of California in and for the county of Del Norte.

Griffiths, Andrew, 3822 Bowers Avenue, Baltimore, MD, convicted on August 2, 1949, by General Court-Martial, Headquarters, Yokohama Command.

James, Craig E., rural route 1, Box 1A, Chippewa Falls, Wis., convicted on November 21, 1968, in Chippewa County Court, Chippewa Falls, Wis.

Johansen, Robert C., 1458 Mariposa Street, Richmond, CA, convicted on January 30, 1950, in the Superior Court for the State of California in and for the county of Sacramento.

Lindstrom, Michael J., 1013 16th Street, Menominee, MI, convicted on July 17, 1972, in the Circuit Court, county of Marinette, Wis.

Loftin, Phillip S., 1101 John Reagan Street, Fort Worth, TX, convicted on September 14, 1967, in the District Court, Tarrant County, Tex.

Martin, Patricia Ann, 453 Peterboro Street, Apartment 42, Detroit, MI, convicted on October 4, 1964, in the Recorder's Court for the city of Detroit, Mich.

McCoy, William L., 1330 Juniper Street, Junction City, OR, convicted on August 8, 1968, in the Circuit Court of the State of Oregon for the county of Linn, and on September 6, 1968 in the Circuit Court of the State of Oregon for the county of Lane.

McDonald, Robert W., 1906 Country Squire, Urbana, Ill., convicted on April 16, 1962, in the Circuit Court of Champaign County, Ill.

Montgomery, George J., 177 East Fourth Street, Junction City, OR, convicted on November 30, 1951, and June 1, 1960, in the Circuit Court of the State of Oregon for the county of Linn, at Albany, Oreg.

Phifer, Larry E., Eagle River, Wis., convicted on April 22, 1968, in the U.S. District Court, Western District, Wis., at Madison, Wis.

Rowell, George W., Post Office Box 54, Loachapoka, AL, convicted on November 4, 1969, in the U.S. District Court, Middle District, Ala.

Rugar, Glenn A., Box 208, Corry, PA, convicted on July 30, 1953, in Quarter Sessions Court, Erie, Pa.

Smith, Orville L., 220 North Center Street, Sullivan, MO, convicted on November 5, 1957, in the Circuit Court, Franklin County, Mo., at Union, Mo.

Solesski, Anthony J., Post Office Box 60, Auburn, CA, convicted on November 9, 1962, in the Superior Court of the State of Washington for King County.

Stanton, Merrill J., 285 Rosemead Street, Santa Barbara, CA, convicted on September 4, 1946, in the Superior Court of the State of California in and for the county of Santa Barbara.

Tyson, Blaney P., 521 Glendale Road, Martinsville, VA, convicted on May 19, 1953, in Pittsylvania County, Va., Circuit Court, and on January 4, 1955, in Superior Court, Stokes County, N.C.

Vicary, William P., 26106 Harmon Street, St. Clair Shores, MI, convicted on March 20, 1962, in the U.S. District Court, Eastern District of Michigan, Northern Division, and on September 18, 1969, in the U.S. District Court, Central District of California.

Wilkinson, Eugene D., 1411 Turner, Borger, Tex., convicted on April 28, 1971, in the U.S. District Court, Amarillo, Tex.

Signed at Washington, D.C., this 2d day of February 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

[FR Doc.73-3041 Filed 2-14-73;8:45 am]

Office of the Secretary

IMPRESSION FABRIC OF MANMADE FIBER FROM JAPAN

Determination of Sales at Less Than Fair Value

Information was received on January 5, 1972, that impression fabric of manmade fiber from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act).

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of November 15, 1972 (37 FR 24200).

I hereby determine that, for the reasons stated below, impression fabric of manmade fiber from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f., f.o.b., or exwarehouse price, as appropriate, with deductions made, where applicable, for ocean freight, marine insurance, inspection charges, shipping charges, and inland freight in Japan.

Home market price was calculated on the basis of a weighted-average or preponderant delivered price, as appropriate, with deductions made, where applicable, for inland freight. Adjustments were made, where applicable, for differences in packing and credit costs, and for differences in the merchandise.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 13, 1973.

[FR Doc.73-3098 Filed 2-14-73;8:45 am]

SYNTHETIC METHIONINE FROM JAPAN

Determination of Sales at Less than Fair Value

FEBRUARY 12, 1973.

Information was received on July 27, 1972, that synthetic methionine from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act).

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury is being published concurrently with this notice.

I hereby determine that, for the reasons stated below, synthetic methionine from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statements of reasons on which this determination is based. The information currently before the Bureau of Customs indicates that the proper basis of comparison for fair value purposes is between purchase price and adjusted home market price of such or similar merchandise.

Purchase price was based on the c.i.f. U.S. port price with deductions for ocean freight, insurance, and foreign inland freight.

Home market price was based on the delivered price in Japan with a deduction for inland freight.

Comparisons between purchase price and home market price revealed that purchase price was lower than home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-3100 Filed 2-14-73;8:45 am]

SYNTHETIC METHIONINE FROM JAPAN

Withholding of Appraisement Notice

FEBRUARY 12, 1973.

Information was received on July 27, 1972, that synthetic methionine from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of August 31, 1972, on page 17768. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of synthetic methionine from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of synthetic methionine from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received on or before February 22, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before March 1, 1973.

This notice, which is published pursuant to § 153.34(a), Customs Regulations (19 CFR 153.34(a)), shall become effective on February 15, 1973. It shall cease to be effective on May 15, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-3099 Filed 2-14-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

WILLIAM P. CLEMENTS, JR.

Delegation of Authority

The Secretary of Defense approved the following:

Reference. (a) DoD Directive 5105.2, "Delegation of Authority to Deputy Secretary of Defense," February 24, 1972 (hereby canceled), published at 37 FR 9569.

I. *Delegation of authority.* In accordance with the provisions of section 133 (d) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense William P. Clements, Jr., full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

II. *Cancellation.* Reference (a) is canceled.

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

[FR Doc.73-2995 Filed 2-14-73;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

A panel of the Defense Intelligence Agency Scientific Advisory Committee will hold a closed meeting to discuss classified matters at 8:30 a.m. on February 23, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-2996 Filed 2-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Utah State Multiple Use Advisory Board will hold a business meeting March 8, 1973, at 9 a.m. in the Ramada Inn, 1000 South State Street, Salt Lake City, UT. The agenda for the meeting will include election of board officers and discussions of proposed Interior Department regulations for managing off-road vehicle use, predator damage control, energy crisis impacts on the BLM-administered national resource lands in Utah, proposal for management of wild horses and burros, trends in environmental protection and new Federal legislation pertaining to the bureau.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting of the board. Any interested persons may file a written statement with the board for its consideration. Written statements and requests to give oral statements to the board should be submitted to Kenneth Summers, Chairman, c/o State Director, Bureau of Land Management, Post Office Box 11505, 8239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

R. D. NIELSON,
State Director, Utah.

[FR Doc.73-2994 Filed 2-14-73;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

FEBRUARY 6, 1973.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet March 14–15, 1973 at the Little America Motel, Cheyenne, Wyo. The agenda will include consideration of administrative matters, resource management issues, Wyoming Bureau of Land Management operations, and national resource lands policies, plans, and programs.

The meeting will be open to the public. The Advisory Board Chairman is Mr. Howard E. Miller, Bosler Route, Wheatland, Wyo. 82201.

DANIEL P. BAKER,
State Director.

[FR Doc.73-2993 Filed 2-14-73;8:45 am]

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 3, Amdt. 3]

SUPERINTENDENTS

Delegation of Authority Concerning Credit Matters

DECEMBER 20, 1972.

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

The Portland Area Office Redelegation Order 3 published beginning on page 15813 of the October 14, 1969, FEDERAL

REGISTER (34 FR 15813) is amended by revoking present § 2.12(c), deleting present § 2.26, inserting a new § 2.26, and adding new §§ 2.27 and 2.28. This amendment redelegates to Superintendents authority to approve mortgages and deeds of trust under certain circumstances, to approve partial releases and satisfactions of mortgages and approve mortgages on leasehold interests on trust land.

As amended, Part 2 of Portland Area Office Redelegation Order 3 reads as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENTS, AND PROJECT ENGINEERS

Subject to the provisions of Part 1, Superintendents, School Superintendents, and Project Engineers may exercise the authority of the Area Director as indicated in this part.

* * * * *

FUNCTIONS RELATING TO LANDS AND MINERALS

* * * * *

SEC. 2.12 The authority of the Area Director to approve leases and permits (nonmineral) when authorized by law in accordance with 25 CFR Part 131 except the following:

* * * * *

(c) [Revoked]

* * * * *

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.26 *Mortgages and deeds of trust.* The issuance of a commitment to approve and the approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans when made by:

(1) Any lender operating pursuant to 25 CFR Part 91, including the encumbrance of an undivided interest in such land.

(2) Any lender operating pursuant to State or Federal law, except the encumbrance of an undivided interest in such land.

SEC. 2.27 *Approval of partial releases and satisfactions.* The approval of partial releases and satisfactions of mortgages and security agreements given to secure loans to individuals made pursuant to 25 CFR Part 91.

SEC. 2.28 *Approval of mortgages of leasehold interest.* The issuance of a commitment to approve and the approval of mortgages or encumbrance instruments on leasehold interest of trust land, executed pursuant to 25 CFR 131.12(c) given to secure any loan.

* * * * *

Effective date. This delegation of authority notice is effective on February 15, 1973.

JOHN J. WEBER,
Acting Assistant Area Director.

Approved: February 8, 1973.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-2999 Filed 2-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DOUGLAS-FIR TUSSOCK MOTH PEST MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a USDA—Forest Service Douglas-fir Tussock Moth Pest Management Plan, Oregon and Washington — 1973, USDA-FS-DES (Adm) 73-46.

The environmental statement concerns a proposed 1973 Douglas-fir tussock moth pest management plan on approximately 434,000 infested acres of State, private, and Federal land in Oregon and Washington. Salvage harvesting of damaged Douglas-fir and true fir timber on about 175,000 acres of Federal commercial forest land is proposed. The proposal includes applying Zectran twice at the rate of 0.15 pounds per acre in 1 gallon of fuel oil by helicopters on selected high use areas.

This draft environmental statement was filed with CEQ on February 9, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3280, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Regional Office, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Forest Supervisor's Office, Okanogan National Forest, 219 Second Avenue South, Okanogan, WA 98840.

Forest Supervisor's Office, Wenatchee National Forest, 3 South Wenatchee Avenue, Wenatchee, WA 98801.

Forest Supervisor's Office, Umatilla National Forest, 2517 Southwest Hailey Avenue, Pendleton, OR 97801.

Forest Supervisor's Office, Wallowa-Whitman National Forest, Federal Building, Baker, OR 97814.

A limited number of single copies are available upon request to Theodore A. Schlapfer, Regional Forester, Forest Service, U.S. Department of Agriculture, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, Forest Service, U.S. Department of Agriculture, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208. Comments must be received by March 30, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

FEBRUARY 12, 1973.

[FR Doc.73-2992 Filed 2-14-73;8:45 am]

OKANOGAN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Okanogan National Forest Advisory Committee will meet at 8 p.m. on February 23, 1973, on the second floor of the Forest Supervisor's Office at 219 Second Avenue South, Okanogan, WA.

The purpose of this meeting is to present and discuss the Okanogan Forest's proposed 5-year Timber Action Plan. The meeting will be open to the public.

Dated: February 9, 1973.

GERHART H. NELSON,
Forest Supervisor.

[FR Doc.73-3023 Filed 2-14-73;8:45 am]

Office of the Secretary

NATIONAL TOBACCO MARKETING STUDY COMMITTEE

Notice of Establishment

Notice is hereby given that the Secretary of Agriculture will appoint a National Tobacco Marketing Study Committee for the purpose of making a detailed study of the present U.S. and Canadian tobacco marketing systems. The Secretary has determined that establishment of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The Committee will report its findings and recommendations to the Secretary within 120 days of its appointment, at which time the Committee will terminate.

Such a study is needed to assist producers in increasing their income through modernization of marketing methods.

William Lanier, Director, Tobacco Division, ASCS, U.S. Department of Agriculture, Washington, DC 20250, will be the chairman of this Committee.

This notice is given in compliance with Public Law 92-463. The requirement of the Draft OMB/Department of Justice memorandum that notice must be published at least 30 days prior to the filing of a Committee's charter has been waived by OMB because of the need to carry out this study during the current tobacco marketing season which is now

underway. Views and comments of interested persons must be received by the Director on or before February 20, 1973.

Dated: February 12, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-2991 Filed 2-14-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

HARTFORD NATIONAL BANK AND TRUST CO.

Notice of Approval of Applicant as Trustee

Notice is hereby given that Hartford National Bank & Trust Co., with offices at 777 Main Street, Hartford, Conn., has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 7, 1973.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.73-3051 Filed 2-14-73;8:45 am]

SUN SHIPBUILDING AND DRY DOCK CO.

Notice of Filing Application for Construction-Differential Subsidy

Notice is hereby given that pursuant to Title V of the Merchant Marine Act, 1936, as amended, Sun Shipbuilding and Dry Dock Co., filed, on February 2, 1973, an amendment to its application dated April 8, 1972, and subsequently supplemented, for a construction-differential subsidy to aid in the construction of one oil tanker (Sun Ship Hull No. 660, currently under construction and scheduled for delivery in April 1973) of 80,000 d.w.t. for use in foreign commerce of the United States.

Interested parties may inspect this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets NW., Washington, DC 20035.

Dated: February 9, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-3050;Filed 2-14-73;8:45 am]

National Oceanic and Atmospheric Administration

BERGNER INTERNATIONAL CORP.

Notice of Public Hearing Regarding Application for Economic Hardship Exemption

Notice is hereby given pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and the regulations (37 FR 28177) issued in connection therewith, that a hearing will be held on March 22, 1973, at 10 a.m., local time in room 6802, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, DC. The purpose of the hearing is to consider an application for an economic hardship exemption from Bergner International Corp., New York, N.Y., to import about 10,000 dressed Beater and Blueback sealskins from Canada for resale.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Director, National Marine Fisheries Service, Washington, DC 20235, telephone (202) 343-2184. Any inquiries, with respect to this hearing, should be made to the Director.

Issued at Washington, D.C., and dated February 12, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-2985 Filed 2-14-73;8:45 am]

KENNETH S. NORRIS AND HOWARD E. WINN

Issuance of Letters of Exemption for Marine Mammals

On January 24, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2340), stating that applications had been filed with the National Oceanic and Atmospheric Administration for economic hardship exemptions by Dr. Kenneth S. Norris, University of California, Santa Cruz, Calif., to tag three juvenile gray whales in Boca Soledad, Baja, Calif., and Dr. Howard E. Winn, University of Rhode Island, Kingston, R.I., to import three live gray seals from Canada for sound and behavior studies.

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522), after having considered the applications and all other pertinent information and facts, with regard thereto, the National Marine Fisheries Service has issued Letters of Exemption to Dr. Kenneth S. Norris and Dr. Howard E. Winn, subject to certain conditions set forth in the Letters of Exemption, which are available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C.

Dated: February 12, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-2984 Filed 2-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6668; Docket No. FDC-D-606; NDA 6-668]

ORAL CYANOCOBALAMIN FOR PRESCRIPTION USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Redisol Tablets containing 100 or 250 micrograms cyanocobalamin per tablet; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 6-668).

Drugs containing more than 100 micrograms of cyanocobalamin per dosage unit are presently regarded as limited to prescription dispensing. The effectiveness classification and conditions for approval and marketing set forth below apply only to prescription drugs.

Vitamins are included among the over-the-counter drugs to be reviewed by an OTC Drug Advisory Review Panel, under the procedures established in the FEDERAL REGISTER on May 11, 1972 (37 FR 9464). Safety, effectiveness, and adequate labeling of vitamin preparations marketed as OTC drugs will be considered by that panel, as well as the differences between OTC and prescription drug levels.

The Food and Drug Administration has published regulations establishing the dividing level between food and drug status for vitamins (38 FR 2152, January 19, 1973). Until such time as the OTC Drug Advisory Review Panel has completed its review, the Food and Drug Administration will not object to the inclusion of cyanocobalamin in vitamin products marketed as OTC drugs at levels above the maximum food level but not exceeding 100 micrograms per dosage unit and with the recommended daily dosage not exceeding 100 micrograms.

A. *Effectiveness classification of prescription drug.* 1. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that cyanocobalamin administered orally in adequate dosage (1,000 micrograms) is effective for treatment of pernicious anemia with mild or no neurologic signs and as adjunctive treatment in megaloblastic anemia associated with sprue.

2. The Administration concludes that, in that oral dosage forms of cyanocobalamin containing less than 500 micrograms per dosage unit are inappropriate dosage strengths, they lack substantial evidence of effectiveness for these indications.

B. *Conditions for approval and marketing of prescription drug.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Cyanocobalamin preparations are in tablet form suitable for oral administration and contain not less than 500 micrograms of cyanocobalamin per tablet.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of

the drug, including the statements required under § 3.40 *Preparations for the treatment of pernicious anemia* (21 CFR 3.40). The usual or recommended dose is 1,000 micrograms per day. The indications are as follows:

INDICATIONS

Pernicious anemia with mild or no neurologic signs in the rare patient having idiosyncracy or sensitivity to parenteral administration or when parenteral therapy is refused.

As adjunctive treatment in megaloblastic anemia associated with sprue.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for updating information, to include a revised formulation where needed to provide for a tablet containing no less than 500 micrograms of cyanocobalamin; and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraph (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* 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 providing for dosage strengths of the drug which are inappropriate to furnish an adequate amount of drug for the purposes for which it is intended, as referred to in paragraph A.2. of this notice, 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 daily dosages less than 1,000 micrograms of the drug(s) will have the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to provide for a dosage unit which contains not less than 500 micrograms.

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.

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) providing for the tablet strength involved should not be withdrawn.

On or before March 19, 1973, the applicant(s) and any other interested person may 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 March 19, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented as described above.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 19, 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 claim(s) 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 making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to provide for a dosage unit containing not less than 500 micrograms.

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 the expiration of such 30 days, 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.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference No. DESI 6668, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identified as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

All identical, related, or similar drug products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 503, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 353, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-2973 Filed 2-14-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Vocational Education will be held on February 26, 1973, from 9 a.m. to 5 p.m., local time, and on February 27, 1973, from 9 a.m. to 12 noon, local time, at the Sheraton Crest Hotel, 1st and Congress, Austin, Tex.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act, review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

Report of the Executive Director
Swearing in of new Council members
Discussion: The State and National Advisory Councils and (a) the 1973 Budget; (b) the 1974 Budget
Report on the Conference on Career Education: Implications for Minorities
Report on Project Baseline
Report on the Office of Education Regulations for the 1972 Amendments
Report on Office of Education Staffing
Report on Continuing Education as a National Capital Investment
Discussion with Governor Brisco and Texas State Education Leaders
Discussion with Texas Advisory Council on Vocational Education. Review of Occupational Training at Central Texas College

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 852, 425–13th Street NW., Washington, DC 20004.

Signed at Washington, DC, on February 7, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-2986 Filed 2-14-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-219]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority Regarding Model Cities Program

On March 9, 1972, the redelegation of authority regarding the model cities program was published in the FEDERAL REGISTER (37 FR 5072). The following changes are hereby adopted:

1. Section A., paragraph f., is deleted.

2. Section A., paragraph g., is redesignated paragraph f.

Effective date. This amendment is effective on February 15, 1973.

FLOYD H. HYDE,
Assistant Secretary for Community Development.

[FR Doc.73-3015 Filed 2-14-73;8:45 am]

[Docket Nos. N-73-103, N-73-109, N-73-110]

SAN FRANCISCO, LOS ANGELES, AND ATLANTA AREA OFFICES AND PHOENIX AND MEMPHIS INSURING OFFICES

Notice of Extension of Experimental Change in Procedures for Application for Approval of Projects for Mortgage Insurance and Reduction of Required Fees

Notice is hereby given of extended continuation of the experimental change in procedures and reduction of fees made applicable to letters of feasibility/conditional commitments in the area offices in San Francisco, Calif., on August 9, 1971 (36 FR 15678, Aug. 17, 1971), Los Angeles, Calif., on March 1, 1972 (37 FR 6417, Mar. 29, 1972), and Atlanta, Ga., on March 6, 1972, and the insuring offices in Phoenix, Ariz., on February 14, 1972, and Memphis, Tenn., on March 13, 1972, and continued in effect in such offices through January 31, 1973 (37 FR 23468, Nov. 3, 1972). Accordingly, such changes in procedures and fees will continue in effect through and including June 30, 1973. Comment and public procedure with respect to this temporary change have been determined to be impracticable.

Issued at Washington, D.C. February 1, 1973.

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-3012 Filed 2-14-73;8:15 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 2, Amdt. 1]

UTLX TANK CARS

Movement for Repair

On December 20, 1972, the Federal Railroad Administration (FRA) issued an emergency order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further use by any railroad of certain tanks cars numbered as follows: UTLX 83095–83184; UTLX 83267–83339; and UTLX 83341–83449 (37 FR 28311). Based on FRA investigations, these cars were found to have a structural inadequacy which results in cracks in the tank shell and the possible leakage of a dangerous material. The unsafe condition constituted an emergency situation involving a hazard of death or injury to persons which warranted the issuance of the emergency order.

The owner of these defective tank cars now wishes to begin a program of repair. Since many of the cars are in locations not suited to this purpose, they must be moved by railroad to a proper repair location. In doing so, it will be necessary for a railroad who is subject to the emergency order which proscribes further use of the named cars to accept the cars for transit.

The FRA believes that it is in the public interest to provide the tank car owner an opportunity to effect repairs which may lead to the cars' eventually being returned to transportation service. This opportunity must be guarded, however, so as not to jeopardize the public or railroad employees. Therefore, effective immediately, the emergency order concerning certain UTLX numbered tank cars issued on December 20, 1972, is amended by adding the following exception: A railroad may use any car listed in the order which is—

(1) Being moved in an empty condition to a location designated as a repair location by the person who submits the car for transit; or

(2) Being moved to test the results of a repair, and the car is empty or loaded with a material other than one covered by the Hazardous Materials Regulations of the Department of Transportation, 49 CFR Parts 100–199.

Except as provided herein, the emergency order remains in effect in all other respects. The penalty provisions included as part of the original order apply with equal force to the provisions of the amendment provided by this notice. This notice may not be construed as permitting the return to transportation service of any UTLX car listed in the order.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432; and § 1.49(n) regulations Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C., on February 9, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-2968 Filed 2-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234 etc.]

CAROLINA POWER AND LIGHT CO. ET AL.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as amended, the Chairman of the Atomic Safety and Licensing Board Panel establishes an Atomic Safety and Licensing Board to rule on petitions and/or requests for leave to intervene in the following proceedings:

1. The Carolina Power & Light Co. (Brunswick Steam Electric Plant, Units 1 and 2)—Dockets Nos. 50-324 and 50-325.

2. Consolidated Edison Company of New York, Inc. (Indian Point 3)—Docket No. 50-286.

3. Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co. (Beaver Valley

Power Station, Unit No. 1)—Docket No. 50-334.

4. Sacramento Municipal Utility District (Rancho Seco Unit 1)—Docket No. 50-312.

The members of the board are:

Elizabeth S. Bowers, Esq., chairman, John B. Farmakides, Esq., member, Dr. Marvin M. Mann, member.

Dated at Washington, D.C., this 9th day of February 1973.

For the Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Executive Secretary.

[FR Doc.73-2988 Filed 2-14-73;8:45 am]

[Dockets Nos. 50-373; 50-374]

COMMONWEALTH EDISON CO.

Notice of Evidentiary Hearing

In the matter of Commonwealth Edison Co. (La Salle County Nuclear Power Station, Units 1 and 2).

Take notice, in accordance with the Atomic Energy Commission's notice of hearing on application for construction permits dated October 6, 1972, and the Board's Order of January 15, 1973, the evidentiary hearing on health and safety issues will be held at the Mars Theater, Main Street, Marseilles, Ill., on February 28, 1973, commencing at 10 a.m., local time.

The public is invited to the hearing and limited appearance statements will be received in the course of the first day of the hearing. Oral limited appearance statements will be limited to five (5) minutes for each person. Written statements in place of or supplementing oral statements will be accepted by the Board if submitted at the time provided for limited appearances.

It is so ordered.

Issued at Washington, D.C., this 9th day of February 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-2990 Filed 2-14-73;8:45 am]

[Docket No. 50-245 etc.]

CONNECTICUT POWER AND LIGHT CO. ET AL.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as amended, the Chairman of the Atomic Safety and Licensing Board Panel establishes an Atomic Safety and Licensing Board to rule on petitions and/or requests for leave to intervene in the following proceedings:

1. Connecticut Light and Power Co., Hartford Electric Light Co., Western Massachusetts Electric Co., and Millstone Point Co. (Millstone Nuclear Power Station Unit No. 1), Docket No. 50-245 and (Millstone Nuclear Power Station Unit No. 2) Docket No. 50-336.

2. Jersey Central Power and Light Co. (Oyster Creek Nuclear Power Plant, Unit No. 1), Docket No. 50-219.

3. Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Units 1 and 2), Dockets Nos. 50-272 and 50-311.

The members of the Board are:

Sidney G. Kingsley, Esq., chairman; Edward Luton, Esq., member; and Dr. Marvin M. Mann, member.

Dated at Washington, D.C., this 9th day of February 1973.

For the Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Executive Secretary.

[FR Doc.73-2989; Filed 2-14-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24969; Order 73-2-35]

TRANS WORLD AIRLINES, INC.

Supplemental Order of Investigation and Suspension

The Board, by Order 72-11-134 of November 30, 1972, suspended and instituted an investigation of round trip group fares for groups of 40 between Chicago and Denver proposed by Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

The suspension period of the proposed fares will expire before the investigation of their lawfulness can be concluded and final order made.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.15, it is found that the proposed fares should be suspended for an additional 90-day period.

Accordingly, it is ordered, That:

1. The suspension period of the fares and provisions described in Appendix A hereto is extended to and including May 30, 1973;

2. Copies of this order be filed with the tariff and served upon Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 136 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 56th revised page 231, the YG1 class fare between Chicago and Denver.

On 20th revised page 778-C, the YG10 class fare between Chicago and Denver.

On 45th revised page 827, the YG5 class fare between Chicago and Denver.

[FR Doc.73-3043 Filed 2-14-73;8:45 am]

[Docket 21866-7; 22364; Order 73-2-41]

U.S. MAINLAND-HAWAII FARES, PHASE 7 FARE LEVEL

Domestic Passenger-Fare Investigation; Order Dismissing Petitions

On January 3, 1973, the Board denied carrier requests to establish, on short notice, a 93-cent increase in all domestic one-way passenger fares, which was intended to recover the additional costs associated with implementation of airport security measures pursuant to regulations recently adopted by the Federal Aviation Administration. At the same time, the Board established dates for the submission of petitions and answers, to amend Orders 72-8-50 (Docket 21866-7) and 72-5-100 (Docket 22364). At that time, only two carriers had filed such petitions. While these petitions contained economic data purporting to justify the requested amendment, the Board concluded that this information was not sufficient for purposes of evaluating the proposal on an industrywide basis.

By petitions filed January 19, 1973,[1] the carrier parties to the proceedings in Dockets 21866-7 and 22364 request amendment of Orders 72-8-50 and 72-5-100 to the extent necessary to permit the filing of new tariffs increasing fares by (1) 93 cents per one-way trip (and $1.85 per round trip) between points in the contiguous 48 states and the District of Columbia, and (2) $1 per one-way trip (and $2 per round trip) between mainland United States points (including Alaska) and Hawaii. The increases are alleged to be necessary to cover the costs attributable to security measures in compliance with the Government directive on airport security contained in 37 FR 25934. In general, the carriers assert that these increased costs (1) are not within the control of the carriers; (2) result from a short-notice, emergency Government directive; and (3) were not considered by the Board in reaching its decisions in Orders 72-5-100 and 72-8-50.

Frontier Airlines, Inc. (Frontier), differs from the other carriers in that it alleges that the 93-cent increase requested by the trunklines will not be adequate for it and many other local-service operators because of the high cost/low revenue situation encountered at nonhub airports. It urges the Board to order a special accrual by all airlines of a fixed percentage of security collections, which would be paid over on an

[1] Braniff Airways, Inc. (Braniff), and Eastern Air Lines, Inc. (Eastern), filed petitions on December 22 and December 29, 1972, respectively. National Airlines, Inc. (National), filed on January 2, 1973.

equitable basis through the Airline Clearing House to those carriers serving nonhub airports.

The Airport Operators Council International (AOCI), has petitioned for leave to intervene in the subject proceeding on the grounds that (1) it is the association of governmental bodies which own and/or operate the principal public-use airports served by the scheduled airlines; (2) it will incur substantial operating costs in complying with the new security regulations which should be considered by the Board; (3) the Secretary of Transportation has indicated that the Administration expects the local communities to pass on the cost of added security measures to airline tenants who will in turn pass the costs on to passengers through higher fares; and (4) almost all of the carriers petitioning for amendment of Orders 72-5-100 and 72-8-50 consider airport security costs (armed guards) an integral part of their justification for the requested fare increase.

In another document, AOCI requests that the Board require the airlines to submit monthly reports on an individual airport basis, setting forth the manner in which revenues gained from the fare increase have been utilized. AOCI does not believe that any fare increase should be granted to any air carrier, if that increase is premised on the assumption that the air carrier will be reimbursing the airport operator for his security costs, unless the air carrier explicitly agrees to pay to all airport operators that portion of the fare increase deriving from such a premise.

Hughes Airwest; North Central Airlines, Inc.; Ozark Air Lines, Inc.; and Piedmont Aviation, Inc., have filed answers to the petitions filed on January 19, 1973, which generally support Frontier's position that a 93-cent increase will not be adequate to offset the added costs of the new security measures. They further urge that the added revenues from joint fares be divided equally among participating carriers.

American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA), assert in answer to Frontier's petition that they do not agree that Frontier's costs should be subsidized by the trunkline carriers. They also contend that Frontier's position is based on the erroneous assumption that the security charge will produce surpluses at hub airports. These carriers urge that this limited dispute not delay the provision of needed fare relief for the entire industry.

The Department of Transportation (DOT) has filed an answer to the petitions urging the Board to permit the carriers to increase all one-way fares by $1. It requests that the Board order each carrier to file a statement by February 28 attesting that it is obligated by contract or otherwise to pay airport security costs at each facility it serves as a result of the armed-guard requirement effective February 6, 1973.[2] DOT further requests that the carriers be directed to file detailed cost data at the end of 6 months showing their experienced costs, alleging that in so doing the Board would be in a position to determine whether or not modification of its orders is warranted.

Richard W. Klabzuba, on behalf of Congressman John E. Moss and other Members of Congress (MOC), has filed an answer to the petitions. The essential thrust is that the procedure which the Board has adopted in this case is contrary to the statutory scheme of rate regulation intended by Congress.[3] MOC requests denial of the petitions to amend Orders 72-5-100 and 72-8-50, since any order flowing from the petitions would be invalid under the Act because it would issue without proper notice, hearings, and a finding that the existing fares are unlawful. MOC further requests that the Board defer all further procedures in this case, and issue such notice or order as is appropriate to assure that henceforth all properly filed tariffs will be accepted as provided by the statute.

Other carriers (Alaska Airlines, Inc.; Aloha Airlines, Inc.; Aspen Airways, Inc.; Hawaiian Airlines, Inc.; Reeve Aleutian Airways, Inc.; and Wien Consolidated Airlines, Inc.) not parties to either Dockets 21866-7 or 22364 also request permission to increase one-way fares 93 cents and have submitted data in support of their requests.

To insure that the Board had the necessary cost data before it to make a determination in this matter, the Director of the Board's Bureau of Economics requested that the carriers furnish data setting forth the cost of additional inspection personnel, supervisory personnel, depreciation, local taxes, other added station expenses, added nonstation expenses, and investment required by the security program.

The Board is faced here with a unique situation, never encountered before. While the problem can hopefully be considered a temporary one, there is no question that the carriers are now, and will be for the immediate future, incurring significant and unavoidable costs in carrying out federally directed security measures. These costs are isolatable and were clearly not anticipated by the Board in the fare-level phase of the Domestic Passenger-Fare Investigation, or the U.S. Mainland-Hawaii Fares case. Moreover, in our opinion, the security program which the airlines are mandated to carry out is outside the scope of their normal business activities. In essence, we conclude that the problem, at least at this time, is not one related to fare level but rather one of recovering the identifiable costs of performing a unique function by means of assessing a special charge.[4] Since the orders sought to be amended establish the lawful or maximum fares only, they do not preclude the filing of tariffs proposing special charges in connection with the security program.

For this reason, we have decided to dismiss the carriers' petitions for amendment of existing rate orders. We believe it appropriate in the circumstances that the carriers' tariffs set forth any separate charge they propose to impose to cover the costs incurred in carrying out the security program. Such tariffs will, of course, be subject to the usual statutory procedures, including suspension and investigation if we find that the charges may be unlawful. We will expect that any such tariffs will be accompanied by justification consistent with § 221.165 of the Board's economic regulations.

Most carriers have included in their earlier submissions on the overall cost of the security program the increase in airport charges they expect to incur to cover the cost to airport operators of providing armed guards. This requirement has been temporarily stayed, and in any event there appears to be some question as to the total cost involved and the extent to which these costs will be passed on to the airlines. The carriers have not yet entered into supplemental agreements with airports for the reimbursement of airport costs of implementing the Federal security program. Accordingly, it is our tentative view that recognition at this time of anticipated costs of providing armed guards would be inappropriate. At such time as there is a clearer indication of the cost ramifications of this aspect of the security program, the carriers of course, will be free to file an appropriate amendment to their tariffs.[5]

We also tentatively believe that certain other cost items which some carriers desire to have underwritten with a charge are inappropriate. These include estimated costs due to flight delays and increased expenditures for advertising and promotion relating to the security program. On the first, it seems that any such delays as have or will occur should be considered as a temporary difficulty during the period of adjustment to the security program which will be promptly corrected. On the second, the security program has received wide attention in the public press, and it seems reasonable to assume that travelers are well acquainted with the additional boarding procedures which it entails.

We also expect the charge to cover only known added costs and not costs of a conjectural nature.

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[2] The effectiveness of this requirement has been postponed to Feb. 16, 1973, by court order.

[3] MOC believes that the Board erred in denying the earlier requests to permit tariff filings proposing to establish a 93-cent increase in one-way fares. It asserts that the Board cannot modify existing orders without notice and hearing and to do otherwise fences the public out of its rate proceedings.

[4] Accounting instructions will be issued requiring the security charge to be reported separately from fare revenue. Similarly, security costs would be segregated.

[5] A request for cost data and agreements with airports concerning the armed-guard service at final passenger processing point was directed to all carriers on Feb. 5, 1973.

Accordingly, upon consideration of the foregoing,

It is ordered, That:

1. The petitions requesting amendment of Orders 72-5-100 and 72-8-50 to the extent necessary to permit the filing of tariffs increasing fares to cover the cost of airport security measures are dismissed;

2. The petitions of Aspen Airways, Inc., in Docket 25141 and Wien Consolidated Airlines, Inc., in Docket 25140 are dismissed; and

3. Copies of this order will be served on the carrier parties to Docket 21866-7 and Docket 22364, and on Aspen Airways, Inc., and Wien Consolidated Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-3042 Filed 2-14-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority on January 22, 1973, of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Domestic Business Policy.

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

[FR Doc.73-3034 Filed 2-14-73;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 24, 1973, the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of East-West Trade, Office of the Director.

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

[FR Doc.73-3031 Filed 2-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revoked on December 31, 1972, the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the positions of Deputy Under Secretary for Policy Coordination, Office of the Secretary, Commissioner, Community Services Administration, Social and Rehabilitation Service, Deputy Commissioner of Food and Drugs, Food and Drug Administration, Office of the Commissioner, Deputy Assistant Secretary for Policy Coordination, Office of the Secretary, and Executive Director, President's Committee on Mental Retardation, Office of the Secretary.

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

[FR Doc.73-3028 Filed 2-14-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revoked on January 3, 1973, the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director of Program Operations, Occupational Safety and Health Administration.

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

[FR Doc.73-3030 Filed 2-14-73;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revoked on January 24, 1973, the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Enforcement and Operations), Office of the Secretary.

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

[FR Doc.73-3032 Filed 2-14-73;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorized on January 24, 1973, the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary and Director, Office of Revenue Sharing, Office of the Secretary.

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

[FR Doc.73-3033 Filed 2-14-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revoked on December 31, 1972, the authority of the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Economist, Office of the Director.

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

[FR Doc.73-3029 Filed 2-14-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

GEORGIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia State Advisory Committee will convene at 11 a.m. on February 16, 1973, at the Sheraton-Biltmore Hotel, 817 West Peachtree Street NE. (10th Floor), Mississippi Room, Atlanta, GA 30383. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to plan the forthcoming Georgia Prison Project, and specifically to arrange schedule of visitations with prisoners.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-3053 Filed 2-14-73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire State Advisory Committee will convene at 7:30 p.m. on Tuesday, February 20, 1973, at the New Hampshire Highway Motel in Concord, N.H. 03301. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to discuss the New Hampshire Committee's

"Report on Public Employment" and make plans for the release and followup to this report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 8, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3054 Filed 2-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE REPORTING FORMS

Notice of Filing Deadline

FEBRUARY 7, 1973.

The Commission is currently making slight revisions in each of its annual cable television reporting forms: Form 325 "Annual Report of Cable Television Systems"; Form 326 "Cable Television Annual Financial Report"; and Form 326-A "Computation of Cable Television Annual Fee." These forms would normally be filed in March and April, 1973, respectively, concerning the operations of cable systems during 1972. The purpose of the revisions is primarily to improve instructions for completing the forms, in light of Commission experience with last year's filings.

It is anticipated that the revised forms will be ready for distribution by mid-March 1973. At that time, revised filing deadlines will be announced, and copies of the forms will be sent to all known cable television system owners or operators. In the meantime, unless a report is currently due or overdue as part of the 1971-related filings, cable owners or operators are urged not to file any of the reporting forms until the new forms are received, and especially not to file the annual subscriber fee.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3048 Filed 2-14-73;8:45 am]

[Dockets Nos. 19675, 19676; File Nos. 32-A-ML-92, 198-A-ML-82]

S. W. WHITE AND WAYCROSS AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of S. W. White, Waycross, Ga., Docket No. 19675, File No. 32-A-ML-92; Waycross Aviation, Inc., Waycross, Ga., Docket No. 19676, File No. 198-A-ML-82, for an aeronautical advisory station to serve the Waycross-Ware County Airport, Waycross, Ga.

1. S. W. White has filed an application for renewal of the license of aeronautical advisory station WPJ2 at the Waycross-Ware County Airport and Waycross Aviation, Inc., has filed an application to amend its aeronautical advisory station license KHH6 to remove the condition that its station may only be operated when station WPJ2 is not in operation.[1] Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications, in effect, both seek Commission authority to operate an aeronautical advisory station at the same landing area (Waycross-Ware County Airport) and are, therefore, mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. By letter, dated August 29, 1972, Waycross Aviation, Inc., through its attorney, has stated that S. W. White has repeatedly operated its station in violation of § 87.257 (a) and (b) of the Commission's rules. This section requires, among other things, that at all times when an aeronautical advisory station is in operation, nonpublic service shall be impartial with respect to information concerning similar available ground services at the landing area.

3. By letter dated December 28, 1972, Air Flight, Inc. (the corporation which employs S. W. White) alleges that Waycross Aviation, Inc., has been operating its aeronautical advisory station in violation of the condition imposed on its authorization by operating its station when station WPJ2 is operating. Air Flight further alleges that Waycross Aviation "keys" its microphone to block transmissions from WPJ2, thereby creating a safety hazard.

4. In view of the foreging, *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine whether S. W. White has operated aeronautical advisory station WPJ2 at Waycross-Ware County Airport in violation of § 87.257 (a) and (b) of the Commission's rules and, if so, the effect of such violation on S. W. White's qualifications to be a Commission licensee;

(c) To determine whether Waycross Aviation, Inc., has operated aeronautical advisory station KHH6 in violation of the condition on its authorization by operating its station when station WPJ2 is in operation and, if so, the effect of such violation on Waycross Aviation's qualifications to be a Commission licensee;

(d) To determine the facts with respect to the alleged assignment of station WPJ2 from S. W. White to Waycross Aviation, Inc., which resulted in the Commission's grant of a conditional license to Waycross Aviation, Inc.;

(e) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issue (b) is on Waycross Aviation, Inc.; on issue (c) the burdens are on S. W. White; on all other issues the burdens are on each applicant with respect to its application except issue (e) which is conclusory.

6. *It is further ordered*, That to avail themselves of an opportunity to be heard, S. W. White and Waycross Aviation, Inc., pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: January 26, 1973.

Released: February 1, 1973.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-3049 Filed 2-14-73;8:45 am]

[1] An aeronautical advisory station license was granted to Waycross Aviation, Inc., at the Waycross-Ware County Airport, pursuant to § 87.251(a) of the rules, based on information filed with its application that S. W. White had sold all interest in his fixed-base operation at Waycross Airport and no longer intended to provide aeronautical advisory service at the airport. The station license granted to Waycross Aviation, Inc., contains the condition that its station may only be operated when station WPJ2 (licensed to S. W. White) is not in operation. Mr. S. W. White denies that his aeronautical advisory station was in fact assigned to Waycross Aviation, Inc. The controversy surrounding the alleged assignment has been made an issue in this proceeding.

FEDERAL MARITIME COMMISSION

MEYER LINE-ARALINE ET AL.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 7, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

[Modification of Agreement No. 9427]

Notice of agreement filed by:

Sanford C. Miller, Esq., Haight, Gardner, Poor and Havens, One State Street Plaza, New York, NY 10004.

Agreement No. 9427–3 amends the organic agreement among the above-named parties (1) to add Benelux ports to its scope; (2) to prohibit the introduction of any dual rate or similar contract system into the trade except by mutual consent, (3) to provide for the study of rates, terms and conditions for the use and inland movement of containers, related equipment and accessorial services and (4) to provide that the conference lines will afford the independent lines equal access to their container interchange arrangements and assure them and their customers, to the extent legally possible, of the benefits of any arrangements with inland carriers based on the volume of freight.

By order of the Federal Maritime Commission.

Dated: February 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3020 Filed 2-14-73;8:45 am]

NORTH CAROLINA STATE PORTS AUTHORITY AND SEATRAIN LINES, INC.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 7, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. James W. Davis, North Carolina State Ports Authority, 2802 Burnett Boulevard, Wilmington, NC 28401.

Agreement No. T–2738, between the North Carolina State Ports Authority (Authority) and Seatrain Lines, Inc. (Seatrain), provides for the 2-year lease (with renewal options) to Seatrain of certain marine terminal facilities to be improved by the Authority and the preferential use of berth, crane, receiving, delivery area, and truck scale at the Authority's Wilmington Terminal for use in connection with Seatrain's operations at the Port. As compensation, the authority is to receive $8,000 per acre annually for each acre of the leased premises used by Seatrain plus a guaranteed minimum annual wharfage payment of $5,200; 39 cents per ton on all tonnage exceeding the guaranteed 100,000 ton minimum to 175,000 tons; and 26 cents per ton on all tonnage exceeding 175,000 tons annually. In addition, the Authority is also to receive dockage as specified in the agreement.

By order of the Federal Maritime Commission.

Dated: February 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3021 Filed 2-14-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-441]

AMOCO PRODUCTION CO. (OPERATOR), ET AL.

Notice of Application

FEBRUARY 9, 1973.

Take notice that on December 26, 1972, Amoco Production Co. (Applicant), Post Office Box 3092, Houston, TX 77001, filed in Docket No. CI73–441 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co., from production in the Chalybeat Springs Field, Columbia County, Ark., for delivery in Webster Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 75,000 Mcf of gas per month at 35 cents per Mcf at 15,025 p.s.i.a., subject to upward and downward B.t.u. adjustment, for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Initial upward B.t.u. adjustment is estimated at 0.7 cent per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 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 Commisson 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.73-2982 Filed 2-14-73;8:45 am]

[Docket No. CP73-206]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Petition for Declaratory Order or Certificate of Public Convenience and Necessity

FEBRUARY 9, 1973.

Take notice that, on February 2, 1973, solidated), 445 West Main Street, Clarksolidated), 445 West Main Street, Clarksburg, WV 26301; Algonquin Gas Transmission Co. (Algonquin), 1284 Soldiers Field Road, Boston, MA 02135; Long Island Lighting Co. (LILCo), 250 Old Country Road, Mineola, NY 11501; Public Service Electric & Gas Co. (Public Service), 80 Park Place, Newark, NJ 07101; Texas Eastern Transmission Corp. (Texas Eastern), Southern National Bank Building, Houston, Tex. 77001; and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, filed in docket No. CP73-206, a petition for a declaratory order affirming the propriety of Petitioners' use of procedures prescribed by § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) in carrying out their proposed 1973-74 emergency natural gas exchange, sale, and purchase, and storage operations and transactions for the period extending from the expiration of the 60-day emergency periods provided by said sections through March 31, 1974; or, in the alternative, Petitioners request that the Commission issue a certificate of public convenience and necessity within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) authorizing Petitioners to carry out their proposed 1973-1974 emergency natural gas operations and transactions. Petitioners' proposals are more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners state that they propose, during the summer of 1973 and the winter following, to undertake emergency natural gas operations and transactions under arrangements similar to those made and undertaken by them during the summer of 1972 and winter of 1972-73, in an effort to conserve gas for high priority uses and to avert critical winter gas shortages. Under such arrangements, Consolidated acquires in the summer for injection into its storages, volumes of natural gas to which Algonquin, LILCo, and Public Service (releasing companies) have contractual rights and have historically purchased from their pipeline supplier, and which, absent these arrangements, would be consumed primarily in electric generation. In the winter, a portion of such gas is returned to the releasing companies to enable them better to meet their high priority residential, commercial, and industrial loads. Consolidated will reimburse the releasing companies for the gas retained at weighted average amounts charged by their pipeline suppliers and, in consideration for the emergency sales made, make no storage service charge on the gas stored and returned to the releasing companies.

Petitioners further state that certain aspects of the proposed 1973-1974 emergency program cannot be specified with particularity until the end of the 1972-1973 winter, namely: (1) Volumes of gas needed by Consolidated to overcome its deficiency in storage inventories at the end of the winter; (2) amount of storage space that Consolidated will have available to store volumes of gas, both those to be returned and those needed to provide deliverability to make such returns to the releasing companies; (3) amount of gas which the releasing companies may have during the coming summer; and (4) their need for gas during the 1973-1974 winter. Petitioners point out that the severity of the weather during the remainder of the winter heating season and the extent of curtailments imposed by pipeline suppliers, not only during the balance of this winter but through next summer and into the following winter, cannot now be projected with any reliability.

The petition recites that the summertime purchases all occur "upstream", e.g., nearer the source of gas supply than the markets to which the gas would otherwise be delivered so that, in the summertime, there is a saving in energy due to the shorter distance of transportation. In the wintertime, the volumes are delivered to releasing companies at no additional transportation charge because the delivering pipelines (Texas Eastern and Transco) have available capacity resulting from curtailment of their normal deliveries. Petitioners say that, under these transactions, Consolidated is able to buy summer gas needed to replenish its underground storages, gas that it would not otherwise be able to acquire; and Algonquin, LILCo and Public Service are able to acquire additional storage service to help meet their firm winter requirements, a greatly-needed service that they could not otherwise obtain.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before February 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on Petitioners' request for a certificate 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 Petitioners to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-2983 Filed 2-14-73;8:45 am]

[Docket No. G-2634 etc. et al.]

DUER WAGNER & CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 7, 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 March 2, 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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 apear or be presented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2634 ..... E 1-8-73	Duer Wagner & Co. (successor to Phillips Petroleum Co.) 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Tennessee Gas Pipeline Co., West Calallen Field, Nueces County, Tex.	35.0	14.65
G-7004 ..... D 1-8-73	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	Consolidated Gas Supply Corp., Steele District, Wood County, W. Va.	Assigned	.....
G-7084 ..... D 1-18-73	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Columbia Gas Transmission Corp., acreage in Clear Fork and Marsh District, Raleigh County, W. Va.	(1)	.....
G-8087 ..... D 1-8-73	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Colorado Interstate Gas Co., Keyes Field, Cimarron and Texas Counties, Okla.	(2)	.....
G-10724 ..... D 1-8-73	do	Panhandle Eastern Pipe Line Co., Forgan South Field, Beaver County, Okla.	(3)	.....
G-12004 ..... B 1-15-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, La.	Depleted	.....
G-12710 ..... D 1-8-73	Texaco, Inc.	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	(2)	.....
G-15466 ..... D 1-24-73	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Northern Natural Gas Co., North Hutchinson Field, Hansford County, Tex.	(3)	.....
G-17320 ..... F 1-16-73	Continental Oil Co., (successor to The California Co., a division of Chevron Oil Co.).	Southern Natural Gas Co. (Continental California) North Bayou Long Field, Iberia Parish, La.	[4] 23.314 [4] 23.309	15.025
CI62-38 ..... D 1-8-73	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Northeast Carthage Field, Texas County, Okla.	(3)	.....
CI70-339 ..... D 1-8-73	do	Arkansas Louisiana Gas Co., Hillsdale Field, Northeast, Grant County, Okla.	(3)	.....
CI67-268 ..... 1-8-73 [5]	Beacon Gasoline Co.	Chalybeat Springs Field, Columbia County, Ark.	.....	.....
CI73-326 ..... F 11-22-72	Pennzoil Producing Co. (succession to Cities Service Oil Co.), 900 Southwest Tower, Houston, Tex. Tex. 77002.	United Gas Pipe Line Co. Pelto No. 1 Unit, East Crescent Farms Field.	[6] 24.25	15.025
CI73-334 ..... A 12-11-72	Canadian Superior Oil (U.S.) Ltd., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Area Block 306, Offshore Louisiana.	32.0	15.025
CI73-418 ..... B 12-13-72	LVO Corp., Post Office Box 2848, Tulsa, OK 74101.	Cities Service Gas Co., East Billings Field, Noble County, Okla.	(7)	.....
CI73-419 ..... A 12-14-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Western Transmission Corp., Deep Creek Field, Carbon County, Wyo.	[8] 25.0	15.025
CI73-422 ..... B 12-15-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Tennessee Gas Pipeline Co., South Hyatt Field, Tyler County, Tex.	Depleted	.....
CI73-423 ..... B 12-15-72	do	do	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI73-425 ..... A 12-18-72	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, WV 25325.	Cabot Corp., Pocahontas-Bricker Unit, McDowell County, W. Va.	32.0	15.025
CI73-427 ..... A 12-18-72	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, TX 75250.	Northern Natural Gas Co., Tiger Ridge Area, Hill and Blaine Counties, Mont.	[8] 23.5	15.025
CI73-428 ..... A 12-18-72	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Columbia Gas Transmission Corp., Block 273, East Cameron Area, Offshore Louisiana.	[8] 45.0	15.025
CI73-431 ..... B 12-13-72	Hurley Petroleum Corp., 400 Petroleum Building, Shreveport, La. 71101.	Car-Tex Producing Co., North Carthage Field, Panola, and Harrison Counties, Tex.	(10)	.....
CI73-458 ..... B 1-2-73	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Gas Pipe Line Co., American and North American Island Fields, St. Martin Parish, La.	(7)	.....
CI73-459 ..... A 1-2-73	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Tennessee Gas Pipeline Co., Grand Isle N/2 Block 32, Offshore Jefferson Parish, La.	[8] 35.0	15.025
CI73-460 B 12-29-72	Service Drilling Co., Suite 1911, Fourth National Bank Building, Tulsa, Okla. 74119.	Phillips Petroleum Co., Gray Plant, Gray County, Tex.	(7)	.....
CI73-461 ..... A 12-8-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Montana Dakota Utilities Co., Riverton East Field, Fremont County, Wyo.	[11] 22.75	15.025
CI73-462 ..... A 1-5-73	Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	[8] 33.0	14.65
CI73-463 ..... B 12-29-72	Perry R. Bass, 2100 First City National Bank Building, Houston, Tex. 77002.	Steeple Oil & Gas Corp., John Schneider Gas Unit, Bee County, Tex.	Depleted	.....
CI73-465 ..... B 1-5-73	Cabot Corp. (SW), Post Office Box 1101, Pampa, TX 79065.	Northern Natural Gas Co., Perry "G" Unit, Ochiltree County, Tex.	Non-productive	.....
CI73-466 ..... A 1-8-73	Phillips Petroleum Co., Bartlesville Okla. 74004.	Union Gas System, Inc., Herard "A" No. 10 Well, Osage County, Okla.	15.0	15.025
CI73-467 ..... A 1-8-73	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Tennessee Gas Pipeline Co., N/2 of Block 32, Grand Isle Area, Offshore Louisiana.	[12] 26.0	15.025
CI73-468 ..... A 1-10-73	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., Block 32 (N/2) Grand Isle Area, Offshore Louisiana.	[12] 26.0	15.025
CI73-471 ..... A 1-12-73	Mobile Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Morrison (3600' Wolfcamp) (Ellenburger) Field, Crockett and Val Verde Counties, Tex.	[8] [13] 22.0	14.65
CI73-474 ..... (G-6780) F 1-4-73	Continental Oil Company (successor to Humble Oil & Refining Co.), Post Office Box 2197, Houston, TX 77001.	El Paso Natural Gas Co., Jalmat Langlie-Mattix Area, Lea County N. Mex.	11.0	14.65
CI73-475 ..... (G-3113) F 1-5-73	Continental Oil Co. (successor to Humble Oil & Refining Co.).	do	17.9117	14.65

[1] Nonproducing acreage.
[2] Expiration of lease.
[3] Low-pressure sour gas well.
[4] Includes upward B.t.u. adjustment.
[5] To add contract with Amoco Production Co.
[6] Application previously noticed in G-8712 at an initial rate of 26.875 cents per Mcf. By letter filed November 22, 1972, Applicant amended his application to reflect a rate of 24.25 cents per Mcf. G-8712 should be canceled and changed to CI73-326.
[7] Production has ceased, and gas processing facilities are to be dismantled.
[8] Applicant is willing to accept a certificate conditioned to a rate determined in accordance with the Commission's Opinion No. 635.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Purchaser unable to pay for gas taken jeopardizing leases due to non-payment of royalty.
[11] Applicant is willing to accept a certificate at an initial rate of 22.75 cents per Mcf; however, the contract price is 26 cents per Mcf.
[12] Applicant is willing to accept a certificate at an initial rate of 26 cents per Mcf subject to B.t.u. adjustment; however, the contract price is 35 cents per Mcf.
[13] Subject to refund pending the Commission's decision in Docket No. AR70-1; Applicant is willing to accept a temporary certificate at 27 cents per Mcf subject to upward and downward B.t.u. adjustment.

[FR Doc.73-2872 Filed 2-14-73;8:45 am]

[Docket No. CI72-467]

KILROY PROPERTIES, INC.

Notice of Petition To Amend

FEBRUARY 12, 1973.

Take notice that on February 7, 1973, Kilroy Properties, Inc. (Petitioner), 1908 First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CI72-467 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to continue the sale of natural gas for an additional year to United Gas Pipe Line Co. from the Bayou Penchant Field, Terrebonne Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is authorized in the subject docket to sell and deliver natural gas through March 19, 1973, at 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner proposes to continue said sale within the contemplation of § 2.70 for an additional year commencing March 20, 1973, at the rate of 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. Petitioner proposes to sell an average daily quantity of 2,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1973, file with the Federal Power Commission, Washington, DC 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.73-3060 Filed 2-14-73;8:45 am]

[Docket No. CI71-555 etc.]

NORTH CENTRAL OIL CORP. AND PROGRESS PETROLEUM, INC.

Motion for Approval of Settlement Agreement

FEBRUARY 9, 1973.

Dockets Nos. CI71-555, CI72-551, CI72-557, CI72-558, CI72-559, and CI72-560.

Take notice that on November 16, 1972, North Central Oil Corp. (North Central) and Progress Petroleum, Inc. (Progress), the only participants in the above-enumerated docket numbers, jointly moved the Commission to approve and adopt a settlement agreement reached by and between North Central and Progress. The agreement consists of the following: (1) The proceedings in these docket numbers should be dismissed; (2) A take nothing judgment would be entered against Progress in the lawsuit styled Progress Petroleum, Inc. v. M. O. Rife, Jr., North Central Oil Corporation, and Lone Star Gas Company, pending as No. 71-1471-F in the 116th District Court of Dallas County, Tex.; and (3) Gas produced from the North and West Halsell Fields, Clay County, Tex., and belonging to North Central will be sold to Progress under the terms of a contract to be effective as of August 16, 1972; (a) Progress will pay North Central 13 cents per Mcf for all gas taken on and after August 16, 1972. (b) North Central will, within 30 days after the Commission's approval of the settlement agreement, file with the Commission a notice of rate change from the 24.19 cents per Mcf which is presently in effect subject to refund to 13 cents per Mcf, and will refund to Progress all sums collected in excess of 13 cents per Mcf since, and including August 16, 1972. (c) If North Central at any time terminates the contract with Progress pursuant to the terms thereof because of Progress' breach of said contract by late or nonpayment for gas taken, North Central may apply to the Commission for any necessary authorization permitting North Central to permanently cease deliveries to Progress. In such event, North Central would be permitted to rely solely upon the record adduced in the above-referenced dockets, and Progress (and its affiliates and stockholders) would not protest, petition to intervene or object in any way and would not encourage others to do so: *Provided*, That Progress will not be precluded from challenging any assertion by North Central that the contract was breached by reason of late or nonpayment by Progress.

Because of the previous notice of proceedings, and the seeming present inclusion of all interested parties, it appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 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 desiring 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.73-2981 Filed 2-14-73;8:45 am]

[Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189]

UNITED GAS PIPE LINE CO. ET AL.

Order Clarifying Show Cause and Severing Proceedings

FEBRUARY 12, 1973.

On January 23, 1973, Air Products, et al.[1] filed a Petition for Clarification of our show cause order issued January 17, 1973, wherein we directed United Gas Pipe Line Co. (United), to show cause why it should not abandon sales of natural gas in Priorities 4 and 5 of the curtailment plan prescribed by Opinion No. 647 and we consolidated therein seven individual abandonment applications filed by United.

We indicated in our order consolidating the pending abandonment applications that certain of the service sought to be abandoned would be within the scope of Priorities 4 and 5 of the curtailment plan prescribed in Opinion No. 647, while other volumes may fall within Priorities 2 or 3, e.g., feedstock, process gas. Ordering paragraphs (C) and (F) of our January 17, 1973 order are herein amended so as to sever those seven abandonment applications to the extent the gas usage is not within Priorities 4 and 5, but to retain said individual applications within the scope of our prior order to the extent the gas sought to be abandoned represents industrial requirements for boiler fuel use at more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements. In this manner, through phasing of the proceedings, the evidentiary presentations and resolution of issues may be more effectively handled.

Air Products seeks clarification of ordering paragraph (B) of our January 17

[1] Air Products and Chemicals, Inc., American Cyanamid Co., Scott Paper Co., and Stauffer Chemical Co.

order so that, based upon the record developed in the proceedings, United may be ordered to abandon certain deliveries to its pipeline customers. This was our intent and we see no reason to amend that ordering paragraph. The scope of the show cause proceeding does include consideration of abandonment of volumes delivered by United to the five pipeline purchasers, to the extent the latter make gas deliveries of United's supplies for usage in Priorities 4 and 5.

Air Products requests us to reaffirm the primary jurisdiction of the courts to interpret contracts and that Commission proceedings should await resolution of the price issue by the court proceedings. We are not disposed to aid, or prejudice Air Products, et al. in pending court proceedings before the judiciary of the States of Alabama and Florida. While the Natural Gas Act, i.e. sections 4 and 5, does not authorize us to establish "just and reasonable" rates for contracts between a direct customer and a jurisdictional pipeline, the rate at which such a sale is being made, or is proposed to be made, is a proper consideration in making a section 7(b) determination with respect to whether the "present or future public convenience or necessity permit such abandonment". 15 U.S.C. 717f(b). In other words, the rate in such a direct sales contract could be at a level which adversely affects the financial ability of the pipeline to render adequate systemwide service. These issues, as they concern the rate charged and the economic consequences thereof, are properly the subject of abandonment applications herein severed to Phase II, i.e. to the extent gas is used in categories other than Priorities 4 and 5. However, the subject of the "available supply of natural gas (being) depleted" is not properly the subject of Phase II, under the circumstances of this case. United's gas supply may properly be the subject in the show cause proceeding, i.e. Phase I, but it would not be material to a section 7(b) finding in Phase II, based upon our present objectives and the pleadings filed.

The Commission orders that:

(A) Ordering paragraph (C) in our January 17, 1973 order in these proceedings is amended to read as follows:

Dockets Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179, and CP73–180 are consolidated with Docket No. CP73–189 to the extent abandonment is sought for boiler-fuel use at more than 1,500 Mcf per day where alternate fuel capabilities can meet such requirements, which proceeding shall be called Phase I, and shall be part of the show cause proceeding.

(B) Dockets Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179, and CP73–180 are severed and consolidated into Phase II to the extent abandonment is sought for gas usage other than as defined in Priorities 4 and 5 of Opinion No. 467.

(C) All petitions to intervene timely filed in Dockets Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179, and CP73–180 are granted for both Phase I and Phase II.

(D) United Gas Pipe Line Co., as the natural-gas company seeking abandonment in the applications heretofore identified, shall file its Phase II evidence, including testimony and exhibits, on March 12, 1973, to support its claim that the present or future public convenience or necessity permit such abandonment, but shall not include evidence that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted.

(E) Staff, intervenors, and the parties to the abandonment applications shall file their Phase II evidence, including testimony and exhibits, on April 9, 1973, with rebuttal evidence to be filed on April 23, 1973.

(F) A prehearing conference shall be convened at 10 a.m. on February 26, 1973, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning these Phase II proceedings, before a presiding administrative law judge.

(G) Hearings and cross-examination in the Phase II proceedings shall commence on April 30, 1973.

By the Commission.

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

[FR Doc.73-3059 Filed 2-14-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCSHARES OF THE SOUTH, INC.

Acquisition of Banks

Central Bancshares of the South, Inc., Mobile, Ala., has applied in two separate applications 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 the successor by merger to The Deposit National Bank of Mobile County, Prichard, Ala.; and to acquire not less than 80 percent of the voting shares of The First National Bank of Auburn, Auburn, Ala. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications 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 applications 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 March 6, 1973.

Board of Governors of the Federal Reserve System, February 7, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-2979 Filed 2-14-73;8:45 am]

MANUFACTURERS NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Manufacturers National Corp., Detroit, Mich., 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)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Manufacturers National Bank of Detroit, Detroit, Mich. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company formed for the express purpose of acquiring Bank ($2 billion deposits). (Banking data are as of June 30, 1972.) Bank, located in the city of Detroit, operates 71 domestic branches in the Detroit metropolitan area and one foreign branch. Since the purpose of the proposed transaction is to effect corporate ownership of Bank, there would be no adverse effects on existing or potential competition nor would other area banks be adversely effected thereby. Competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant are dependent upon those same conditions as they exist in Bank. The financial condition of Bank is considered to be generally satisfactory in view of Applicant's commitment to provide Bank with additional equity capital. Managerial resources of Applicant and Bank are deemed to be satisfactory, and their prospects appear favorable. Banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-2974 Filed 2-14-1973;8:34 am]

UBANTCO CORP.

Formation of One-Bank Holding Company

Ubantco Corp., Kokomo, Ind., 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 the Union Bank and Trust Co., Kokomo, Ind. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 5, 1973.

Board of Governors of the Federal Reserve System, February 8, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-2978 Filed 2-14-73;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Proposed Acquisition of Atlantic Discount Corp.

Virginia National Bankshares, Inc., Norfolk, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Atlantic Credit Corp., Elizabeth City, N.C., the successor by reorganization to Atlantic Discount Corp. Elizabeth City, N.C. Notice of the application was published on December 8, 1972, in the Virginia Pilot, a newspaper circulated in Norfolk, Va., on December 9, 1972, in The News and Observer, a newspaper circulated in Raleigh, N.C., and on December 11, 1972, in The Daily Advance, a newspaper circulated in Elizabeth City, N.C.

Applicant states that the proposed subsidiary would engage in the following activities: (1) The financing of automobile purchases, either direct or indirect, and the wholesale inventory financing of automobile dealers; (2) the making of consumer finance loans; (3) acting as agent in the sale of credit life insurance, accident and health insurance, and automobile physical damage insurance in connection with extensions of credit under (1) and (2) above; (4) the reinsurance of credit life and credit accident and health insurance which is directly related to extensions of credit by subsidiaries of Applicant; and (5) the making of real estate mortgage loans for its own account and the account of others. Such activities have generally been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 7, 1973.

Board of Governors of the Federal Reserve System, February 8, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-2980; Filed 2-14-73;8:45 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank Holding Company and Acquisition of Insurance Agency

Wyoming Bancorporation, Cheyenne, Wyo., 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)) of the indirect acquisition of 88 percent of the shares of the First National Bank of Meeteetse, Meeteetse, Wyo. (Bank).

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y to acquire voting shares of First State Corp., Cody, Wyo. (Company).

Applicant states that Company would engage in the activities of a general insurance agency in a community that has a population not in excess of 5,000 persons and that, although Company engages in the activities of a general insurance agency in one community of more than 5,000 persons, the Company will limit its activities in that community, as described hereinafter, to conform to those activities which have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of receipt of this application has been published and the time for filing comments and views has expired. The Board has considered the application in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls ten banks,[1] holding deposits of $120.9 million, representing 12.56 percent of the total commercial bank deposits in Wyoming. Consummation of the proposal herein would increase its proportion of State deposits by less than 1 percent. (All banking data are as of June 30, 1972.)

Bank, a subsidiary of Company, is the only bank located in Meeteetse, a community of approximately 460 persons, and had deposits as of June 30, 1972, of approximately $1.6 million. Applicant's subsidiary bank nearest to Bank is located approximately 135 miles southwest of Meeteetse, and this distance appears to have precluded the development of competition between the two banks. Bank is located 39 miles southeast of Cody where First State Bank, a proposed subsidiary of Applicant, is located. Although banks in Cody do compete in Meeteetse, Bank and First State Bank do not compete with each other due to their common ownership. In any case, Bank is not presently an aggressive competitor, having a loan-to-deposit ratio of 27.4 percent. Consummation of the proposed transaction therefore will not eliminate any existing competition; nor will consummation have an adverse effect on the development of competition in view of the absence of a probability that the common ownership of Bank and First State Bank will dissolve in the future and the lack of foreseeable economic or population growth of the Meeteetse area.

Considerations relating to financial and managerial resources and prospects of Applicant and Bank appear to be satisfactory and consistent with approval. Bank's ultraconservative lending policies have limited the availability of credit to residents of Meeteetse, forcing those residents to turn to Cody banks to meet their credit needs. Consummation of the proposed transaction should have the effect of liberalizing the lending policies of Bank in a reasonable manner. Accordingly, considerations relating to the convenience and needs of the communities involved support approval of the transaction. It is the Board's judgment that the transaction would be in the public interest and that the application to acquire Bank should be approved.

Company does a general insurance agency business as Linton Insurance Agency on the premises of Bank and as First State Insurance on the premises

[1] By Order of this date, the Board has approved Applicant's proposed acquisition of First State Bank, Cody, Wyo. Upon consummation of that acquisition, Applicant would control 11 banks.

of First State Bank in Cody. Both agencies presently sell a variety of insurance coverage, including homeowners, automobile, fire, general liability, bonds, and other coverage.

As indicated before, Meeteetse has a population of 460. Linton Insurance Agency appears to compete with only one insurance agency in Meeteetse; that agency is primarily engaged in the sale of automobile insurance coverage. Consummation of the proposed transaction is not expected to have any immediate effect on the operations of Linton Insurance Agency, and Applicant is not engaged in a general insurance agency business in the Meeteetse area. The lack of growth in the Meeteetse area has been noted above. The Board concludes that Applicant's acquisition of the general insurance agency operations of Linton Insurance Agency will not have an adverse effect on existing or future competition in the general insurance agency business in that area. The Board expects rather that, through its association with other insurance agencies in Applicant's system, Linton Insurance Agency will be able to offer expanded insurance services and to represent larger insurance companies, thereby increasing competition in the general insurance agency business in Meeteetse and better serving the insurance needs of Meeteetse residents.

Company initiated operations of First State Insurance in 1967 and has been permitted to continue its general insurance agency operations, despite Company's status as a bank holding company and the fact that the population of Cody (5,161 according to the 1970 Census) exceeds 5,000, under the "grandfather" clause in section 4(a)(2) of the Act. However, "grandfather" rights may not be transferred, and Applicant, not having been engaged, directly or indirectly, in general insurance agency operations on June 30, 1968, may not acquire those rights. Applicant is aware of this and has agreed that, upon consummation of the proposed transactions, it will cease the general insurance sales activities of First State Insurance, initiate only sales of insurance that the Board has by regulation and interpretation determined to be closely related to banking, and not to undertake the renewal of any policy previously sold, the sale of which would not be permitted by § 225.4(a)(9) of Regulation Y and the Board's interpretation of that section (12 CFR 225.128). This limitation of the activities of First State Insurance will eliminate First State Insurance as an alternative source of general insurance services in Cody and may result in inconvenience to certain customers of First State Insurance. However, Cody is served by a number of general insurance agencies which together are capable of meeting and fulfilling the general insurance needs of Cody residents. The adverse effects of the proposed acquisition are minimal and are outweighed by the expected ability of First State Insurance deriving from its affiliation with Applicant to bring larger insurance underwriters into the Cody area and by the gains in efficiency which Applicant is expected to bring to its operations.

The Board notes the legislative policy stated in the National Bank Act that national banks in communities of less than 5,000 persons may sell insurance (12 U.S.C. 92) and the provisions of section 106 of the Bank Holding Company Act Amendments of 1970 which prohibit banks from tying an extension of credit to the purchase of insurance from the bank or its bank holding company. The Board finds that approval of Applicant's proposals to acquire the operations of Linton Insurance Agency, and to engage in insurance sales activities limited to those permissible under § 225.4(a)(9) of Regulation Y through the instrumentality of First State Insurance, is unlikely to result in any undue concentration of resources, decreased or unfair competition, conflicts of interests, unsound banking practices, or other significant adverse effects on the public interest. Furthermore, in the Board's judgment, the benefits to the public resulting from approval of these proposals lends weight to approval. On the basis of the foregoing and other facts reflected in the record, the balance of the public interest factors the Board must consider regarding the acquisition of Company is favorable and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Company's insurance agency activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[2] effective February 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-2975 Filed 2-14-73;8:45 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First State Bank, Cody, Wyo.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and those received have been considered. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks,[1] holding total deposits of $120.9 million, representing 12.56 percent of the total commercial deposits in Wyoming.[2] Consummation of the proposal herein would increase its proportion of State deposits by 1.4 percent.

Bank ($13.6 million in deposits) is the smaller of the two banking institutions in Cody (population 5,161), a community located in the northwestern portion of Wyoming. Bank controls approximately 42 percent of area deposits. From the facts of record, it appears that consummation of the proposed transaction would have no present or future adverse competitive effect on the banks in the market, but rather, should stimulate additional competition among them.

Bank and Applicant's banking subsidiaries operate in separate banking markets and the closest banking office of Applicant to Cody is approximately 175 miles distant. It does not appear that existing competition would be eliminated by consummation of this proposal. Further, since Cody does not appear to be attractive as a de novo bank site, any potential for increased future competition between Applicant and Bank would appear to be precluded. On the basis of the foregoing, the Board concludes that the competitive considerations with respect to this transaction are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiary banks, and Bank are considered to be satisfactory; prospects for all, upon consummation, are favorable. It appears that Bank has generally satisfied the needs of the community. Applicant, however, proposes to assist in the internal operations of Bank and thereby to strengthen Bank's competitive posture. Accordingly, considerations relating to the convenience and needs of the community to be served are consistent with, and lend weight toward, approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] By order of this date, the Board has approved Applicant's proposed acquisition of The First National Bank of Meeteetse, Meeteetse, Wyo. Upon consummation of that acquisition, Applicant would control eleven banks.

[2] Banking data are as of June 30, 1972.

cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-2976 Filed 2-14-73;8:45 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Greeley Finance Company of Colorado

Wyoming Bancorporation, Cheyenne, Wyo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8), and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Greeley Finance Company of Colorado, Greeley, Colo. ("GFCC"), and thereby to indirectly acquire shares of The Greeley Finance Co., and The Fort Collins Finance Co., both of which are wholly-owned subsidiaries of GFCC. The proposed subsidiary engages in the making and purchasing of consumer installment loans, the making of dealer floor plan loans, and the sale of credit life, health, and accident insurance, collision insurance on the motor vehicles in which the subsidiary holds a security interest, and liability insurance, to its consumer debtors sold in conjunction with other insurance sold in connection with its motor vehicle loans. In addition, such insurance is sold to consumer debtors on consumer installment loans purchased by the subsidiary on a continuing basis from firms and individuals, the interval between the creation of the security interest and its subsequent purchase by the subsidiary being minimal. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 25573). The time for filing comments and views has expired and none has been received.

Applicant controls 10 banks,[1] holding total deposits of $120.9 million, representing 12.56 percent of aggregate commercial bank deposits in Wyoming. (All banking data are as of June 30, 1972, unless otherwise indicated.) The banking subsidiaries, existing or proposed, of Applicant closest to GFCC's sole office are located in Cheyenne, Wyo., 50 miles north of Greeley.

GFCC, incorporated in 1962, held total loans outstanding of approximately $8.3 million as of June 30, 1972, and its one office is located in Greeley. GFCC primarily engages in the business of a consumer finance company, specializing in automobile financing throughout the Greeley area. Applicant presently has no consumer finance company subsidiary, nor any subsidiary located outside of Wyoming. Applicant's three subsidiary banks located in Cheyenne have made only an insignificant amount of installment loans in the Greeley area. The absence of significant existing competition between GFCC and these banks apparently is due to the considerable distance intervening between the lenders. GFCC lends to consumers who are considered bankable risks and is in competition with local area banks for direct consumer loans and dealer floor plan lending, as well as with local offices of national consumer finance companies for direct consumer loans. Thus, although GFCC is the largest independent finance company in Greeley, consummation of the proposed transaction is not expected to adversely affect the development of future competition in Greeley. There is no indication in the record that, absent approval of this proposal, Applicant would enter de novo such lending operations in Greeley. On the basis of the facts of record, the elimination of existing or potential competition resulting from this proposal appears minimal, and the Board considers the competitive considerations as consistent with approval of the application.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. However, the convenience of the Greeley area would be enhanced by the improved and expanded lending operations resulting from the proposed affiliation. Combination of the two organizations should also ensure management continuity of GFCC.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective February 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-2977 Filed 2-14-73;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] By separate orders of this date, the Board has approved Applicant's proposed acquisitions of First State Bank, Cody, Wyo., and of The First National Bank of Meeteetse, Meeteetse, Wyo. Upon consummation of those acquisitions, Applicant would control 12 banks.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

NATIONAL ENDOWMENT FOR THE HUMANITIES

THE NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Closed Meeting

FEBRUARY 12, 1972.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the National Council on the Humanities will take place in Washington, D.C., on February 22 and 23, 1973.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the chairman.

Based on sections b(4), b(5), and b(6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Office Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-3011 Filed 2-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

GREAT NORTHERN, INC.

Order Suspending Trading

FEBRUARY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Great Northern, 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 2 p.m. e.s.t. on February 6, 1973, through February 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3002 Filed 2-14-73;8:45 am]

[File No. 500-1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

FEBRUARY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, $0.01 par value, and all other securities of Nova Equity Ventures, 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 February 12, 1973, through February 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3000 Filed 2-14-73;8:45 am]

[File No. 500-1]

ROYAL AIRLINE, INC.

Order Suspending Trading

FEBRUARY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Royal Airline, 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 February 9, 1973, through February 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3001 Filed 2-14-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 09/09-0163]

BRANTMAN CAPITAL CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) under the name of Brantman Capital Corp., 1920 Paradise Drive, Tiburon, CA 94920, for a license to operate in the State of California as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.)

The proposed officers, directors and principal stockholders are:

		Percent
William T. Brantman, 2480 Mar East St., Tiburon, CA 94920.	President, Treasurer, and Director.	9.9
Chester W. Bunnell, Jr., 12 Lagoon Rd., Belvedere, CA 94920.	Director	4.9
Jack C. Welisch, 349 Golden Gate Ave., Belvedere, CA 94920.	do	4.9
William S. Solari, Jr., 2200 Mar East St., Tiburon, CA 94920.	Secretary	4.9

The company will begin operations with an initial capitalization of $250,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Tiburon, Calif.

Dated: February 8, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-3006 Filed 2-14-73;8:45 am]

[Application No. 02/02-5298]

C.B.M.C. CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 461 et seq.), has been filed by C.B.M.C. Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Willis Henry Jordan, 575 Herkimer Street, Brooklyn, NY 11213, President, Director.
Albert Holland, 31 Hickory Hill Road, Tappan, NY 10983, Secretary, Director.
John Saba Alexander, 1402 Pacific Street, Brooklyn, NY 11216, Treasurer, Director.

The applicant, a New York corporation with its principal place of business located at 150 Hinsdale Street, Brooklyn, NY 11207, will begin operations with $1 million of paidin capital, consisting of 500,000 shares of common stock (issued at $2 a share). All of the stock will be owned by the C.B.M.C. Economic Development Corp., a nonprofit corporation, engaged in implementing the Central Brooklyn Model Cities Program under a grant received by the city of New York from the Department of Housing and Urban Development, under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, not later than March 2, 1973, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Brooklyn, N.Y.

Dated: February 2, 1973.

DAVID A. WOLLARD,
Associate Administrator for Operations and Investment.

[FR Doc.73-3026 Filed 2-14-73;8:45 am]

TARIFF COMMISSION

[TEA-W-179]

CLEVELAND REFRACTORY METALS COMPANY DIVISION

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Cleveland Refractory Metals Company Division, Solon, Ohio, of the Chase

Brass and Copper Co., Inc., Cleveland, Ohio, a subsidiary of the Kennecott Copper Corp., New York, N.Y., the U.S. Tariff Commission, on February 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electrical contact points and point sets (of the types provided for in items 683.60 and 685.90 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of a workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before February 26, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the customhouse.

Issued: February 12, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-3052 Filed 2-14-73;8:45 am]

VETERANS ADMINISTRATION

VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE

Continuation

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Veterans Administration has determined that the continuation of the Voluntary Service National Advisory Committee is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

Signed at Washington, D.C., this 9th day of February 1973.

DONALD E. JOHNSON, *Administrator.*

[FR Doc.73-3019 Filed 2-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 179]

ASSIGNMENT OF HEARINGS

FEBRUARY 12, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7878, Transcon Lines—Investigation and Revocation of Certificates, now assigned April 3, 1973, at Chicago, Ill., is canceled.

MC 56679 Sub 64, Brown Transport Corp., now assigned February 21, 1973, at Atlanta, Ga., is postponed indefinitely.

AB 5 Sub 47, Penndel Co., and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between New Castle and Houston Junction, in Mercer and Lawrence Counties, Pa., now assigned March 1, 1973, will be held in the Council Chamber, New Castle Municipal Building, Jefferson and Grant Streets, New Castle, Pa.

MC-136343 Sub 4 & 5, Milton Transportation, Inc., now assigned February 21, 1973, at Washington, D.C., is postponed to March 13, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB-5 Sub 71, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Kings Creek and Crisfield, Somerset County, Md., now assigned February 20, 1973, at Crisfield, Md., canceled and reassigned to February 20, 1973, in the City Hall Council Chamber, Clark Avenue, Pocomoke City, Md.

FD 27280, Wilson Freight Co., notes, and FD 27290, U.S. Truck Co., Inc., notes, now being assigned hearing March 26, 1973 (1 week), at Detroit, Mich., in a hearing room to be later designated.

No. 35719 Sub 9, freight all kinds, in multiple trailer, between Chicago, and New Jersey, No. 35719 Sub 10, freight all kinds, in multiple trailer, between Illinois, and New Jersey, No. 35719 Sub 11, freight all kinds, in multiple trailer, between Chicago and Norfolk, No. 35719 Sub 12, freight all kinds, in multiple trailer, between Chicago and Massachusetts, and New Hampshire, No. 35719 Sub 13, freight all kinds, in multiple trailer, between Illinois and Newark, N.J., now being assigned March 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7938, Fergus Bus Service, Inc., Investigation and Revocation of Certificate, now assigned February 21, 1973, at Fargo, N. Dak., is canceled.

AB-5 Sub 108, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Lykens Valley junction secondary track between Millersburg and Elizabethville, Dauphin County, Pa., now being assigned hearing April 2, 1973 (2 days), at Millersburg, Pa., in a hearing room to be later designated.

MC-136224, Southern Transports, Inc., now assigned February 26, 1973, will be held at the Holiday Inn Northeast, Junction I-59 and U.S. 45 North, Meridian, Miss., on February 26 through February 28, and at the Holiday Inn North, U.S. Highway 49 and I-59, Hattiesburg, Miss., on February 28 through March 2, 1973.

MC-F-11023, Dundee Truck Line, Inc.—Control—Modern Motor Express, Inc., MC 109914 Sub 27, Dundee Truck Line, Inc., MC-F-11504, Indianhead Truck Line, Inc.—Control and Merger—Dundee Truck Line, Inc., et al., FD 27255, Indianhead Truck Line, Inc., notes, now assigned for continued hearing February 26, 1973, at Washington, D.C., postponed to March 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 49, Ann Arbor Railroad Co., abandonment entire line of railroad, including all of its car ferry routes, north and west of Thompsonville, Mich., in Benzie County, Mich., and Kewaunee and Manitowac Counties, Wis., continued to April 9, 1973, at Milwaukee, Wis., will be held in Room 225, U.S. Courthouse, 517 East Wisconsin Avenue.

AB 6 Sub 5, Burlington Northern, Inc., abandonment between Amazonia and Savannah, Andrews County, Mo., now assigned March 5, 1973, will be held at the City Hall Council Chambers, 11th and Frederick Street, St. Joseph, Mo.

MC 87720 Sub 131, Bass Transportation Co., Inc., now assigned March 8, 1973, MC 133655 Sub 58, Trans-National Truck, Inc., now assigned March 9, 1973, MC 43246 Sub 15, Buske Lines, Inc., now assigned March 12, 1973, MC 51146 Subs 276 and 277, Schneider Transport, Inc., now assigned March 13, 1973, MC 76032 Sub 292, Navajo Freight Lines, Inc., MC 115331 Sub 325, Truck Transport, Inc., MC 136354, Lizza Trucking Co., now assigned March 15, 1973, will be held at the Bankruptcy Court Room, U.S. Customhouse, 1114 Market Street, St. Louis, Mo.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-3045 Filed 2-14-73;8:45 am]

[Notice 210]

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 March 1, 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-73876. By order of January 19, 1973, the Motor Carrier Board approved the transfer to William J. Messier Trucking, Inc., Lincoln, R.I., of certificate of registration No. MC-120145 (Sub-No. 1), issued November 5, 1963, to William J. Messier, Lincoln, R.I.,

evidencing a rights to engage in transportation in interstate commerce as described in certificate No. MC 135 dated July 10, 1947, issued by the Public Utilities Administrator of Rhode Island. James M. Jerue, 188 Benefit Street, Providence, RI 02903, attorney for applicants.

No. MC–FC–74015. By order of January 19, 1973, the Motor Carrier Board approved the transfer to Anderson Bus, Inc., Accord, N.Y. 12404, of the operating rights in certificate No. MC–111390 issued July 22, 1952, to William C. Anderson, Accord, N.Y. 12404, authorizing the transportation of passengers and their baggage, in round trip charter operations, during the season extending from May 15 to September 30, both inclusive, of each year, beginning and ending at Accord, N.Y., or at points within 12 miles thereof (except points in the town of Rosendale, N.Y.), and extending to New York, N.Y., and to points in New Jersey.

No. MC–FC–74054. By order entered January 19, 1973, the Motor Carrier Board approved the transfer to Haney Truck Line, Cornelius, Oreg., of that portion of the operating rights set forth in certificate No. MC–67015, issued November 21, 1963, as corrected January 8, 1964, to Tigard-Sherwood Truck Service, Inc., authorizing the transportation of general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Tigard, Oreg., on the one hand, and, on the other, points in Yamhill and Marion Counties, Oreg. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210, attorney for applicants.

No. MC–FC–74154. By order of January 22, 1973, the Motor Carrier Board approved the transfer to Readding Van & Storage Co., Inc., Vineland, N.J., of the operating rights in certificate No. MC–977 issued April 14, 1972, to George Readding, Vineland, N.J., authorizing the transportation of household goods between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, New York, and the District of Columbia. Alexander Markowitz, Post Office Box 793, 1180 Karin Street, Vineland, NJ 08360, attorney for applicants.

No. MC–FC–74063. By order of January 22, 1973, the Motor Carrier Board approved the transfer to John A. Kluver, doing business as Kluver Transfer, Fairfield, Nebr., of the operating rights in certificate No. MC–97764 (Sub-No. 1), issued July 7, 1972, to Arthur E. Kluver, doing business as Kluver Transfer, Fairfield, Nebr., authorizing the transportation of various commodities between specified points and areas in Nebraska, Iowa, Kansas, Missouri, Colorado, Illinois, and South Dakota. Earl H. Scudder, Jr., Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

No. MC–FC–74162. By order of January 19, 1973, the Motor Carrier Board approved the transfer to Littlefield Express, Inc., Lancaster, Mass., of the certificate of registration in No. MC–51239 (Sub-No. 2), issued January 25, 1965, to George E. Cahill, doing business as Cahill's Express Co., Waltham, Mass., evidencing the right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the rights granted by the Massachusetts Department of Public Utilities in irregular route common carrier certificate No. 1033 issued August 28, 1964, and authorizing the transportation of general commodities anywhere within the Commonwealth of Massachusetts. Francis P. Barrett, 60 Adams Street, Milton, MA 02187, and Lawrence T. Sheils, 28 Hall Drive, Norwell, Mass., attorneys for applicants.

No. MC–FC–74169. By order entered January 31, 1973, the Motor Carrier Board approved the transfer to G. I. Express Co., Denver, Colo., of the operating rights set forth in certificate No. MC–125923, issued October 20, 1964, to Lind Moving & Storage Co., Inc., Denver, Colo., authorizing the transportation of household goods, as defined by the Commission, between points in Coloradio. Joseph F. Nigro, 400 Denver Hilton Office Building, 1515 Cleveland Place, Denver, CO 80202.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3044 Filed 2-14-73;8:45 am]

[Notice 13]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 9, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and, on or before April 16, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 259), filed January 5, 1973. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Applicant's representative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lamar, Colo., and Dallas, Tex., from Lamar over U.S. Highway 287 to junction Texas Highway 114, thence over Texas Highway 114 to Dallas, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1759 (Sub-No. 30), filed December 15, 1972. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Victory Street, Stamford, CT 06904. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products: fresh* (except frozen and unleavened bakery products), from the plantsite of Nancy Lynn Bakery Division of the Grand Union Co., at Bridgeport, Conn., to Landover, Md., and (2) *stale, damaged, refused, rejected, and nonsalable bakery products* (except frozen and unleavened bakery products) and *empty containers and empty racks*, from Landover(Md., to the plantsite of Nancy Lynn Bakery Division of the Grand Union Co., at Bridgeport, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 2202 (Sub-No. 426), filed December 12, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Atlanta, Ga.; Greenville, S.C.; Kernersville and Asheville, N.C., on the one hand, and, on the other, points in North Carolina within 150 miles of Bennettsville, S.C. NOTE: Common control may be involved. Applicant states it intends to tack wherever possible to provide service to all authorized areas. The purpose of this instant application is to remove the gateway requirement at Hartsville, S.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2229 (Sub-No. 174), filed December 27, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the plantsite of General Cable Corp., at or near Brandon, Miss., as an off-route point in connection with applicant's regular route operation at Jackson, Miss., from Jackson over U.S. Highway 80 and/or Interstate Highway 20, to the plantsite of General Cable Corp., at or near Brandon, Miss., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or St. Louis, Mo.

No. MC 2229 (Sub-No. 175), filed January 15, 1973. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), between Mount Pleasant, Tex., and the Monticello Steam Electric Station, located 2 miles north of U.S. Highway 67 and farm to market road 1734 in Titus County, Tex., from Mount Pleasant, Tex., over U.S. Highway 67 to junction farm to market road 1734, thence over farm to market road 1734 to the Monticello Steam Electric Station, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or Forth Worth, Tex.

No. MC 2754 (Sub-No. 20), filed December 14, 1972. Applicant: NEUENDORF TRANSPORTATION CO., a corporation, Madison, Wis. 53714. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, serving Coal City, Ill., as an off-route point in connection with carrier's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, or Milwaukee, Wis.

No. MC 2900 (Sub-No. 233), filed December 22, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves, hydrants, parts, attachments, and accessories*; and (2) *materials, equipment, and supplies*, used in the manufacture thereof (except commodities in bulk), between points in Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 14552 (Sub-No. 46), filed December 21, 1972. Applicant: J. V. MCNICHOLAS TRANSFER CO., a corporation, 555 West Federal Street, Youngstown, OH 44501. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain dairy, grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk) from Youngstown, Ohio, to Tarentum, Natrona Heights, Burgettstown, McDonald, and Elizabeth, Pa.; (2) *return shipments* of commodities specified in (1) above, from the destinations named in (1) above to Youngstown, Ohio; (3) *bakery products* (except commodities in bulk), from Columbus, Ohio, to points in Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Allegheny, and Washington Counties, Pa.; and (4) *return shipments* of commodities specified in (3) above, from the counties named in (3) above to Columbus, Ohio. Restriction: Service specified in (1) through (4) above is restricted to traffic originating at and destined to the above named origins and destinations. NOTE: Applicant holds contract carrier authority under MC 123991 and Sub 7, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 177), filed December 20, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and fluid coolers*, which because of size or weight, require the use of special equipment, and *cooling towers, fluid coolers and parts and accessories for cooling towers and fluid coolers* which do not require the use of special equipment, when moving in the same vehicle with cooling towers and fluid coolers, which because of size or weight, require the use of special equipment, from the plantsite of The Marley Co., at Louisville, Ky., to points in Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Wisconsin, Indiana, Utah, and the District of Columbia. NOTE: Common control may be involved. Applicant states it presently holds heavy hauling authority from points and places in Kentucky to points and places in Florida. This authority is shown in paragraph 2 of MC 19227. Applicant also holds heavy hauling authority under Sub 43 from Florida to Texas. Under Sub 143 applicant can transport from Texas to points in New Mexico and Arizona, and under Sub 127 into California. These authorities can be tacked via the Florida and Texas Gateways. Applicant also holds

authority under Sub 75 to transport between Texas on the one hand, and, on the other, Kansas, Missouri, Nebraska, New Mexico, and Oklahoma. Again this would require tacking in Florida and Texas and applicant states this would create a circuity which would be impractical to use. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 19227 (Sub-No. 179), filed December 27, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20 Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forklift trucks, forklift truck components, and forklift truck parts*, from points in Polk County, Oreg., to points in Alabama, Arkansas, Florida, Georgia, North Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing heavy hauling authority in Florida and transported to all of the East Coast States and some Midwestern States. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 19778 (Sub-No. 81), filed December 14, 1972. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, Suite 508, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant's representative: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, from Newton, Kans., and Council Bluffs, Iowa, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 20894 (Sub-No. 20), filed December 26, 1972. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, PA 19135. Applicant's representative: Maxwell A. Howell, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Philadelphia, Pa., and Atlantic City, N.J., (a) from Philadelphia, across Delaware River to Camden, N.J., and junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City, N.J., serving all intermediate points, and (b) from Philadelphia across the Delaware River to Palmyra, N.J., thence over New Jersey Highway 73 to junction New Jersey Highway 561 near Folsom, N.J., thence over U.S. Highway 322 to Atlantic City, N.J., and return over the same route, serving all intermediate points; (2) between Westville, N.J., and Cape May, N.J., from Westville, N.J., over New Jersey Highway 47 to junction U.S. Highway 9 at Rio Grande, N.J., thence over U.S. Highway 9 to Cape May, N.J., and return over the same route, serving all intermediate points; (3) between junction U.S. Highway 40 and New Jersey Highway 47 near Malaga, N.J., and Atlantic City, N.J., over U.S. Highway 40, serving all intermediate points; (4) between Millville, N.J., and junction U.S. Highway 9 and New Jersey Highway 50 near Seaville, N.J., from Millville, N.J., over New Jersey Highway 49 to junction New Jersey Highway 50 near Tuckahoe, N.J., thence over New Jersey Highway 50 to junction U.S. Highway 9, and return over the same route, serving all intermediate points; (5) between Egg Harbor City, N.J., and Tuckahoe, N.J., over New Jersey Highway 50, serving all intermediate points;

(6) Between Gloucester City, N.J., and junction New Jersey Highway 557 and New Jersey Highway 50, near Estell Manor, N.J., over New Jersey Highway 555 to New Jersey Highway 575 thence over New Jersey Highway 575 to New Jersey Highway 557, thence over New Jersey Highway 557 to junction New Jersey Highway 50 and return over the same route, serving all intermediate points; (7) between Bridgeton, N.J., and Mays Landing, N.J., (a) from Bridgeton, N.J., over New Jersey Highway 49 to Millville, N.J., thence over New Jersey Highway 552 to Mays Landing, N.J., and return over the same route serving all intermediate points, and (b) from Bridgeton, N.J., to Mays Landing, N.J., over New Jersey Highway 552 and return over the same route serving all intermediate points; (8) between Pleasantville, N.J., and Cape May, N.J., over U.S. Highway 9, serving all intermediate points; (9) between Philadelphia, Pa., and Long Beach Island, N.J., from Philadelphia, Pa., across Delaware River to Camden, N.J., thence over New Jersey Highway 70 to junction New Jersey Highway 72, thence over New Jersey Highway 72 to Long Beach Island, N.J., and return over the same route, serving all intermediate points; (10) between junction New Jersey Highway 70 and U.S. Highway 206 near Red Lion, N.J., and junction U.S. Highway 206 and U.S. Highway 30 near Hammonton, N.J., over U.S. Highway 206, serving all intermediate points;

(11) Between junction New Jersey Highway 70 and New Jersey Highway 72 and Seaside Heights, N.J., from junction New Jersey Highway 70 and New Jersey Highway 72 over New Jersey Highway 70 to Lakehurst, N.J., thence over New Jersey Highway 37 through Toms River, N.J., to Seaside Heights, N.J., and return over the same route, serving all intermediate points; (12) between Lakehurst, N.J., and Point Pleasant, N.J., from Lakehurst, N.J., over New Jersey Highway 547 to junction New Jersey Highway 528, thence over New Jersey Highway 528 to junction New Jersey Highway 88, thence over New Jersey Highway 88 to Point Pleasant, N.J., and return over the same route, serving all intermediate points; (13) between Philadelphia, Pa., and Asbury Park, N.J., from Philadelphia, Pa., across Delaware River to U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 33 near Hightstown, N.J., thence over New Jersey Highway 33 to Asbury Park and return over the same route, serving all intermediate points; (14) between Toms River, N.J., and Absecon, N.J., over U.S. Highway 9, serving all intermediate points; (15) between Toms River, N.J., and Freehold, N.J., over U.S. Highway 9, serving all intermediate points; (16) between Freehold, N.J., and Long Branch, N.J., from Freehold over New Jersey Highway 537 to junction New Jersey Highway 71, thence over New Jersey Highway 71 to Long Branch, N.J., and return over the same route, serving all intermediate points; (17) between Freehold, N.J., and New Brunswick, N.J., from Freehold, N.J., over U.S. Highway 9 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to New Brunswick, and return over the same route, serving all intermediate points; (18) between Bricktown, N.J. and Long Branch, N.J., from Bricktown, N.J., over New Jersey Highway 70 to New Jersey Highway 35, thence over New Jersey Highway 35 to New Jersey Highway 71, thence over New Jersey Highway 71 to Long Branch and return over the same route, serving all intermediate points;

(19) Between Oceanport, N.J., and Keyport, N.J., from Oceanport, N.J., over New Jersey Highway 71 to junction New Jersey Highway 36, thence over New Jersey Highway 36 to Keyport and return over the same route, serving all intermediate points; (20) between Philadelphia, Pa., and Penns Grove, N.J., from Philadelphia across Delaware River to junction U.S. Highway 130, thence over U.S. Highway 130 to Penns Grove, N.J., and return over the same route, serving all intermediate points; (21) between Philadelphia, Pa., and Salem, N.J., from Philadelphia across Delaware River to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45 near Westville, N.J., thence over New Jersey Highway 45 to Salem, N.J., and return over the same route serving all intermediate points; (22) between Mullica Hill, N.J., and Port Norris, N.J., from Mullica Hill, N.J., over New Jersey Highway 77 to Bridgeton, N.J., thence over New Jersey Highway 553 to Port Norris, N.J., and return over the same route serving all intermediate points; (23) between Mullica Hill, N.J., and Bridgeton, N.J., from Mullica Hill, N.J., over New Jersey Highway 581 to Quinton, N.J., thence over New Jersey Highway 49 to Bridgeton, N.J., and return over the same route, serving all intermediate points;

(24) Between Penns Grove, N.J., and Quinton, N.J., from Penns Grove, N.J., over U.S. Highway 130 to Deepwater,

N.J., thence over New Jersey Highway 49 to Quinton, N.J., and return over the same route, serving all intermediate points; (25) between Deepwater, N.J., and Woodstown, N.J., from Deepwater over U.S. Highway 40 to Woodstown, N.J., and return over the same route, serving all intermediate points; (26) between Bridgeport, N.J., and Mullica Hill, N.J., from Bridgeport over U.S. Highway 322 to Mullica Hill, and return over the same route, serving all intermediate points; (27) between Mantua, N.J., and Fairton, N.J., from Mantua, N.J., over New Jersey Alternate Highway 553 to Glassboro, N.J., thence to junction U.S. Highway 322 and New Jersey Highway 553, thence over New Jersey Highway 553 to Fairton, N.J., and return over the same route, serving all intermediate points; (28) between Philadelphia, Pa., and Trenton, N.J., from Philadelphia, Pa., across Delaware River to U.S. Highway 130 near Palmyra, N.J., thence over U.S. Highway 130 to junction U.S. Highway 206 near Bordentown, N.J., thence over U.S. Highway 206 to Trenton, N.J., and return over the same route, serving all intermediate points; (29) between Trenton, N.J., and Phillipsburg, N.J., over New Jersey Highway 29 to Milford, N.J., thence over New Jersey Highway 519 to Phillipsburg, and return over the same route, serving all intermediate points; (30) between Trenton and Clinton, N.J., over New Jersey Highway 31, serving all intermediate points; (31) between Trenton and Somerville, N.J., over U.S. Highway 206, serving all intermediate points;

(32) Between Flemington and Somerville, N.J., over U.S. Highway 202, serving all intermediate points; (33) between Somerville and Phillipsburg, N.J., over U.S. Highway 22, serving all intermediate points; (34) between Trenton and New Brunswick, N.J., over U.S. Highway 1, serving all intermediate points; (35) between Somerville and Sussex, N.J., from Somerville, N.J., over U.S. Highway 206 to junction New Jersey Highway 565, thence over New Jersey Highway 565 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to Sussex, and return over the same route, serving all intermediate points; (36) between Clinton and Newton, N.J., from Clinton, over New Jersey Highway 31 to New Jersey Highway 24 near Washington, N.J., thence over New Jersey Highway 24 to Hackettstown, N.J., thence over New Jersey Highway 517 to junction U.S. Highway 206, thence over U.S. Highway 206 to Newton, N.J., and return over the same route serving all intermediate points; (37) between Phillipsburg and Hackettstown, N.J., from Phillipsburg, N.J., over New Jersey Highway 24 to Hackettstown, and return over the same route, serving all intermediate points; (38) between Somerville and Dover, N.J., from Somerville, N.J., over U.S. Highway 202 to Morristown, thence over New Jersey Highway 53 to U.S. Highway 46, thence over U.S. Highway 46 to Dover, and return over the same route, serving all intermediate points;

(39) Between Egg Harbor Ctiy, N.J., and junction New Jersey Highway 563 and New Jersey Highway 72 near Chatsworth, N.J., over New Jersey Highway 563, serving all intermediate points; (40) between junction New Jersey Highway 70 and U.S. Highway 206 near Red Lion, N.J., and Bordentown, N.J., over U.S. Highway 206; and (41) between New Brunswick and Mahwah, N.J., from New Brunswick over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to Mahwah, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant states this application is filed for the purpose of converting its presently held irregular route authority in MC-20894 to regular route authority to conform with the actual method of operation by the applicant. Applicant also holds contract carrier authority under MC 119140 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 20992 (Sub-No. 26), filed January 2, 1973. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), from the plants, warehouse sites, and experimental farms of Deere & Co., in Dodge County, Wis., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) *returned shipments* of the above-named commodities, from the destination States named above to the plants, warehouse sites, and experimental farms of Deere & Co., in Dodge County, Wis. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co., and the authority in (2) above is restricted to traffic destined to such facilities of Deere & Co. NOTE: Applicant states that the requested authority can be tacked with the authority sought on a limited number of commodities with Minnesota and Wisconsin origin authorities held and sought but applicant 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. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 28089 (Sub-No. 3), filed December 20, 1972. Applicant: JOHN L. WOOD, Rural Route 1, Watseka, Ill., 60970. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bituminous concrete binder and surface course material* in bulk, in dump vehicles, from points in Newton County, Ind., to points in Iroquois, Kankakee, and Vermilion Counties, Ill., (B) *road rock, crushed stone, sand, gravel, and limestone*, in bulk, in dump vehicles, from points in Newton County, Ind., to points in Kankakee, and Vermilion Counties, Ill., (C) *sand and gravel*, in bulk, in dump vehicles, from points in Fountain County, Ind., to points in Champaign, Vermilion, and Iroquois Counties, Ill., and (D) *shale*, in bulk, in dump vehicles, from points in Warren County, Ind., to points in Kankakee and Vermilion Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 29642 (Sub-No. 8), filed January 5, 1973. Applicant: FIVE TRANSPORTATION CO., a corporation, 1517 Grant Street, Brunswick, GA 31520. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden Counties, Ga., as off-route points in connection with its presently authorized regular route between Savannah, Ga., and Jacksonville, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 29910 (Sub-No. 127), filed January 4, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Post Office Box 43—Kelley Building, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, livestock, classes A and B explosives, and commodities which because of size and weight require the use of special equipment), serving the plantsite of General Cable Corp., at or near Brandon, Miss., as an off-route point in connection with applicant's regular-route operations to and from Jackson, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 30887 (Sub-No. 187), filed January 5, 1973. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, MD 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42828 (Sub-No. 5), filed January 2, 1973. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Applicant's representative: James W. Conner, 431 Keith Avenue, Akron, OH 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Stone*, moving on shipper's or carrier's trailer, from Fortsville, N.Y., Montague City, Mass., and Highgate Springs, Vt., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), returned and rejected shipments of stone from the destination States to the above-named origin; and (B) stone, from ports of entry in the United States located at points in the States of Washington, Texas, Louisiana, Virginia, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, and New Hampshire, to points in Vermont and New Hampshire. NOTE: Applicant states that the requested authority can be tacked at Fortsville, N.Y., Montague City, Mass., points to perform through service from its presently authorized points in Vermont. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43475 (Sub-No. 56), filed December 26, 1972. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, MN 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between junction Minnesota Highways 1 and 89 just west of Red Lake, Minn., and Thief River Falls, Minn., from junction Minnesota Highways 1 and 89 over Minnesota Highway 1 to Thief River Falls, and return over the same route; (2) between junction U.S. Highway 71 and Minnesota Highway 31 approximately 8 miles west of Lake George, Minn., and Brooks, Minn., from junction U.S. Highway 71 and Minnesota Highway 31 over Minnesota Highway 31 to junction Minnesota Highway 92, thence over Minnesota Highway 92 to Brooks, and return over the same route; (3) between Park Rapids, Minn., and Detroit Lakes, Minn., from Park Rapids, over Minnesota Highway 34 to Detroit Lakes, and return over the same route; (4) between Barnesville, Minn., and junction U.S. Highway 10 and Minnesota Highway 9 just east of Glyndon, Minn., from Barnesville over Minnesota Highway 9 to junction U.S. Highway 10 and Minnesota Highway 9, and return over the same route;

(5) Between Remer, Minn., and Cohasset, Minn., from Remer over Minnesota Highway 6 to Cohasset, and return over the same route; (6) between junction U.S. Highways 210 and 169 at or near Hassman, Minn., and Grand Rapids, Minn., from junction U.S. Highways 210 and 169 over U.S. Highway 169 to Grand Rapids, and return over the same route; (7) between junction U.S. Highway 10 and Minnesota Highway 65 at or near Spring Lake Park., Minn., and junction Minnesota Highway 65 and U.S. Highway 210 at or near McGregor, Minn., from junction U.S. Highway 10 and Minnesota Highway 65 over Minnesota Highway 65 to junction U.S. Highway 210, and return over the same route; (8) between Clara City, Minn., and Hinckley, Minn., from Clara City, over Minnesota Highway 23 to Hinckley, and return over the same route; (9) between junction U.S. Highway 61 and Minnesota Highway 95 at or near North Branch, Minn., and junction Minnesota Highways 95 and 23 approximately 8 miles east of St. Cloud, Minn., from junction U.S. Highway 61 and Minnesota Highway 95 over Minnesota Highway 95 to junction Minnesota Highway 23, and return over the same route; (10) between Worthington, Minn., and Marshall, Minn., from Worthington over U.S. Highway 59 to Marshall, and return over the same route; (11) between Luverne, Minn., and Lake Benton, Minn., from Luverne over U.S. Highway 75 to Lake Benton, and return over the same route;

(12) Between Ivanhoe, Minn., and Moorhead, Minn., from Ivanhoe over U.S. Highway 75 to Moorhead, and return over the same route; (13) between Fond du Lac, Wis., and Chilton, Wis., from Fond du Lac over U.S. Highway 151 to Chilton and return over the same route; (14) between Fond du Lac, Wis., and Green Bay, Wis., from Fond du Lac over U.S. Highway 41 to Green Bay, and return over the same route; (15) between Green Bay, Wis., and junction U.S. Highway 51 and Wisconsin Highway 54 approximately 2 miles south of Plover, Wis., from Green Bay over Wisconsin Highway 54 to junction U.S. Highway 51, and return over the same route; (16) between junction U.S. Highways 10 and 41 at or near Appleton, Wis., and Stevens Point, Wis., from junction U.S. Highways 10 and 41 over U.S. Highway 10 to Stevens Point, and return over the same route; (17) between junction U.S. Highways 41 and 45 approximately 4 miles north of Oshkosh, Wis., and junction U.S. Highway 45 and Wisconsin Highway 29 approximately 2 miles east of Wittenberg, Wis., from junction U.S. Highways 41 and 45 over U.S. Highway 45 to junction Wisconsin Highway 29 and return over the same route; (18) between junction U.S. Highway 41 and Wisconsin Highway 21 at or near Oshkosh, Wis., and junction Wisconsin Highways 21 and 49 at or near Auroraville, Wis., from junction U.S. Highway 41 and Wisconsin Highway 21 over Wisconsin Highway 21 to junction Wisconsin Highway 49, and return over the same route;

(19) Between junction Wisconsin Highways 23 and 49 approximately 6 miles west of Ripon, Wis., and junction Wisconsin Highway 23 and U.S. Highway 51 approximately 5 miles east of Oxford, Wis., from junction Wisconsin Highways 23 and 49 over Wisconsin Highway 23 to junction U.S. Highway 51, and return over the same route; (20) between junction U.S. Highway 51 and Wisconsin Highway 21 at or near Coloma, Wis., and junction Wisconsin Highway 21 and U.S. Highway 12 approximately 3 miles north of Tomah, Wis., from junction U.S. Highway 51 and Wisconsin Highway 21 over Wisconsin Highway 21 to junction U.S. Highway 12, and return over the same route; (21) between Dubuque, Iowa, and Sioux City, Iowa, from Dubuque over U.S. Highway 20 to Sioux City, and return over the same route; and (22) between Osage, Iowa, and Sioux Falls, S. Dak., from Osage over Iowa Highway 9 to the Iowa-South Dakota State line, thence over South Dakota Highway 38 to Sioux Falls, and return over the same route, as alternate routes for operating convenience only, serving no intermediate points or the termini thereof except as otherwise authorized, in connection with applicants presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 52921 (Sub-No. 18), filed January 15, 1973. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitreous china plumbing fixtures*, and *reinforced fiberglass plumbing fixtures*, from Hondo and Corsicana, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, and Oklahoma. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 53321 (Sub-No. 10), filed December 26, 1972. Applicant: RAU CARTAGE, INC., 1107 East Noble Avenue, Monroe, MI 48161. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Monroe, Mich., to points in Tennessee, and *materials and supplies*, used in the manufacture, sale, and distribution of paper and paper products from points in Tennessee to Monroe, Mich., under contract with Time Container Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, or Detroit, Mich.

No. MC 61445 (Sub-No. 4), filed January 8, 1973. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, DC 22304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as

defined in appendix V in the Commission's report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Troutville, and Roanoke, Va., to points in Delaware, Maryland, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Roanoke, Va.

No. MC 78228 (Sub-No. 37), filed December 27, 1972. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, PA 15220. Applicant's representative: Henry M. Wick, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke and pig iron*, in dump vehicles, from Pittsburgh, Pa., to points in Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the authority sought can be tacked at Pittsburgh with applicant's present authority but applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 325), filed December 27, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from Pembroke, N.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (including Louisiana). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 95540 (Sub-No. 863), filed December 18, 1972. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., Post Office 1636, Atlanta, GA 30301. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Albert Lea, Minn., to points in Florida. Restriction: Restricted to traffic originating at the plantsite of Wilson-Sinclair Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96770 (Sub-No. 9), filed January 2, 1973. Applicant: FLORIDA TERMINALS AND TRUCKING CO., a corporation, 921 East Landstreet Road, Post Office Box 13607, Orlando, FL 32809. Applicant's representative: Gregory A. Presnell, Post Office Box 231, 17th floor, CNA Building, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except items of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Orange County, Fla., on the one hand, and, on the other, points in Alachua, Hernando, Pasco, Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Palm Beach, Broward, and Dade Counties, Fla., and points in that portion of Martin County south of the St. Lucie River. Restriction: The authority sought will be subject to the following restrictions: (1) Restricted to traffic having a prior or subsequent movement by rail, and (2) restricted against shipments weighing less than 1,000 pounds consisting of items weighing less than 125 pounds; however, said weight restriction shall not apply to traffic moving on freight forwarder or government bills of lading. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 102401 (Sub-No. 17), filed December 19, 1972. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, IN 46613. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete forms*, and *materials and supplies*, for the erection of such concrete forms when transported in the same vehicle with such concrete forms, from the plant site of Hass Concrete Products Co., at or near South Bend, Ind., to points in Illinois (except Will, Cook, Kankakee, Iroquois, Vermilion, Lake, Du Page, Boone, McHenry, Kane, De Kalb, Kendall, La Salle, Grundy, Livingston, and Ford Counties, Ill.; and points in the lower Peninsula of Michigan (except Berrien, Cass, St. Joseph, Van Buren, Allegan, and Barry Counties, Mich.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 103993 (Sub-No. 748), filed January 1, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers; designed to be drawn by passenger automobiles*, in initial movements, and *building and sections of building*, on undercarriages, from points in Middlesex County, Mass., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 749), filed January 12, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers; designed to be drawn by passenger automobiles*, in initial movements, from points in El Paso County, Colo. (except Colorado Springs, Colo.), to points in the United States (except Alaska, Hawaii, Arizona, Utah, Wyoming, New Mexico, Texas, and Nevada). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 750), filed January 12, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers; designed to be drawn by passenger automobiles*, in initial movements, from points in Lake County, S. Dak., to points in the United States (except Alaska, Hawaii, Iowa, Minnesota, Montana, Illinois, Wisconsin, the Upper Peninsula of Michigan, Nebraska, North Dakota, and Wyoming). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 104654 (Sub-No. 150), filed December 21, 1972. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: L. A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, liquid oxygen, and liquid argon*, in bulk, in shipper-owned trailers, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be

involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 104654 (Sub-No. 151), filed December 21, 1972. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: L. A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the site of Bulk Distribution Centers, Inc., located at or near Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin. Restricted to traffic having an immediately prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 106401 (Sub-No. 34), filed December 18, 1972. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, NC 28201. Applicant's representative: Donald E. Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products, and accessories*, used in the installation of the above-mentioned products, from the plantsite and warehouse facilities of the Celotex Corp., located in Wayne County, N.C. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *Materials, supplies, and accessories*, used or useful in the manufacture of the above commodities, from points in the destination States named in (1) above to the plantsite and warehouse facilities of the Celotex Corp., located in Wayne County, N.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 102), filed January 5, 1973. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Allan C. Zuckerman, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding and accessories, materials, and supplies used in the installation thereof* (except commodities in bulk) from Bristol, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 170), filed December 8, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina, Georgia, Mississippi, South Carolina, Virginia, and Morristown, Tenn., to points in Alabama, Louisiana, Florida, Virginia, North Carolina, South Carolina, Mississippi, and Tennessee. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with portions of its existing authority as follows: In No. MC 107012, it would be able to transport (a) *New furniture*, uncrated, from Oklahoma City, Okla., to points in Alabama, Virginia, Georgia, North Carolina, and South Carolina via North Carolina and Mississippi; (b) *New furniture*, from points in Mississippi, to points in Maine and New Hampshire via points within 150 miles of High Point, N.C., and West Virginia; (c) *New furniture*, from Galax, Roanoke, Damascus, Stanleytown, Bassett, Martinsville, and Pulaski, Va., and points in North Carolina and South Carolina, to points in Illinois, Indiana, Michigan, and Ohio via Tennessee; in MC 107012 (Sub-No. 61), *New furniture*, from points in Virginia, North Carolina, South Carolina, Georgia, and Mississippi, to points in the United States via Tennessee; and in MC 107012 (Sub-No. 90), *New furniture*, from Monroe, La., to points in Florida, South Carolina, North Carolina, and Virginia via Mississippi. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 426), filed January 11, 1973. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue (LeJeune Road), Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples*, and *plantains*, from Charleston, S.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and ports of entry on the international boundary line between the United States and Canada located at points in Michigan, Minnesota, New York, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107403 (Sub-No. 840), filed December 29, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Clermont County, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 108053 (Sub-No. 118), filed December 14, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream confections*, from Chicago, Ill., to points in California, Oregon, Utah, and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 109637 (Sub-No. 391), filed December 27, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Landsdowne, PA 19050. Applicant's representatives: John Nelson (same address as applicant), and Harry C. Ames, Jr., 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Richmondale, Ohio, to points in West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result

in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 109994 (Sub-No. 47), filed December 27, 1972. Applicant: SIZER TRUCKING, INC., Box 1197, Rochester, MN 55901. Applicant's representative: Val M. Higgins, 100 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Floor coverings and floor covering materials*, from Marcus Hook, Pa., to points in Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110098 (Sub-No. 132), filed January 3, 1973. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Oklahoma City, Okla., to points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to shipments originating at the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., and its subsidiaries and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or San Antonio, Tex.

No. MC 110325 (Sub-No. 54), filed January 2, 1973. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, CA 90015. Applicant's representative: F. W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of the Goodyear Tire and Rubber Co., located at or near Silsbee, Tex., as an off-route point in connection with carrier's otherwise authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111231 (Sub-No. 180), filed January 2, 1973. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant and warehouse sites of Pulvair Corp., located on U.S. Highway 51, approximately 7 miles north of Memphis, Tenn., as an off-route point in connection with carrier's regular route operations to and from Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it he held at Memphis, Tenn., or Little Rock, Ark.

No. MC 111375 (Sub-No. 67), filed December 18, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food ingredients, advertising material, and specialties*, and *related equipment and supplies*, when moving with foodstuffs and food ingredients, from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and *returned and rejected shipments* of the above described commodities in the reverse direction. NOTE: Applicant states that the purpose of this application is to eliminate the Monroe and Fort Atkinson, Wis. gateways in connection with applicant's operations from and to the points involved. Applicant further states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 370), filed January 3, 1973. Applicant: AMERICAN COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds* and *advertising material* moving therewith, (a) between Milwaukee, Wis., on the one hand, and, on the other, points in Minnesota, North Dakota, and South Dakota, and (b) between Lima, Ohio, and Chicago, Ill.; and (2) *ophthalmic goods and business papers and records* moving therewith, between Philadelphia, Pa., on the one hand, and, on the other, Hagerstown, Md., East Orange and Trenton, N.J., and the District of Columbia. NOTE: Common control may be involved. Applicant holds a motor contract carrier permit in No. MC 112750 and subs thereunder, and dual operations under section 210 of the act were approved by the Commission in 102 MCC 411 dated July 6, 1966. Applicant also states that no duplicating authority is sought. Furthermore, applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therfeore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112822 (Sub-No. 255), filed December 15, 1972. Applicant: BRAY LINES INC., 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags* (1) from New Orleans, La., to points in Colorado, Idaho, Iowa, Kansas, New Mexico, Oklahoma, Texas, and Wyoming, and (2) from Fort Worth, Tex., to points in Colorado, Idaho, Kansas, New Mexico, Oklahoma, Texas, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 113678 (Sub-No. 477), filed January 8, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Colorado to Alabama, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Montana, North Carolina, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington, Wyoming, Arkansas, California, Iowa, Kansas, Missouri, Nebraska, Nevada, Arizona, New Mexico, Oklahoma, and Texas, and (2) *such commodities as are usually dealt in or used by wholesale or retail grocery and food business houses*, from points in Colorado to New Mexico and Texas. NOTE: Applicant states that the requested authority can be tacked at points in Colorado with its existing authority; however, it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 205), filed December 20, 1972. Applicant: O'BOYLE TANK LINES, INC., Post Office Box

30006, Washington, DC 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Norfolk, Va., to points in North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 267), filed December 27, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road Southeast, Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), and *parts and attachments* for tractors; (2) *commodities* which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and *commodities* which do not require the use of special equipment when moving on the same shipment or on the same bill of lading as commodities which by reason of size or weight require the use of special equipment; and (3) *self-propelled* articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers; between points in Arizona, California, Colorado, Kansas, Nevada, and Utah. NOTE: Applicant states that tacking is possible to serve other Western States. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 115276 (Sub-No. 4), filed January 3, 1973. Applicant: CHARLES O. INGMIRE, INC., Rural Delivery No. 4, Post Office Box 518, Indiana, PA 15701. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Pennsylvania on the one hand, and, on the other, points in New York; and (2) between points in Virginia on the one hand, and, on the other, points in West Virginia and Maryland. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 115276 to transport the commodities here involved between points in Pennsylvania, Maryland, West Virginia, and Ohio. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 116004 (Sub-No. 29), filed December 29, 1972. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., Post Office Box 743, Dallas, TX 75221. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas and Fort Worth, Tex., and Amarillo, Tex., (1) from Dallas over Texas Highway 114 to junction U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, and return over the same route; and (2) from Fort Worth, Tex., over U.S. Highway 287 to Amarillo, and return over the same route, as alternate routes for operating convenience only, in connection with applicant's presently authorized regular route authority in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 117036 (Sub-No. 18), filed December 12, 1972. Applicant: H. M. KELLY, INC., Rural Delivery 1, New Oxford, PA 17350. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and building block*, (1) from Fairmont Heights, Md., to points in New York, Delaware, Connecticut, Rhode Island, and Massachusetts; and (2) from Ewing, N.J., to points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 117765 (Sub-No. 152) (correction), filed November 17, 1972, published in the FEDERAL REGISTER issue of January 26, 1973, and republished as corrected, in part, this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). NOTE: The purpose of this partial republication is to add North Dakota as a destination State in part (1) of the territorial description which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 117815 (Sub-No. 202), filed December 27, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods*, in vehicles equipped with mechanical refrigeration, (1) from Deerfield and Chicago, Ill., to points in Michigan, restricted to traffic originating at the plantsite and warehouse facilities of and utilized by, The Kitchens of Sara Lee, and destined to the named destinations; (2) from Chicago, Ill., to points in Michigan, restricted to traffic originating at the plantsite and warehouse facilities of, and utilized by, Continental Freezers of Illinois, and destined to the named destination; and (3) from Greenville, Mich., to Fort Wayne, Ind., restricted to traffic originating at the plantsite and warehouse facilities of, and utilized by, Food Marketing Corp., and destined to the named destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 117815 (Sub-No. 203), filed January 8, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Des Moines, Iowa, to points in the Lower Peninsula of Michigan, restricted to traffic originating at the plantsite and storage facilities of Bookey Packing Co., a Division of Swift Co., Des Moines, Iowa, and destined to points in the named destination State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 117940 (Sub-No. 86), filed December 31, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55459. Applicant's representative: Mr. Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories* and *commodities* used in the operations of department stores, from the facilities of Holly Stores Inc., located in North

Bergen, N.J., to Allentown, Altoona, New Kensington, and Rochester, Pa.; Austintown and Highland Heights, Ohio; Elkhart, Fort Wayne, Hammond, and Mishawaka, Ind.; Ann Arbor, Detroit (and points in its commercial zone), Flint, Livonia, Monroe, Pontiac, and Westland, Mich.; Chicago (and points in its commercial zone), Downers Grove, Elgin, Joliet, and Kankakee, Ill.; Eau Claire, Wis.; Cedar Rapids, Des Moines, and Iowa City, Iowa; Minneapolis-St. Paul (and points in that commercial zone), and Rochester, Minn.; Lincoln and Omaha, Nebr.; Colorado Springs, Denver (and points in its commercial zone), Fort Collins, Greeley, and Pueblo, Colo.; Albuquerque, N. Mex.; Phoenix and Scottsdale, Ariz.; and Bakersfield, Escondido, Lancaster, Los Angeles (and points in its commercial zone), Oxnard, Riverside, and San Fernando, Calif. Service to be restricted to traffic originating at the named facilities. NOTE: Applicant holds contract carrier authority under MC 114789, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118989 (Sub-No. 87), filed January 11, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Ohio, Detroit, Mich., and Louisville and Lexington, Ky., to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 88), filed January 11, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic drum inserts*, from the plant and warehouse facilities of Container Corporation of America, at or near Addison, Ill., to Van Wert, Ohio; and (2) *containers, container ends, parts and accessories for containers* and *fibre cores and tubes*, from the plant and warehouse facilities of Continental Can Co., Inc., at or near Van Wert, Ohio, to points in Illinois, Indiana, Michigan, Kentucky, Missouri, Pennsylvania, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 89), filed January 11, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and parts related thereto*, and *plastic articles*, from Addison, Ill., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119656 (Sub-No. 12), filed December 22, 1972. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Springs*, from Kewanna, Ind., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); and (2) *iron and steel* from Detroit, Mich.; Birmingham, Ala.; Pittsburgh, Pa.; Cleveland, Youngstown, and Fostoria, Ohio, to Kewanna, Ind. NOTE: Applicant states that the requested authority can be possibly tacked with Gresham Cartage authority at Kewanna, Ind. If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 120981 (Sub-No. 14), filed December 29, 1972. Applicant: BESTWAY EXPRESS, INC., 415 Fifth Avenue South, Nashville, TN 37202. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Louisville, Ky., and Harrodsburg, Ky., from Louisville over I–64 to junction of U.S. Highway 127, thence over U.S. Highway 127 to Harrodsburg, Ky., and return over the same route and serving no intermediate points as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 121499 (Sub-No. 6), filed December 5, 1972. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Post Office Box 610, Lebanon, TN 37087. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Lebanon, Tenn., and Atlanta, Ga., and points within 15 miles thereof, (a) from Lebanon, over U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route; (b) from Lebanon, over U.S. Highway 231 to Murfreesboro, Tenn., thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route; and (2) between Nashville, Tenn., and Murfreesboro, Tenn., via Interstate Highway 24, serving no intermediate points, but serving Murfreesboro, Tenn., for purposes of interchange and joinder only, in connection with (1) and (2) above. NOTE: Applicant presently holds its Sub 3 certificate which authorizes operations between Lebanon, Tenn., and Atlanta, Ga., via routes in 1(a) and 1(b) above, but which contains the following restriction: "The authority granted herein is restricted against the transportation of shipments originating, interchanged, or destined to Nashville, Tenn., and points within its commercial zone as defined by the Commission." By this application, applicant seeks to remove said restriction; to serve Murfreesboro, Tenn., for interchange of traffic and joinder only; and, to serve Nashville, Tenn., in direct operations between Nashville and Atlanta, as well as via Lebanon. (Applicant's Sub 2 certificate authorizes operations between Lebanon and Nashville via U.S. Highway 70, serving all intermediate points.) Further, applicant has no preference as to whether its Sub 3 certificate should be revised, as shown above, or whether a new certificate should be issued, with concurrent cancellation of the said Sub 3 certificate. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123048 (Sub-No. 241), filed January 3, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors* (except those with vehicle beds, bedframes or fifth wheels); (2) *agricultural, industrial and construction machinery* and *equipment*; (3) *attachments*; (4) *engines*; (5) *equipment* designed to be used in conjunction with the above-described commodities; and (6) *materials, supplies and equipment* use or useful in the manufacture or distribution of the above-named commodities (except commodities in bulk) and *parts and castings*, from Charles City, Iowa, to points in the United States (except Alaska and Hawaii); and (B) *materials, supplies and equipment* use or useful in the manufacture or distribution of the above-named commodities (except commodities in bulk) and *parts and castings*, from points in the United States (except Alaska and Hawaii) to Charles City, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore

does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123392 (Sub-No. 46), filed December 14, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route 1, Box 444, Amarillo, TX 79106. Applicant's representative: Oth Miller, Post Office Box 2330, Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in tube trailers, from Freeport, Tex., to Tulsa, Okla., Los Angeles and San Diego, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Oklahoma City, Okla., or Dallas, Tex.

No. MC 123681 (Sub-No. 24), filed December 26, 1972. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, OR 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and/or cargo vans, and *empty cargo containers and empty cargo vans*, between points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority duplicates that authority which it presently holds in various certificates, however no duplicating authority is sought herein. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 124078 (Sub-No. 538), filed December 19, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean flour*, from points in Illinois to Muscatine, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124078 (Sub-No. 539), filed December 29, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and sand with additives*, in bulk, from points in Ogle County, Ill., at or near Oregon, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in Berrien County, Mich., Jefferson, St. Louis, and St. Charles Counties, Mo., and Michigan City, Ind. to serve points in Minnesota, Iowa, Missouri, Wisconsin, Ohio, or West Virginia, but tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124211 (Sub-No. 223), filed December 11, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Alcoholic beverages and beverage preparations*, serving Bensenville and Gurnee, Ill., as intermediate and off-route points in connection with carrier's presently authorized regular route operations: (B) Irregular routes: (1) *Alcoholic beverages*, from points in Oregon and Washington, to points in Nebraska; (2) *junk and scrap, nonferrous metals, and waste materials* (except waste materials in bulk), between points in Nance County, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in the United States on and south of U.S. Highway 60; and (3) *motor vehicle parts, accessories and supplies*, from points in Madison County, Ind., and Montgomery County, Ohio, to points in Colfax, Cuming, Dodge, Nance, Platte, Washington, and Wayne Counties, Nebr. NOTE: Applicant states that Part (B)(1) of the proposed operations could be tacked with authority held and pending in MC 124211 Subs Nos. 18, 105, 109, 119, 121, 127, 133, 143, 166, 169, 175, 207, 208, and 209, at various points in Nebraska, to provide a through service, on a portion of the involved commodities, to points in the continental United States, although not all tacking possibilities would be feasible due to extreme circuity involved. Part (B)(2) of the proposed operations could be tacked with authority held in MC 124211 Subs Nos. 16, 112, and 119, at various points in Nebraska, to provide a through service, on a portion of the involved commodities, to points in the continental United States although not all tacking possibilities would be feasible due to extreme circuity involved. Part (B)(3) of the proposed operations cannot be tacked with any authority held or pending by applicant. Applicant states it does not have any present intention of tacking the authorities presently held with those sought. However, should circumstances warrant tacking such authorities at some future date, applicant will endeavor to do so where feasible. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 124212 (Sub-No. 68), filed January 3, 1973. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, Cleveland, OH 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, in bulk, from Middlebranch, Ohio, to points in Allegheny, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y., points in that part of Pennsylvania in and west of Cambria, Clearfield, Elk, McKean, Indiana, Fayette, Westmoreland, and Somerset Counties, and points in Indiana, Kentucky, West Virginia, and the lower peninsula of Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124327 (Sub-No. 7), filed December 5, 1972. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmer, TN 38375. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 39103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and such merchandise* as is sold by fabric stores, and *materials, supplies and equipment* utilized in the installation and operation of retail fabric stores, from (1) the distribution facilities of House of Fabrics of South Carolina, Inc., at or near Mauldin, S.C., to points in the United States (except Alaska and Hawaii), on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the Western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and (2) return, under continuing contract with House of Fabrics of South Carolina, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124344 (Sub-No. 7), filed December 27, 1972. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream mix, ice milk, sherbert, water ices and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles, and *ice cream novelties, including water-ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in

mechanically refrigerated vehicles, (1) from Green Bay, Wis., to Huntington, Ind., Cincinnati, Ohio, and Louisville, Ky.; and (2) from Huntington, Ind., to Madison, Wis. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Sealtest Foods Division Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124505 (Sub-No. 14), filed December 29, 1972. Applicant: EUGENE TRIPP, 4624 South Avenue, Missoula, MT 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and bottles for recycling*, from points in Montana to Azusa, San Francisco, and Los Angeles, Calif.; St. Paul, Minn., and Milwaukee, Wis., and *malt beverages*, from these above-named points to points in Montana, under contract with Kenny's Distributing Co.; Giannini & Son; Tucker Distributing Co., and Fred Briggs Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula, Butte, or Helena, Mont.

No. MC 125168 (Sub-No. 28), filed December 22, 1972. Applicant: OIL TANK LINES, INC., Post Office Box 190, Hook Road and Darby Creek, Darby, PA 19023. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (excluding petrochemicals), in bulk, in tank vehicles, (1) from Falling Rock, W. Va., to points in New Jersey and New York; (2) from Bayonne and Bayway, N.J. to Falling Rock, W. Va.; and (3) between Pittsburgh, Pa., and Falling Rock, W. Va. Restriction: The operations are limited to a transportation service to be performed under a continuing contract or contracts with Pennzoil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 125519 (Sub-No. 3), filed January 3, 1973. Applicant: RALPH MOYLE, INC., Rural Route 1, Mattawan, MI 49071. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from Paw Paw, Mich., to points in Iowa, Kansas, Kentucky, Minnesota, Missouri, Virginia, West Virginia, and Wisconsin, and *materials and supplies* used in connection with the production and distribution of wine in the reverse direction, restricted against the transportation of commodities in bulk, and further restricted to the transportation of traffic originating at, or destined to the plantsite of Frontenac Wine Co., at Paw Paw, Mich. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 125708 (Sub-No. 128), filed January 5, 1973. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, IN 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and/or boards or sheets, veneer, wood paneling, hardboard, construction board, and wood particle board*, with or without veneer or plastic facing, from Oshkosh, Wis., to point in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125747 (Sub-No. 8), filed December 29, 1972. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, fruit-based beverages, fruit-based concentrates and soap*, from the facilities of Borden, Inc., at West Allis, Wis., to the facilities of Borden, Inc., at Menominee, Mich.; and (2) deliver or pick up *such commodities* at stations for Borden, Inc., products, between West Allis, Wis., and Menominee, Mich., and return from Menominee, Mich., to West Allis, Wis., under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 126305 (Sub-No. 50), filed December 14, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. (A. Tracy Parks, III, Trustee), Rural Delivery 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paradichlorobenzene; insecticides* (other than agricultural), *napthalene* (except in bulk), between the facilities of Standard Chlorine of Delaware, Inc., at Delaware City, Del., Standard Chlorine Chemical Co., Inc., at Kearny, N.J., and Carteret, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126625 (Sub-No. 13), filed December 27, 1972. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Bluegrass Airport, Lexington, KY 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Branch County Memorial Airport, at or near Coldwater, Mich., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, and Wisconsin, restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: Applicant states that tacking the requested authority with its existing authority is possible via Coldwater, Mich. or points in Kentucky, so as to permit service between Michigan, Indiana, Ohio, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia and points sought herein. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 128879 (Sub-No. 21), filed January 5, 1973. Applicant: C-B TRUCK LINES, INC., 1401 East Brady, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, other than liquid, from plantsites, minesites and warehouse facilities of United Salt Corp., Carlsbad Division, in Eddy County, N. Mex., to points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 281 to San Antonio, Tex., thence southward along U.S. Highway 81 to the boundary between the United States and Mexico at Laredo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 133066 (Sub-No. 3), filed January 5, 1973. Applicant: THURMAN LEE HESTER, doing business as T. L. HESTER TRUCK SERVICE, Post Office Box 6084, 405 Southwest 34th Street, Moore, OK 73160. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Raw paper*, from Bastrop, La., to plantsites of

Marco Paper Products Co., at Kansas City, Kans., and (2) *finished paper products*, from Marco Paper Products Co., at Kansas City, Kans., to points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, New Jersey, New York, Oklahoma, and Texas, under contract with Marco Paper Products Co. NOTE: If a hearing is necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 133106 (Sub-No. 27), filed January 5, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulated wire, electric plugs, and cord sets, power supply cords, and related items*, from Rumford, R.I., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, under continuing contract with International Telephone & Telegraph Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 133566 (Sub-No. 22), filed December 21, 1972. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Post Office Box 676, Logansport, IN 46947. Applicant's representative: William L. Slover, 1224 Seventeenth Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Frankfort, Ind., to Naugatuck, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Washington, D.C.

No. MC 133916 (Sub-No. 2), filed December 26, 1972. Applicant: O'NAN TRANSPORTATION COMPANY, INCORPORATED, Post Office Box 308, Carrollton, KY 41008. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), between junction U.S. Highway 42 and Kentucky Highway 53 and junction Kentucky Highway 636 and 53, from junction U.S. Highway 42 and Kentucky Highway 53 over Kentucky Highway 53 to its junction with Kentucky Highway 636, and return over the same route, serving all intermediate points and off-route points within 3 miles of the above-described authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at either (1) Louisville, Ky.; (2) Frankfort, Ky.; or (3) Lexington, Ky.

No. MC 134105 (Sub-No. 7), filed January 8, 1973. Applicant: CELERYVALE TRANSPORT, INC., Rural Route 1, Post Office Box 96, Fort Lupton, CO 80621. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of American Beef Packers, Inc., located at or near Fort Morgan, Colo., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, and (2) from the plantsites and storage facilities utilized by the American Beef Packers, Inc., and Cudahy Foods Co., at Denver, Colo., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, restricted in (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 134264 (Sub-No. 13), filed December 31, 1972. Applicant: OCKENFEL'S TRANSFER, INC., 1301 Sheridan, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible tubes, caps, and necks, and materials, equipment and supplies* used in the manufacture, processing, sale, and distribution of collapsible tubes, caps, and necks, between Iowa City, Iowa on the one hand, and, on the other, points in the United States (except Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington), under contract with Vector Metal Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Des Moines, Iowa.

No. MC 134477 (Sub-No. 29), filed December 27, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Duluth, Minn., to points in Arkansas, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 134369 (Sub-No. 4) (Correction), filed December 15, 1972, published in the FEDERAL REGISTER issue of February 1, 1973, and republished in part, this issue. Applicant: CARLSON TRANSPORT, INC., a corporation, Post Office Box R, Byron, IL 61010. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The sole purpose of this partial republication is to show the correct docket number as MC 134369 (Sub-No. 4), erroneously shown as MC 13469 (Sub-No. 4), in the previous issue. The rest of the application remains the same.

No. MC 134915 (Sub-No. 4), filed December 22, 1972. Applicant: SOUTHWEST REFRIGERATED DIST., INC., doing business as: REFRIGERATED DISTRIBUTING, Post Office Box 747, Central Station, St. Louis, MO 63188. Applicant's representative: Eugene Ferguson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products and commodities used by packinghouses*, as set forth in appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (Except abrasives, detergents, soap, soap stock, soap products), and *frozen foods*, between points in the East St. Louis, Ill., commercial zone, on the one hand, and, on the other, that part of Missouri bound on the north by Missouri Highway 72, beginning at the junction of Missouri Highways 72 and 19 at or near Salem, Mo., thence over Missouri Highway 72 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 61 to the Mississippi River, thence south along the Mississippi River to the Missouri-Arkansas State line, thence west along the Missouri-Arkansas State line to Missouri Highway 19, thence north over Missouri Highway 19 to the point of beginning. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 134922 (Sub-No. 39), filed January 3, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mushroom products*, from Kennett Square, Pa., to points in Arkansas, Florida, Louisiana, North Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kennett Square, Pa., or Little Rock, Ark.

No. MC 135982 (Sub-No. 3), filed January 3, 1973. Applicant: S. L. HARRIS, doing business as P. B. I., Post Office Box 7130, Longview, TX 75601. Applicant's representative: Bernard H.

English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis, cargo containers, trailer convertor dollies, truck bodies, and semitrailer chassis* (other than those designed to be drawn by passenger automobiles), *including parts, equipment, and accessories therefor*, in or attached to the transported trailer, in initial movements, in truckaway or driveaway service, from points in Gregg County, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, and (2) *trailers, semitrailers, trailer chassis, cargo containers, trailer convertor dollies, truck bodies, and semitrailer chassis* (other than those designed to be drawn by passenger automobile), *including parts, equipment, and accessories* therefor, in or attached to the transported trailer, in secondary movements, in truckaway or driveaway service, between points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 136470 (Sub-No. 2), filed December 31, 1972. Applicant: RUBBER CITY EXPRESS, INC., 1805 East Market Street, Akron, OH 44305. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookies, crackers, melba toast, diet candies, gums, and health-foodstuffs*, from points in New Jersey and Massachusetts; Philadelphia, Pa.; New York, N.Y.; Chicago, Ill.; Stamford, Conn.; and Richmond, Va.; to Euclid, Akron, and Columbus, Ohio. Service to be performed under existing contracts with B. & B. Biscuit Co., Buckeye Biscuit Co.; and Buckeye Biscuit Co., at the above locations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136498 (Sub-No. 3), filed January 15, 1973. Applicant: RICHARD L. CLAPP, doing business as: CMC FURNITURE TRANSPORT CO., 611 Gaston Street, Raleigh, NC 27603. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, those which may be injurious or contaminating to other lading, commodities of unusual value, commodities requiring special equipment other than temperature control equipment, in a frozen state, dangerous explosives and household goods defined by the Commission) from points in California to points in Orange County, Fla., and Hamilton County, Tenn., under contract with Southern Missionary College. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136698 (Sub-No. 1), filed January 8, 1973. Applicant: DOUG BRADFORD, INC., 751 Brownslock Road, Bowling Green, KY 42101. Applicant's representative: D. A. Bradford (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies, including tools*, used in the construction and maintenance of telephone systems and communications, between points in Allen, Barren, Butler, Christian, Cumberland, Edmonson, Green, Hart, Logan, Metcalfe, Monroe, Simpson, Todd, and Warren Counties, Ky., under continuing contract with Western Electric Co., restricted to items having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 136904 (Sub-No. 6), filed January 2, 1973. Applicant: WORSTER-MICHIGAN, INC., 664 Fifty-fourth Avenue, Mattawan, MI 49071. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, and *foodstuffs*, when moving in mixed shipments with frozen potatoes and potato products, from Hart, Holland, and Lake Odessa, Mich., to points in Indiana and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Detroit, Mich., or Chicago, Ill.

No. MC 136916 (Sub-No. 1), filed January 5, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., Post Office Box 227, Lafayette, NJ 07848. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, natural, ground, or pulverized, in dump and pneumatic vehicles, from Perth Amboy, N.J., to points in New York, Connecticut, New Jersey, Pennsylvania, Delaware, and Maryland, and, on the return, *rejected or damaged shipments*. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138233 (Sub-No. 1), filed January 5, 1973. Applicant: WHIDDON MOVING AND STORAGE, INC., 218 East Third Street, Tifton, GA 31794. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Echols, Irwin, Lanier, Lowndes, Thomas, Tift, and Ware Counties, Ga., and Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties, Fla., restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 138280 (Correction), filed December 1, 1972, and previously published in the FEDERAL REGISTER issue of January 18, 1973. Applicant: MILLSTONE TRANSPORTATION, INC., % R D I, 7 Twin Rivers Drive West, East Windsor, NJ 08520. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rigid form flooring and materials and supplies* used in the installation thereof, from the plantsite of R D I, East Windsor, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies* used in the manufacture of rigid form flooring, from points in the above destination States to the plantsite of R D I, East Windsor, N.J., under a continuing contract with R D I, East Windsor, N.J. NOTE: The purpose of this republication is to indicate the carrier's correct address and the correct name of the contracting shipper which were previously published in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138296 (amendment), filed December 13, 1972, and published in the February 8, 1973 issue of the FEDERAL REGISTER, and amended in partial republication this issue. Applicant: VANGUARD OFFICE FURNITURE DELIVERY, INC., 10 Java Street, Brooklyn, NY 11222. Applicant's representative: Arthur J. Piken, 1 Lefrak City, Plaza, Flushing, NY 11368. NOTE: Applicant seeks to modify its previous request for authority by amending the origin to read "the facilities of Vanguard Diversified, Inc., its divisions and subsidiaries in New York, N.Y.", in lieu of the previous request which stated "the facilities of Vanguard Business Furniture, a division of Diversified, Inc., located at New York, N.Y.". The rest of the application remains as previously published.

No. MC 138308, filed December 18, 1972. Applicant: KLM DISTRIBUTING, INC., 2102 Old Brandon Road, Post Office Box 6066, Jackson, MS 39208. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, packaged meat*, having a prior movement by water, from points in Harrison County, Miss., to points in California, Arizona, Colorado, New Mexico,

Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Maine, Vermont, and New Hampshire. NOTE: Applicant holds contract carrier authority under MC 128592 and Sub thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Jackson, Miss.

No. MC 138328, filed December 1, 1972. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal*, from points in Nebraska to points in Idaho and Utah; (2) *soybean products and soybean byproducts*, from Sioux City, Des Moines, Cedar Rapids, and Washington, Iowa, to points in Utah, Idaho, Wyoming, Montana, and South Dakota; (3) *feed and feed ingredients*, from points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin, to points in Idaho, Utah, Oregon, and Washington; and (4) *feed*, from Buhl, Idaho, to points in Colorado, Wyoming, Montana, California, Washington, Montana, and Oregon. NOTE: The purpose of this instant application is to convert applicant's contract carrier permit under MC 133233 and Sub thereto into a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 138332, filed December 26, 1972. Applicant: EDWARD B. HUTCHINSON, JR., doing business as FLINT TRUCKING, 7 Flint Street, Danvers, MA 01923. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickled skins, hides or pelts, and gluestock* (A) Between Philadelphia, Pa., on the one hand, and, on the other, Boston and Peabody, Mass., Gloversville and Johnstown, N.Y., Camden, Canton, and Clinton, Maine; and (B) between Peabody and Boston, Mass., on the one hand, and, on the other, Johnstown, N.Y., and Camden, Canton, and Clinton, Maine. NOTE: Applicant holds contract carrier authority under MC 126550 Subs 2 and 4, and states it is prepared to surrender its permit if conversion to common carrier status is authorized. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 138333, filed December 29, 1972. Applicant: HOMER MOVING & STORAGE CO., INC., Hammond Lane, Plattsburgh, NY 12901. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, containerized between points in Clinton, Essex, Franklin, and St. Lawrence Counties, N.Y., on the one hand, and, on the other, Plattsburgh, N.Y., restricted to shipments having a prior or subsequent movement beyond points in said territory, in containers, and further restricted to and in connection with packing, crating, and containerizing, or unpacking, uncrating, and decontainerizing. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 138336, filed January 5, 1973. Applicant: CROSSLIN-GRADER CORPORATION, 709 Capitol Towers, Nashville, TN 37219. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry cleaning and laundry equipment, materials, supplies and parts*, from Louisville, Ky., to points in Washington, California, Oregon, New Mexico, Arizona, Utah, and Nevada, under contract with W. M. Cissell Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 138337, filed December 22, 1972. Applicant: PLOW CITY DELIVERY INC., Post Office Box 32, Quad City Airport, Moline, IL 61265. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Henry, Knox, Mercer, and Rock Island Counties, Ill., and Scott County, Iowa, on the one hand, and, on the other, O'Hare International Airport and Midway Airport, both at or near Chicago, Ill., and the Quad City Airport, at or near Moline, Ill. Restriction: Restricted to shipments having a prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138340, filed January 2, 1973. Applicant: WESTFIELD ENTERPRISES, INC., doing business as MARYLAND CONTAINER TRANSPORT, 7636 Canton Center Drive, Baltimore, MD 21224. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except automobiles and commodities in bulk), in containers and on trailers, and *empty cargo containers*, between Baltimore, Md., on the one hand, and, on the other, points in Maryland, and the District of Columbia, restricted to the transportation of traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 138342, filed November 29, 1972. Applicant: ANDREW T. STINSON, doing business as STINSON TRUCKING, 351 South Park Victoria, Milpitas, CA 95035. Applicant's representative: Eldon M. Johnson, 630 California Street, Suite 2808, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass wool insulating material*, having a density of less than 3 pounds per cubic foot, from Santa Clara, Calif., to points in Clark County, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Santa Clara, Calif.

No. MC 138349, filed January 4, 1973. Applicant: COMMODITY TRUCKING CORPORATION, Midwest Traffic Division, 1211 South Sixth Street, Stillwater, MN 55082. Applicant's representative: Robert E. Swanson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements and ingredients*, in bulk, in tank vehicles, between points in Minnesota and points in North Dakota, South Dakota, Iowa, Wisconsin, Nebraska, Illinois, Missouri, Indiana, Kansas, Ohio, and Montana, under contract with Industrial Molasses Corp. and Twin City Liquid Feed. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or St. Paul, Minn.

No. MC 138350, filed January 4, 1973. Applicant: FRANKLIN O. DAVIS, doing business as WHITE PLAINS TRANSPORTATION, Box 97, White Plains, MD 20695. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Winston-Salem, N.C., Brooklyn, N.Y., Allentown, Pa. Milwaukee, Wis., and Memphis, Tenn., to Waldorf, Md.; (2) *empty bottles, kegs, containers, and pallets*, on return, from Waldorf, Md., to points named in (1) above. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with Bozick Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138351, filed January 8, 1973. Applicant: DENIS & ROBERT TRANSPORT INC., Rural Route No. 6, Granby Shefford Co., Province of Quebec, Canada. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper and materials* used for

packing, and *parts and supplies* used or useful for the maintenance and repair of packing machinery, between ports of entry on the international boundary line between the United States-Canada located in Vermont, on the one hand, and, on the other, points in Vermont, under contract with Denis & Robert Transport Enrg. NOTE: If a hearing is deemed necessary, applicant requests it be held at either (1) Montpelier, Vt.; (2) Albany, N.Y.; or (3) Concord, N.H.

No. MC 138352, filed January 8, 1973. Applicant: HAWAIIAN HAULING SERVICE LTD., 290 Sand Island Access Road, Honolulu, HI 96811. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii. Restriction: Operation shall be restricted to the transportation of shipments originating at or destined to points in Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

MOTOR CARRIER OF PASSENGERS

No. MC 138297, filed December 13, 1972. Applicant: CENTRAL FLORIDA COACH LINES, INC., Post Office Box 3844, West Kings Street, Cocoa, FL 32922. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage;* special or chartered operations, and passengers and their baggage *accompanied by their automobiles;* parcels and packages weighing less than 100 pounds, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Ohio, Maryland, Delaware, Pennsylvania, Kentucky, Michigan, Illinois, Indiana, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in Brevard, Orange, Indian River, Seminole, Osceola Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138334, filed December 22, 1972. Applicant: BLUEBIRD COACHLINES LIMITED, 159 Oxford Street, Ingersoll, ON, Canada. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Michigan and New York and extending to points in Michigan and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130190, filed January 4, 1973. Applicant: BOB LESSER TOURS, INC., 4 Ridgefield Road, Peabody, MA 01960. For a license (BMC-5) to engage in operations as a *broker* at Peabody, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage* (ages 13 through 21), in special and charter operations, and in individual and group tours, beginning and ending at points in Massachusetts, and extending to points in the United States (including Alaska and Hawaii).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 138103 (Sub-No. 2), filed December 20, 1972. Applicant: MINI HAUL, INC., Post Office Box 1025, Sanford, NC 27330. Applicant's representative: L. L. Beckham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles), between Raleigh-Durham Airport located in Wake County, N.C., on the one hand, and, on the other, points in Lee County, N.C., restricted to shipments having subsequent movement by air.

No. MC 2186 (Sub-No. 10), filed December 29, 1972. Applicant: CONTINENTAL ATLANTIC LINES, INC., 448 Pine Street, Macon, GA 31201. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round trip sightseeing or pleasure tours, beginning and ending at points in Baldwin, Bibb, Bryan, Chatham, Chattahoochee, Clarke, Crawford, Crisp, Effingham, Evans, Hancock, Jones, McDuffie, Macon, Marion, Monroe, Montgomery, Morgan, Muscogee, Oconee, Peach, Putnam, Schley, Sumter, Talbot, Tattnall, Taylor, Toombs, Treutlen, Twiggs, Upson, Warren, Washington, Wilcox, and Wilkinson Counties, Ga., and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 61599 (Sub-No. 137), filed December 29, 1972. Applicant: CONTINENTAL SOUTHEASTERN LINES, INC., 417 West Fifth Street, Charlotte, NC 28202. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round trip sightseeing or pleasure tours, beginning and ending at points in Richmond and Screven Counties, Ga., and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 102837 (Sub-No. 11), filed December 29, 1972. Applicant: GEORGIA-FLORIDA COACHES, INC., 417 West Fifth Street, Charlotte, NC 28201. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round trip sightseeing or pleasure tours, beginning and ending at points in Atkinson, Burke, Clinch, Coffee, Dodge, Echols, Jefferson, Johnson, Laurens, Telfair, and Wheeler Counties, Ga., and Columbia County, Fla., and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-2932 Filed 2-14-73;8:45 am]

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